

# **NEBRASKA**

## **Commercial Vehicle Safety Plan for the Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program Fiscal Year 2019**

**Date of Approval: Jun 06, 2019**

**Final CVSP**

## Part 1 - MCSAP Overview

### 1 - Introduction

The Motor Carrier Safety Assistance Program (MCSAP) is a Federal grant program that provides financial assistance to States to help reduce the number and severity of accidents and hazardous materials incidents involving commercial motor vehicles (CMV). The goal of the MCSAP is to reduce CMV-involved accidents, fatalities, and injuries through consistent, uniform, and effective CMV safety programs.

A State lead MCSAP agency, as designated by its Governor, is eligible to apply for grant funding by submitting a commercial vehicle safety plan (CVSP), in accordance with the provisions of [49 CFR 350.201](#) and [205](#). The lead agency must submit the State's CVSP to the FMCSA Division Administrator on or before August 1 of each year. For a State to receive funding, the CVSP needs to be complete and include all required documents. Currently, the State must submit a performance-based plan each year to receive MCSAP funds.

The FAST Act required the Federal Motor Carrier Safety Administration (FMCSA) to “prescribe procedures for a State to submit a multiple-year plan and annual updates thereto, under which the State agrees to assume responsibility for improving motor carrier safety by adopting and enforcing State regulations, standards, and orders that are compatible with the regulations, standards, and orders of the Federal Government on commercial motor vehicle safety and hazardous materials transportation safety.”

The online CVSP tool (eCVSP) outlines the State's CMV safety objectives, strategies, activities and performance measures and is organized into the following five parts:

- Part 1: MCSAP Overview
- Part 2: Crash Reduction and National Program Elements
- Part 3: National Emphasis Areas and State Specific Objectives
- Part 4: Financial Information (FY 2019)
- Part 5: Certifications and Documents

You will find that each of the five eCVSP parts listed above contains different subsections. Each subsection category will provide you with detailed explanation and instruction on what to do for completing the necessary tables and narratives.

The MCSAP program includes the eCVSP tool to assist States in developing and monitoring their grant applications. The eCVSP provides ease of use and promotes a uniform, consistent process for all States to complete and submit their plans. States and territories will use the eCVSP to complete the CVSP and to submit either a single year, a 3-year plan, or an Annual Update to a 3-year plan. As used within the eCVSP, the term ‘State’ means all the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.

#### NEW FOR FY 2019:

**Single Year and Multi-Year plans**—For FY 2019, the primary difference in the single year and multi-year CVSP formats is that objectives, projected goals, and activities in the 3-year plan will cover an entire three-year period. The financial information and certifications will be updated each fiscal year.

**Annual Updates for Multi-Year plans**—Those States in Year 2 of a 3-year plan will be providing an Annual Update only. States will be able to review the project plan submitted in Year 1 and indicate whether anything needs to be updated for Year 2 via a Yes/No question provided in each Section of Parts 1-3. **NOTE: Answer carefully as there is one opportunity to check Yes/No and then the input is locked.**

- If Yes is indicated, the information provided for Year 1 will be editable and State users can make any necessary changes to their project plan.
- If No is indicated, the Year 1 information will not be editable and the user can move forward to the next section.
- The financial information and certifications will be updated each fiscal year.

All single year, multi-year, and annual update plans have been pre-populated with data and information from their FY 2018 plans. States must carefully review and update this information to reflect FY 2019 activities prior to submission to FMCSA.

In addition, States are reminded to **not** include any personally identifiable information (PII) in the CVSP. The final

CVSP approved by FMCSA is required to be posted to a public FMCSA website.

## 2 - Mission/Goal Statement

### Instructions:

*Briefly describe the mission or goal of the lead State commercial motor vehicle safety agency responsible for administering this Commercial Vehicle Safety Plan (CVSP) throughout the State.*

**NOTE:** *Please do not include information on any other FMCSA grant activities or expenses in the CVSP.*

The mission of the Nebraska State Patrol (NSP) is to provide law enforcement of the highest quality to ensure a safe and secure Nebraska. This includes protecting the rights of all persons by respecting and preserving the dignity of all individuals. Through innovation and cooperation, we strive to promote and maintain the spirit of teamwork that is the tradition of the NSP. The NSP is committed to professional public service reflecting recognition of the inherent value of each individual in our society. Our troopers strive to earn and maintain trust, respect, and confidence by exemplifying the belief that the freedoms, rights, and dignity of all person(s) must be protected and preserved to this and we pledge ourselves to the highest standards of morality, fairness, dedication, professionalism, and courage.

According to the Nebraska Office of Highway Safety, the Commercial Motor Vehicle Fatality Rate for calendar year 2016, the rate was 0.27 with 58 fatalities in 42 fatal crashes involving a commercial motor vehicle. For calendar year 2017, the rate was 0.23 with 48 fatalities in 43 fatal crashes involving a commercial motor vehicle. The total miles driven for calendar year 2017 was 21,001 million vehicle miles traveled.

The Nebraska State Patrol's goal is a reduction of an overall fatality rate involving Commercial Motor Vehicles (CMVs) by focusing on the Critical Emphasis Areas outlined in the State Highway Safety Plan. These critical emphasis areas are identified as being the primary causes of fatalities in accidents. The emphasis areas are increased seat belt use, reducing roadway departure crashes, reducing impaired driver crashes, and reducing intersection crashes. The Nebraska Strategic Highway Safety Plan has a stated goal of an overall fatality rate of 0.90 fatalities per 100 million VMT by calendar end 2021, inclusive of CMV crashes. The current CMV rate is below the stated goal of .90 in the State Highway Safety plan and contributes to lowering the overall rate each year.



### 3 - MCSAP Structure Explanation

**Instructions:**

*Briefly describe the State's commercial motor vehicle (CMV) enforcement program funded by the MCSAP grant.*

**NOTE:** *Please do not include activities or expenses associated with any other FMCSA grant program.*

The Governor of the State of Nebraska has designated the Nebraska State Patrol (NSP) as the "lead agency" of the Motor Carrier Safety Assistance Program (MCSAP) since the inception of MCSAP in 1987. The Carrier Enforcement Division within NSP administers the MCSAP and has an authorized strength of 89 Troopers that conduct Roadside Inspections (fixed and portable), Compliance Reviews, and Safety Audits. At the current time, the Division has several open positions, and has a current manpower allocation of approximately 80 persons. Additionally, approximately 200 Traffic Troopers conduct Level III roadside inspections that are not funded by MCSAP however their hours are utilized as part of NSP's Maintenance of Effort. Total manpower for all divisions totals approximately 280 persons. In addition, nine civilians support the MCSAP either in a full or part-time basis.

The Safety Audit and Compliance Review section began in 1989. The task of this section is to conduct in-depth reviews of Carrier Compliance with the applicable safety regulations, to include those involving hazardous material regulations. One Lieutenant and one Sergeant oversee the three investigators assigned to the Compliance Review program and three investigators assigned to the New Entrant Safety Audit program.

The Commercial Vehicle Enforcement (CVE) team was formed in 1997 and focuses on enforcement of moving violations committed by commercial motor vehicles and performing inspections on all CMV's stopped. Work efforts are concentrated in specific high accident counties which are determined by the Nebraska Department of Roads Accident Records Data Base.

**4 - MCSAP Structure****Instructions:**

Complete the following tables for the MCSAP lead agency, each subrecipient and non-funded agency conducting eligible CMV safety activities.

The tables below show the total number of personnel participating in MCSAP activities, including full time and part time personnel. This is the total number of non-duplicated individuals involved in all MCSAP activities within the CVSP. (The agency and subrecipient names entered in these tables will be used in the National Program Elements —Roadside Inspections area.)

The national program elements sub-categories represent the number of personnel involved in that specific area of enforcement. FMCSA recognizes that some staff may be involved in more than one area of activity.

Lead Agency Information	
Agency Name:	NEBRASKA STATE PATROL
Enter total number of personnel participating in MCSAP activities	80
<b>National Program Elements</b>	<b>Enter # personnel below</b>
Driver and Vehicle Inspections	280
Traffic Enforcement Activities	280
Investigations*	6
Public Education and Awareness	80
Data Collection and Reporting	8
* Formerly Compliance Reviews and Includes New Entrant Safety Audits	

Non-funded Agency Information	
Total number of agencies:	
Total # of MCSAP Participating Personnel:	

## Part 2 - Crash Reduction and National Program Elements

### 1 - Overview

*Part 2 allows the State to provide past performance trend analysis and specific goals for FY 2019 in the areas of crash reduction, roadside inspections, traffic enforcement, audits and investigations, safety technology and data quality, and public education and outreach.*

*In past years, the program effectiveness summary trend analysis and performance goals were separate areas in the CVSP. Beginning in FY 2017, these areas have been merged and categorized by the National Program Elements as described in [49 CFR 350.109](#). This change is intended to streamline and incorporate this information into one single area of the CVSP based upon activity type.*

**Note:** *For CVSP planning purposes, the State can access detailed counts of its core MCSAP performance measures. Such measures include roadside inspections, traffic enforcement activity, investigation/review activity, and data quality by quarter for the current and past two fiscal years using the State Quarterly Report and CVSP Data Dashboard, and/or the CVSP Toolkit on the A&I Online website. The Data Dashboard is also a resource designed to assist the State with preparing their MCSAP-related quarterly reports and is located at: <http://ai.fmcsa.dot.gov/StatePrograms/Home.aspx>. A user id and password are required to access this system.*

*In addition, States can utilize other data sources available on the A&I Online website as well as internal State data sources. It is important to reference the data source used in developing problem statements, baselines and performance goals/ objectives.*

## 2 - CMV Crash Reduction

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA) is to reduce crashes, injuries and fatalities involving large trucks and buses. MCSAP partners also share the goal of reducing commercial motor vehicle (CMV) related crashes.

### Trend Analysis for 2013 - 2017

#### Instructions for all tables in this section:

Complete the tables below to document the State's past performance trend analysis over the past five measurement periods. All columns in the table must be completed.

- Insert the beginning and ending dates of the five most recent State measurement periods used in the Measurement Period column. The measurement period can be calendar year, Federal fiscal year, State fiscal year, or any consistent 12-month period for available data.
- In the Fatalities column, enter the total number of fatalities resulting from crashes involving CMVs in the State during each measurement period.
- The Goal and Outcome columns allow the State to show its CVSP goal and the actual outcome for each measurement period. The goal and outcome must be expressed in the same format and measurement type (e.g., number, percentage, etc.).
  - In the Goal column, enter the goal from the corresponding CVSP for the measurement period.
  - In the Outcome column, enter the actual outcome for the measurement period based upon the goal that was set.
- Include the data source and capture date in the narrative box provided below the tables.
- If challenges were experienced while working toward the goals, provide a brief narrative including details of how the State adjusted the program and if the modifications were successful.

### ALL CMV CRASHES

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, or other). Other can include injury only or property damage crashes.

**Goal measurement as defined by your State:** Large Truck Fatal Crashes per 100M VMT

**If you select 'Other' as the goal measurement, explain the measurement used in the text box provided:**

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2017	12/31/2017	48	0.50	0.23
01/01/2016	12/31/2016	42	0.50	0.27
01/01/2015	12/31/2015	33	0.50	0.16
01/01/2014	12/31/2014	41	0.50	0.26
01/01/2013	12/31/2013	24	0.50	0.12

**MOTORCOACH/PASSENGER CARRIER CRASHES**

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g. large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

**Goal measurement as defined by your State:** Actual # Fatal Crashes

**If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:**

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2017	12/31/2017	0	0	0
01/01/2016	12/31/2016	0	0	0
01/01/2015	12/31/2015	0	0	0
01/01/2014	12/31/2014	1	0	1
01/01/2013	12/31/2013	2	0	2

## Hazardous Materials (HM) CRASH INVOLVING HM RELEASE/SPILL

Hazardous material is anything that is listed in the hazardous materials table or that meets the definition of any of the hazard classes as specified by Federal law. The Secretary of Transportation has determined that hazardous materials are those materials capable of posing an unreasonable risk to health, safety, and property when transported in commerce. The term hazardous material includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, and all other materials listed in the hazardous materials table.

For the purposes of the table below, HM crashes involve a release/spill of HM that is part of the manifested load. (This does not include fuel spilled from ruptured CMV fuel tanks as a result of the crash).

Select the State's method of measuring the crash reduction goal as expressed in the corresponding CVSP by using the drop-down box options: (e.g., large truck fatal crashes per 100M VMT, actual number of fatal crashes, actual number of fatalities, other, or N/A).

**Goal measurement as defined by your State:** Actual # Fatal Crashes

If you select 'Other' or 'N/A' as the goal measurement, explain the measurement used in the text box provided:

Measurement Period (Include 5 Periods)		Fatalities	Goal	Outcome
Begin Date	End Date			
01/01/2017	12/31/2017	2	0	2
01/01/2016	12/31/2016	4	0	4
01/01/2015	12/31/2015	1	0	1
01/01/2014	12/31/2014	1	0	1
01/01/2013	12/31/2013	1	0	1

**Enter the data sources and capture dates of the data listed in each of the tables above.**

Nebraska Office of Highway Safety (Motor Vehicles Traveled in Nebraska) and the Nebraska Department of Transportation Accidents and Records Division July 19, 2018 Safetynet: July 19, 2018

**Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.**

Note that crashes are often difficult to predict and involve many factors. Nebraska has seen an increase in million miles driven within our State.

Nebraska recognizes work zone crashes are proportionally more dangerous when CMV's are involved. Emphasis will be placed on High Accident Counties and work zone enforcement.

**Narrative Overview for FY 2019****Instructions:**

*The State must include a reasonable crash reduction goal for their State that supports FMCSA's mission to reduce the national number of crashes, injuries and fatalities involving commercial motor vehicles. The State has flexibility in setting its goal and it can be based on raw numbers (e.g., total number of fatalities or CMV crashes), based on a rate (e.g., fatalities per 100 million VMT), etc.*

**Problem Statement Narrative: Describe the identified problem, include baseline data and identify the measurement method.**

Nebraska has a total of 93 counties, with an over representation of CMV accidents in identified high accident Counties (HACs). In the calendar year 2017, the top 10 HACs represented 57.5% or 758 CMV crashes compared to 42.5% or 458 CMV crashes in all other counties within the state.

NSP Carrier Enforcement has determined the top 10 High Accident Counties to monitor in FY 2019 are: Douglas, Lancaster, Sarpy, Hall, Dawson, Lincoln, York, Buffalo, Platte and Hamilton counties.

Nebraska has also seen a rise in CMV accidents in less populous areas of the state in recent years and 3 of the next 5 counties, in terms of total CMV accidents, are areas of concern for Carrier Enforcement. Those counties are Kimball, Deuel and Scottsbluff. Due to the statistically low traffic count, combined with higher than average CMV accidents, the Nebraska Carrier Enforcement division has determined that these counties will also be considered areas of focus for additional patrolling efforts related to a reduction of commercial motor vehicle accidents.

**Enter the data source and capture date:**

FMCSA A&I Downloadable Crash Data 07/19/2018

**Projected Goal for FY 2019****Enter Crash Reduction Goal:**

Nebraska's 5 year average for fatalities per 100 Million VMT is currently at .208. Nationally, there was an 2% increase in fatalities from 2015-2016. (2016 Annual Truck/Bus Crash Facts). At .23, Nebraska's 2016 results were below the previous year, and Nebraska seeks to further reduce fatalities to rate not above the 5 year average. To accomplish this rate, Nebraska seeks a reduction of accidents to 40 from 48 for an annual average of .191 fatalities/100M VMT, putting it below the 5 year average. For calendar year 2017, the rate was 0.23 with 48 fatalities in 43 fatal crashes involving a commercial motor vehicle. The total miles driven for calendar year 2017 was 21,001 million vehicle miles traveled. The Nebraska State Patrol's goal is a reduction of an overall fatality rate involving Commercial Motor Vehicles (CMVs) by focusing on the Critical Emphasis Areas outlined in the State Highway Safety Plan. These critical emphasis areas are identified as being the primary causes of fatalities in accidents. The emphasis areas are increased seat belt use, reducing roadway departure crashes, reducing impaired driver crashes, and reducing intersection crashes. The Nebraska Strategic Highway Safety Plan has a stated goal of an overall fatality rate of 0.90 fatalities per 100 million VMT by calendar end 2021, inclusive of CMV crashes. The current CMV rate is below the stated goal of .90 in the State Highway Safety plan and contributes to lowering the overall rate each year.

***Program Activities: States must indicate the activities, and the amount of effort (staff hours, inspections, traffic enforcement stops, etc.) that will be resourced directly for the program activities purpose.***

1. Perform Commercial Motor Vehicle Level I, II, and III inspections in HACs.
2. Perform Traffic Enforcement with Level I, II, and III inspections in HACs.
3. Metropolitan and Preventive Selectives (MAPS) on CMVs with the majority of these selectives being conducted in HACs.

***Performance Measurements and Monitoring: The State will monitor the effectiveness of its CMV Crash Reduction Goal quarterly and annually by evaluating the performance measures and reporting results in the required Standard Form - Performance Progress Reports (SF-PPRs).***

***Describe how the State will conduct ongoing monitoring of progress in addition to quarterly reporting.***

1. Perform 6,800 CMV Level I – III inspections in HACs.
2. Maintain the number of Traffic Enforcement inspections in HACs at 2,700 inspections.
3. Conduct 14 MAPS selectives, including a MAPS event held in all of the top 10 HACs. Efforts will be focused on roadside inspections, traffic enforcement and identification of unsafe driving behaviors of both CMVs and passenger vehicles. Cell phone use and other distracted driving will be the key focus issue for traffic enforcement efforts during MAPS events.



### 3 - Roadside Inspections

*In this section, provide a trend analysis, an overview of the State's roadside inspection program, and projected goals for FY 2019.*

**Note:** *In completing this section, do NOT include border enforcement inspections. Border Enforcement activities will be captured in a separate section if applicable.*

#### **Trend Analysis for 2013 - 2017**

Inspection Types	2013	2014	2015	2016	2017
Level 1: Full	7197	6385	6344	5928	6142
Level 2: Walk-Around	2533	2254	2156	1899	2299
Level 3: Driver-Only	20613	19562	19114	16954	21441
Level 4: Special Inspections	0	59	419	128	126
Level 5: Vehicle-Only	436	393	384	378	285
Level 6: Radioactive Materials	1	0	1	3	1
<b>Total</b>	<b>30780</b>	<b>28653</b>	<b>28418</b>	<b>25290</b>	<b>30294</b>

#### **Narrative Overview for FY 2019**

##### **Overview:**

*Describe components of the State's general Roadside and Fixed-Facility Inspection Program. Include the day-to-day routine for inspections and explain resource allocation decisions (i.e., number of FTE, where inspectors are working and why).*

**Enter a narrative of the State's overall inspection program, including a description of how the State will monitor its program to ensure effectiveness and consistency.**

In 1987, NSP implemented the MCSAP program which implemented the conducting of roadside inspection program which examines the driver, the vehicle, and the load for 13 critical items including hazardous materials.

The NSP Carrier Division administers the roadside inspection program which operates thirty one (31) portable units and ten (10) stationary weigh stations. NSP utilized six of these sites as weigh in motion (WIM) and PrePass sites which meet the CVISN Level 1 Core Compliance requirements. These sites are located at North Platte Eastbound I-80, North Platte Westbound I-80, Waverly Eastbound I-80, Waverly Westbound I-80 and Nebraska City both Eastbound and Westbound on Route 2.

Additional scale sites include two near Hebron, one near Fremont, Highway 30 near North Platte and Highway 6 near Waverly. The North Platte and Waverly sites are utilized to monitor carriers which are bypassing the interstate scale system. All Carrier Enforcement and Traffic Troopers are issued Mobile Data Computers which are equipped with ASPEN including access to FMCSA's Portal. In addition, all Troopers record their citations in TraCs. Carrier Enforcement Troopers in the field conduct all Levels of roadside inspections. Traffic Troopers only conduct Level III inspections.

To improve the Safety Compliance and Performance of Commercial drivers and vehicles the goal of the Nebraska State Patrol is to conduct 28,000 Roadside Inspections. Of this goal approximately 6,400 Level III inspections will be conducted by Traffic Division personnel during roadside stops of commercial motor vehicles. The remaining 21,600 inspections will be completed by personnel assigned to the Carrier Enforcement Division and be inclusive of any overtime projects.

Please note the FMCSA encourages Nebraska to meet a total of 31,656 safety activities for FY19 to be reimbursed for non-CMV traffic enforcement activities. NSP has documented Safetynet extractions of data from 2006 indicating a different result than outlined for the 04/05 fiscal years. Our documented average from that period shows an average

of approximately 27,328 inspections for the 2 year period. NSP believes the 28,540 safety activities meet the mandated requirement of exceeding the performance of those two years. The 2 year results are published in the Nebraska approved 2006 CVSP on page 32 of the document. In addition, NSP would like to note, the 28,540 safety activity goal was acceptable in the 2018 eCVSP while able to participate in non-CMV Traffic Enforcement activities.

A review of activity through the first 3 quarters of FY18 indicates that the Nebraska State Patrol has completed 22,052 roadside inspections, putting us ahead of the quarterly goal for this period.

## Projected Goals for FY 2019

### Instructions for Projected Goals:

Complete the following tables in this section indicating the number of inspections that the State anticipates conducting during Fiscal Year 2019. For FY 2019, there are separate tabs for the Lead Agency, Subrecipient Agencies, and Non-Funded Agencies—enter inspection goals by agency type. Enter the requested information on the first three tabs (as applicable). The Summary table totals are calculated by the eCVSP system.

To modify the names of the Lead or Subrecipient agencies, or the number of Subrecipient or Non-Funded Agencies, visit [Part 1, MCSAP Structure](#).

**Note:** Per the [MCSAP Comprehensive Policy](#), States are strongly encouraged to conduct at least 25 percent Level 1 inspections and 33 percent Level 3 inspections of the total inspections conducted. If the State opts to do less than these minimums, provide an explanation in space provided on the Summary tab.

### MCSAP Lead Agency

**Lead Agency is:** NEBRASKA STATE PATROL

**Enter the total number of certified personnel in the Lead agency:** 80

Projected Goals for FY 2019 - Roadside Inspections					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	4414	850	10	5274	18.19%
Level 2: Walk-Around	1250	0	0	1250	4.31%
Level 3: Driver-Only	22266	0	0	22266	76.78%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	209	209	0.72%
Level 6: Radioactive Materials	0	1	0	1	0.00%
<b>Sub-Total Lead Agency</b>	<b>27930</b>	<b>851</b>	<b>219</b>	<b>29000</b>	

### MCSAP subrecipient agency

**Complete the following information for each MCSAP subrecipient agency. A separate table must be created for each subrecipient.**

You have not entered any subrecipient information. Visit Part 1, MCSAP Structure to add subrecipient information.

**Non-Funded Agencies**

Total number of agencies:	
Enter the total number of non-funded certified officers:	
Enter the total number of inspections projected for FY 2019:	

**Summary**

## Projected Goals for FY 2019 - Roadside Inspections Summary

<b>Projected Goals for FY 2019 Summary for All Agencies</b>					
<b>MCSAP Lead Agency: NEBRASKA STATE PATROL</b>					
<b># certified personnel: 80</b>					
<b>Subrecipient Agencies:</b>					
<b># certified personnel: 0</b>					
<b>Number of Non-Funded Agencies:</b>					
<b># certified personnel:</b>					
<b># projected inspections:</b>					
Inspection Level	Non-Hazmat	Hazmat	Passenger	Total	Percentage by Level
Level 1: Full	4414	850	10	5274	18.19%
Level 2: Walk-Around	1250	0	0	1250	4.31%
Level 3: Driver-Only	22266	0	0	22266	76.78%
Level 4: Special Inspections	0	0	0	0	0.00%
Level 5: Vehicle-Only	0	0	209	209	0.72%
Level 6: Radioactive Materials	0	1	0	1	0.00%
<b>Total ALL Agencies</b>	<b>27930</b>	<b>851</b>	<b>219</b>	<b>29000</b>	

**Note:** If the minimum numbers for Level 1 and Level 3 inspections are less than described in the [MCSAP Comprehensive Policy](#), briefly explain why the minimum(s) will not be met.

Approximately 6400 of the inspections are conducted under MOE by the traffic division. The remaining 21600 inspections are conducted by the Carrier Enforcement Division under MCSAP funding. A goal of 5274 Level One inspections represents 24.4% of all MCSAP funded inspections.

**4 - Investigations**

*Describe the State's implementation of FMCSA's interventions model for interstate carriers. Also describe any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort. Data provided in this section should reflect interstate and intrastate investigation activities for each year.*



**The State does not conduct investigations. If this box is checked, the tables and narrative are not required to be completed and won't be displayed.**

**Trend Analysis for 2013 - 2017**

<b>Investigative Types - Interstate</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Compliance Investigations	2	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	0	0	0	0
CSA Off-Site	0	0	0	0	0
CSA On-Site Focused/Focused CR	3	0	0	0	0
CSA On-Site Comprehensive	0	0	0	0	0
<b>Total Investigations</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Total Security Contact Reviews	0	0	0	0	0
Total Terminal Investigations	0	0	0	0	0

<b>Investigative Types - Intrastate</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Compliance Investigations	0	0	0	0	0
Cargo Tank Facility Reviews	0	0	0	0	0
Non-Rated Reviews (Excludes CSA & SCR)	52	9	59	45	39
CSA Off-Site	0	0	0	0	0
CSA On-Site Focused/Focused CR	20	11	0	32	51
CSA On-Site Comprehensive	0	18	2	0	0
<b>Total Investigations</b>	<b>72</b>	<b>38</b>	<b>61</b>	<b>77</b>	<b>90</b>
Total Security Contact Reviews	0	0	0	0	2
Total Terminal Investigations					

**Narrative Overview for FY 2019****Instructions:**

Describe the State's implementation of FMCSA's interventions model to the maximum extent possible for interstate carriers and any remaining or transitioning compliance review program activities for intrastate motor carriers. Include the number of personnel assigned to this effort.

**Projected Goals for FY 2019**

Complete the table below indicating the number of investigations that the State anticipates conducting during FY 2019.

Projected Goals for FY 2019 - Investigations		
Investigative Type	Interstate Goals	Intrastate Goals
Compliance Investigations	0	0
Cargo Tank Facility Reviews	0	0
Non-Rated Reviews (Excludes CSA & SCR)	0	65
CSA Off-Site	0	0
CSA On-Site Focused/Focused CR	0	30
CSA On-Site Comprehensive	0	25
<b>Total Investigations</b>	<b>0</b>	<b>120</b>
Total Security Contact Reviews	0	0
Total Terminal Investigations	0	0

**Add additional information as necessary to describe the carrier investigation estimates.**

The State of Nebraska utilizes the intrastate non-HM prioritization list when making investigatory assignments and follows CSA policy/methodology for all assignments, inclusive of complaint-based investigations (internal and external) with the following exception: The State of Nebraska requires that carriers selected for review who have no prior review history have a comprehensive review conducted upon their operations. All CR personnel received training in Enhanced Investigative Techniques (EIT). EIT will be utilized to pursue, verify records with additional sources, and invest the requisite time to ensure the safe on-road performance of passenger and high-risk carriers is being investigated.

**Program Activities: Describe components of the State's carrier investigation activities. Include the number of personnel participating in this activity.**

Current staffing is three full-time investigators and one sergeant. Activities include the examination of a motor carrier's transportation and safety records, training requirements, controlled substance and alcohol program, commercial driver license records, financial responsibility, hours of service, and inspection and maintenance programs. The investigators goal is to conduct 120 Intrastate Compliance Reviews and/or CSA Investigations with enforcement as warranted per the Field Operations Training Manual. The investigators will conduct Intrastate Compliance Reviews and/or CSA Investigations on motor carriers with BASICs above threshold and/or which have had non-frivolous complaints made against them with enforcement as warranted, per the Field Operations Training Manual.

**Performance Measurements and Monitoring: Describe all measures the State will use to monitor progress toward the annual goals. Further, describe how the State measures qualitative components of its carrier investigation program, as well as outputs.**

Track and evaluate the number of Compliance Reviews and/or CSA Investigations conducted inclusive of the number of critical and acute violations discovered per investigation. The Compliance Review Investigative Sergeant will review Compliance Reviews conducted by Investigators to ensure consistency among investigators and adherence to the eFOTM.

The State will conduct a total of 120 Intrastate Compliance Reviews and/or CSA Investigations as a unit a year. The State will monitor progress on a quarterly basis as each investigator will conduct a minimum of 10 investigations a quarter for four quarters. On a quarterly basis, the CR Sergeant will meet with each investigators to monitor progress towards this goal and the CR Sergeant will meet with the investigators as a group to monitor their overall progress towards the goal as a unit.



## 5 - Traffic Enforcement

*Traffic enforcement means documented enforcement activities of State or local officials. This includes the stopping of vehicles operating on highways, streets, or roads for moving violations of State or local motor vehicle or traffic laws (e.g., speeding, following too closely, reckless driving, and improper lane changes).*

### Trend Analysis for 2013 - 2017

#### Instructions:

Please refer to the [MCSAP Comprehensive Policy](#) for an explanation of FMCSA's traffic enforcement guidance. Complete the tables below to document the State's safety performance goals and outcomes over the past five measurement periods.

1. Insert the beginning and end dates of the measurement period being used, (e.g., calendar year, Federal fiscal year, State fiscal year or any consistent 12-month period for which data is available).
2. Insert the total number CMV traffic enforcement stops with an inspection, CMV traffic enforcement stops without an inspection, and non-CMV stops in the tables below.
3. Insert the total number of written warnings and citations issued during the measurement period. The number of warnings and citations are combined in the last column.

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented CMV Traffic Enforcement Stops with an Inspection	Number of Citations and Warnings Issued
Begin Date	End Date		
10/01/2016	09/30/2017	6233	5452
10/01/2015	09/30/2016	5999	6472
10/01/2014	09/30/2015	5373	8281
10/01/2013	09/30/2014	5354	8990
10/01/2012	09/30/2013	6443	9365

☒ **The State does not conduct CMV traffic enforcement stops without an inspection. If this box is checked, the "CMV Traffic Enforcement Stops without an Inspection" table is not required to be completed and won't be displayed.**

☐ **The State does not conduct documented non-CMV traffic enforcement stops and was not reimbursed by the MCSAP grant (or used for State Share or MOE). If this box is checked, the "Non-CMV Traffic Enforcement Stops" table is not required to be completed and won't be displayed.**

State/Territory Defined Measurement Period (Include 5 Periods)		Number of Documented Non-CMV Traffic Enforcement Stops	Number of Citations and Warnings Issued
Begin Date	End Date		
01/01/2017	12/31/2017	516	628
01/01/2016	12/31/2016		
01/01/2015	12/31/2015		
01/01/2014	12/31/2014		
01/01/2013	12/31/2013		



***Enter the source and capture date of the data listed in the tables above.***

Number of CMV Traffic Enforcement Stops with an Inspection: Safetynet, July 26, 2017 Number of Citations and Warnings - CMV: TraCs query July 19, 2018 Number of Stops/Citations/Warnings Non-CMV: TraCs (e-citation) Database query 1/26/2018 The NSP implemented tracking code (0757) during calendar year 2017 which would be used for traffic enforcement involving both Carrier and Traffic Troopers which would enforce moving violations of CMVs and vehicles traveling in close proximity of a CMV. The utilization of the grant code (0757) should allow the NSP to track CMV traffic enforcement stops with an inspection, number of non-CMV traffic enforcement stops and the number of citations and warnings issued from these stops.

***Narrative Overview for FY 2019******Instructions:***

*Describe the State's proposed level of effort (number of personnel) to implement a statewide CMV (in conjunction with and without an inspection) and/or non-CMV traffic enforcement program. If the State conducts CMV and/or non-CMV traffic enforcement activities only in support of the overall crash reduction goal, describe how the State allocates traffic enforcement resources. Please include number of officers, times of day and days of the week, specific corridors or general activity zones, etc. Traffic enforcement activities should include officers who are not assigned to a dedicated commercial vehicle enforcement unit, but who conduct eligible commercial vehicle/driver enforcement activities. If the State conducts non-CMV traffic enforcement activities, the State must conduct these activities in accordance with the [MCSAP Comprehensive Policy](#).*

The mission of the Nebraska State Patrol (NSP) shall be to provide law enforcement of the highest quality to ensure a safe and secure Nebraska. The goals of NSP are to exemplify our values by providing the highest quality of law enforcement and service to all person(s).

The NSP has approximately 80 Troopers assigned to the Carrier Enforcement Division which are certified to conduct NAS Level 1 through 4 inspections. Approximately 200 Troopers are assigned to the Traffic Division which are certified to conduct NAS Level 3 inspections. All NSP Troopers are to enforce CMV traffic enforcement in conjunction with overall highway safety goals and the reduction of highway fatalities.

In 1987 NSP implemented the MCSAP roadside inspection program which examines the driver, the vehicle, and the load for 13 critical items including hazardous materials. The NSP Carrier Division administers the roadside inspection program which operates thirty (31) portable units and ten (10) stationary weigh stations.

NSP utilized seven primary sites. Four of the primary sites include North Platte Eastbound I-80, North Platte Westbound I-80, Waverly Eastbound I-80, and Waverly Westbound I-80. Additional primary sites include Nebraska City, Hebron, and Fremont. Two (2) secondary scales located on Highway 30 near North Platte, and Highway 6 near Waverly are utilized to monitor carriers which are bypassing the interstate scale system.

All Carrier Enforcement and Traffic Troopers are issued Mobile Data Computers which are equipped with ASPEN including access to FMCSA's portal. In addition all Troopers record their citations in TraCs.

There is a need to focus on the "driver" aspects of the CMV safety program. There continue to be traffic enforcement violations discovered on both CMV's and non-CMV's that are likely to increase the likelihood of a motor vehicle crash. Concentrating on driver violations will assist in continuing to reduce the fatality rate to an ultimate State goal (all motor vehicles) of .90 fatalities per 100,000,000 vehicle miles traveled.

The NSP MCSAP Program Lieutenant will review data and provide field supervisory personnel with monthly reports as well as Quarterly Statistics on the number of Traffic Enforcement Inspections and selective being conducted. Additionally these statistics are reviewed during quarterly supervisor meetings.

All NSP Troopers enforce highway safety laws and regulations either on a full time or part time basis (traveling to and from the scale facility assigned). Additionally, the Commercial Vehicle Enforcement (CVE) team was formed in 1997 and will have six Carrier Enforcement Troopers assigned. The CVE team is trained to address traffic enforcement laws in areas designated as High Accident Counties (HAC's). Currently, the most accurate reporting of non-CMV traffic enforcement contacts comes from this subgroup of officers, because of their unique role coding. Non-CMV traffic enforcement goals are being set based on documented activity of the CVE team, and may be exceeded based on the success of newly implemented reporting mechanisms.

Safetynet is utilized to gather the number of CMV Traffic Enforcement stops with an inspection. TraCS is utilized to gather the number of citations a warning issued, both for CMV and non-CMV stops. TraCS is unable to gather the data needed for the exact violation which does not indicate if an inspection was completed or not. Nebraska is continually working to develop the ability to capture this information.

**Projected Goals for FY 2019**

Using the radio buttons in the table below, indicate the traffic enforcement activities the State intends to conduct in FY 2019. The projected goals are based on the number of traffic stops, not tickets or warnings issued. These goals are NOT intended to set a quota.

			Enter Projected Goals (Number of Stops only)
Yes	No	Traffic Enforcement Activities	FY 2019
<input checked="" type="radio"/>	<input type="radio"/>	CMV with Inspection	6400
<input type="radio"/>	<input checked="" type="radio"/>	CMV without Inspection	
<input checked="" type="radio"/>	<input type="radio"/>	Non-CMV	500
<input checked="" type="radio"/>	<input type="radio"/>	Comprehensive and high visibility in high risk locations and corridors (special enforcement details)	48

In order to be eligible to utilize Federal funding for Non-CMV traffic enforcement, the [FAST Act](#) requires that the State must maintain an average number of safety activities which include the number of roadside inspections, carrier investigations, and new entrant safety audits conducted in the State for Fiscal Years 2004 and 2005.

The table below displays the information you input into this plan from the roadside inspections, investigations, and new entrant safety audit sections. Your planned activities must at least equal the average of your 2004/2005 activities.

FY 2019 Planned Safety Activities				
Inspections	Investigations	New Entrant Safety Audits	Sum of FY 2019 Activities	Average 2004/05 Activities
29000	120	420	29540	31656

The sum of your planned FY 2019 safety activities must equal or exceed the average number of 2004/2005 activities to be reimbursed for non-CMV traffic enforcement activities. Update the number of FY 2019 roadside inspections, investigations, and/or new entrant safety audits to be eligible for reimbursement.

**Describe how the State will monitor its traffic enforcement efforts to ensure effectiveness, consistency, and correlation to FMCSA's national traffic enforcement priority.**

The Nebraska State Patrol derives Traffic Enforcement statistics from Safetynet, TraCS (electronic citation program), and manual collection during enforcement efforts. In the last year, a tracking code has been developed that is used on daily timesheet logs that should help us identify traffic enforcement activities when not associated with an inspection on a commercial vehicle. The State of Nebraska has documented Safetynet extractions of data from 2006 indicating a far different result than outlined for the 2004/2005 fiscal years. Our documented average from that time period shows an average of approximately 27,328 inspections each year for the 2 year period. We believe that 28,540 inspections meets the mandated requirement of exceeding the performance of those 2 years. The 2 year results are published in Nebraska's 2004 and 2005 MCSAP review documents, as sourced from Safetynet at the time. The documents have been provided as uploads for reference. The Carrier Enforcement Commander will be kept apprised of the progress in achieving the 2004/2005 Average Activities. The Activities will be monitored and the Divisional Goals may be reviewed to prioritize inspection activity if necessary. - PLAN OF ACTION - Please note the Inspections Activities have been increased by 1,000 from last year to for a total of 29,000 inspections. Nebraska will continue increases until meeting the required 31,656 average activities is met.

## 6 - Safety Technology

The FAST Act made Performance and Registration Information Systems Management (PRISM) a condition for MCSAP eligibility in [49 CFR 350.201 \(aa\)](#). States must achieve full participation by October 1, 2020. FMCSA defines “fully participating” in PRISM, for the purpose of determining eligibility for MCSAP funding, as when a State’s or Territory’s International Registration Plan (IRP) or CMV registration agency suspends or revokes and denies registration if the motor carrier responsible for safety of the vehicle is under any Federal OOS order and denies registration if the motor carrier possess an inactive or de-active USDOT number for motor carriers operating CMVs in commerce that have a Gross Vehicle Weight (GVW) of 26,001 pounds or more. Further information regarding full participation in PRISM can be found in the MCP Section 4.3.1.

Under certain conditions, the FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Innovative Technology Deployment (ITD) and the PRISM ([49 CFR 350.201\(aa\) \(cc\)](#)). For PRISM, O&M costs are eligible expenses subject to FMCSA approval. For ITD, if the State agrees to comply with ITD program requirements and has complied with all MCSAP requirements, including achievement of full participation in PRISM, O&M costs are eligible expenses. O&M expenses must be included and described in the Spending Plan section per the method these costs are handled in the State’s accounting system (e.g., contractual costs, other costs, etc.).

### Safety Technology Compliance Status

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year’s CVSP, please indicate that in the table below. Additionally, details must be in this section and in your Spending Plan.

Technology Program	Current Compliance Level	Include O & M Costs?
ITD	Core CVISN Compliant	Yes
PRISM	Exceeds Full Participation	Yes

Available data sources:

- [FMCSA website ITD information](#)
- [FMCSA website PRISM information](#)

Enter the agency name responsible for ITD in the State, if other than the Lead MCSAP Agency:

Enter the agency name responsible for PRISM in the State, if other than the Lead MCSAP Agency:

### Narrative Overview for FY 2019

#### Problem Statement Narrative and Projected Goal:

**If the State’s PRISM compliance is less than full participation, describe activities your State plans to implement to achieve full participation in PRISM.**

Currently PRISM Compliant.

#### Program Activities: Describe any actions that will be taken to implement full participation in PRISM.

Currently PRISM Compliant.

#### Performance Measurements and Monitoring: Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

Currently PRISM Compliant.

## 7 - Public Education and Outreach

*A public education and outreach program is designed to provide information on a variety of traffic safety issues related to CMVs and non-CMV's that operate around large trucks and buses.*

### **Trend Analysis for 2013 - 2017**

*In the table below, provide the number of public education and outreach activities conducted in the past 5 years.*

<b>Public Education and Outreach Activities</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Carrier Safety Talks	39	61	60	76	98
CMV Safety Belt Education and Outreach					
State Trucking Association Meetings	14	14	14	14	14
State-Sponsored Outreach Events	7	14	13	1	2
Local Educational Safety Events	6	2	6	9	8
Teen Safety Events	5	1	0	0	2

### **Narrative Overview for FY 2019**

**Performance Objective:** *To increase the safety awareness of the motoring public, motor carriers and drivers through public education and outreach activities such as safety talks, safety demonstrations, etc.*

**Describe the type of activities the State plans to conduct, including but not limited to passenger transportation, hazardous materials transportation, and share the road safely initiatives. Include the number of personnel that will be participating in this effort.**

Laws and regulations concerning the safe operation of commercial motor vehicles can be complicated and confusing to industry and allied agencies. The Nebraska State Patrol Carrier Enforcement Division serves as a resource to other agencies and industry in order to encourage voluntary compliance and promote highway safety. Community based policing is fundamental in maintaining the trust and support, as well as the confidence of those that we serve. The Division will maintain a proactive relationship with the general public and to always present an open line of communication.

The Nebraska State Patrol Carrier Enforcement Division will conduct 90 seminars annually for the Motor Carrier industry. Additionally Sworn and non-sworn personnel shall attend community functions, school events and other public gatherings while representing the Nebraska State Patrol. Engaging in interaction with community members and increasing the support, trust and confidence of the Agency. We will promote the use of the NSP Website and utilize webinars and recorded videos to educate the public on laws, regulations and safety. As a Division, the Carrier Enforcement will conduct 2,000 hours of community outreach (annually).

Trend information listed above is provided with caveats. The Nebraska State Patrol does not categorize all of our public information and awareness in the manner listed above. The actual number of total programs is accurate, but the breakdown by interaction type is somewhat subjective to determine which of the categories the activity most closely matched. CMV seat belt education is not easily separated from other Carrier Safety Talks, so that category is left blank, and totals for both criteria are combined in a single total listed on the Safety Talks line. State sponsored outreach used to involve several staff members from the Carrier Enforcement Division travelling throughout the state providing information in a "town hall" type setting. The cost effective nature of the internet and video streaming have seen these town hall outreach events converted to web based informational videos, with an apparent observed decline in activity. Current tracking systems do not provide us an accurate way to quantify internet usage of our videos and web-based outreach, but anecdotal feedback we receive indicates that industry uses the videos and finds them more convenient for the end user due to lack of time and location constraints.

### **Projected Goals for FY 2019**

***In the table below, indicate if the State intends to conduct the listed program activities, and the estimated number, based on the descriptions in the narrative above.***

			Performance Goals
Yes	No	Activity Type	FY 2019
<input checked="" type="radio"/>	<input type="radio"/>	Carrier Safety Talks	64
<input checked="" type="radio"/>	<input type="radio"/>	CMV Safety Belt Education and Outreach	0
<input checked="" type="radio"/>	<input type="radio"/>	State Trucking Association Meetings	14
<input checked="" type="radio"/>	<input type="radio"/>	State-Sponsored Outreach Events	2
<input checked="" type="radio"/>	<input type="radio"/>	Local Educational Safety Events	8
<input checked="" type="radio"/>	<input type="radio"/>	Teen Safety Events	2

***Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct monitoring of progress. States must report the quantity, duration and number of attendees in their quarterly SF-PPR reports.***

1. Maintain the number of seminars at 64, which is inclusive of Safety Talks and Seat Belt Education and Outreach. Distribute Nebraska Truck Information Guide Books and educational materials regarding general compliance issues, ELDs, and hazardous materials.
2. Utilize seat belt convincer / rollover machine at State Fair and Husker Harvest days
3. A representative or representatives from the Carrier Division will be in attendance at the monthly Trucking Association Meetings in addition to other meetings as needed based on current events and issues.
4. Conduct two online educational webinars which will replace the Town Hall meetings.
5. Troopers will attend local public education safety events as requested. (i.e. schools).
6. Cooperate with local schools to enhance CMV awareness through events like "Teens in the Driver's Seat" as modeled in Texas.

**8 - State Safety Data Quality (SSDQ)**

The FAST Act allows MCSAP lead agencies to use MCSAP funds for Operations and Maintenance (O&M) costs associated with Safety Data Systems (SSDQ) if the State meets accuracy, completeness and timeliness measures regarding motor carrier safety data and participates in the national data correction system (DataQs).

**SSDQ Compliance Status**

Please verify the current level of compliance for your State in the table below using the drop-down menu. If the State plans to include O&M costs in this year's CVSP, select Yes. These expenses must be included in the Spending Plan section per the method these costs are handled in the State's accounting system (e.g., contractual costs, other costs, etc.).

Technology Program	Current Compliance Level	Include O & M Costs?
SSDQ	Good	No

Available data sources:

- [FMCSA website SSDQ information](#)

In the table below, use the drop-down menus to indicate the State's current rating within each of the State Safety Data Quality categories, and the State's goal for FY 2019.

SSDQ Category	Current SSDQ Rating	Goal for FY 2019
Crash Record Completeness	Good	Good
Fatal Crash Completeness	Good	Good
Crash Timeliness	Good	Good
Crash Accuracy	Good	Good
Crash Consistency	No Flag	No Flag
Inspection Record Completeness	Good	Good
Inspection VIN Accuracy	Good	Good
Inspection Timeliness	Good	Good
Inspection Accuracy	Good	Good

**Enter the date of the A & I Online data snapshot used for the "Current SSDQ Rating" column.**

Data current as of July 12, 2018 report generated on May 25, 2018

**Narrative Overview for FY 2019**

**Problem Statement Narrative:** Describe any issues encountered for any SSDQ category not rated as "Good" in the Current SSDQ Rating category column above (i.e., problems encountered, obstacles overcome, lessons learned, etc.). If the State is "Good" in all categories, no further narrative or explanation is necessary.

Per the SSDQ Report:

Your rating is 'no flag', which indicates that the estimated number of non-fatal crash records reported is greater than or equal to 50%. The crashes evaluated occurred between 03/01/2017 and 02/28/2018 and were compared to the previous three year reporting average. Your 107% value indicates that your State is consistently reporting non-fatal crash records

**Program Activities for FY 2019 - 2021:** Describe any actions that will be taken to achieve a "Good" rating in any category not currently rated as "Good," including measurable milestones.

According to the SSDQ report, "No flag" indicates that our performance is at an approved performance level.

**Performance Measurements and Monitoring:** Describe all performance measures that will be used and include how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.

The state reviews SSDQ information on a monthly basis in an effort to identify deficiencies that may appear after

monthly updates. The state will utilize resources available from FMCSA, including the State Data Quality Specialist as well as data analysis within individual rating categories, to pinpoint problem areas and work cooperatively with FMCSA to assure improvements as necessary.



## 9 - New Entrant Safety Audits

The FAST Act states that conducting interstate New Entrant safety audits is now a requirement to participate in the MCSAP ([49 CFR 350.201](#).) The Act allows a State to conduct intrastate New Entrant safety audits at the State's discretion. States that choose to conduct intrastate safety audits must not negatively impact their interstate new entrant program.

*Note: The FAST Act also says that a State or a third party may conduct New Entrant safety audits. If a State authorizes a third party to conduct safety audits on its behalf, the State must verify the quality of the work conducted and remains solely responsible for the management and oversight of the New Entrant activities.*

Yes	No	Question
<input type="radio"/>	<input type="radio"/>	Does your State conduct Offsite safety audits in the New Entrant Web System (NEWS)? NEWS is the online system that carriers selected for an Offsite Safety Audit use to submit requested documents to FMCSA. Safety Auditors use this same system to review documents and communicate with the carrier about the Offsite Safety Audit.
<input type="radio"/>	<input type="radio"/>	Does your State conduct Group safety audits at non principal place of business locations?
<input type="radio"/>	<input type="radio"/>	Does your State intend to conduct intrastate safety audits and claim the expenses for reimbursement, state match, and/or Maintenance of Effort on the MCSAP Grant?

### Trend Analysis for 2013 - 2017

In the table below, provide the number of New Entrant safety audits conducted in the past 5 years.

New Entrant Safety Audits	2013	2014	2015	2016	2017
Interstate	614	582	590	504	332
Intrastate	0	0	0	0	0
<b>Total Audits</b>	<b>614</b>	<b>582</b>	<b>590</b>	<b>504</b>	<b>332</b>

Note: Intrastate safety audits will not be reflected in any FMCSA data systems—totals must be derived from State data sources.

### Narrative Overview for FY 2019

Enter the agency name conducting New Entrant activities, if other than the Lead MCSAP Agency:

**Program Goal:** Reduce the number and severity of crashes, injuries, and fatalities involving commercial motor vehicles by reviewing interstate new entrant carriers. At the State's discretion, intrastate motor carriers are reviewed to ensure they have effective safety management programs.

**Program Objective:** Statutory time limits for processing and completing interstate safety audits are:

- If entry date into the New Entrant program (as shown in FMCSA data systems) September 30, 2013 or earlier—safety audit must be completed within 18 months.
- If entry date into the New Entrant program (as shown in FMCSA data systems) October 1, 2013 or later—safety audit must be completed within 12 months for all motor carriers and 120 days for motor carriers of passengers.

### Projected Goals for FY 2019

For the purpose of completing the table below:

- **Onsite safety audits** are conducted at the carrier's principal place of business.



- **Offsite safety audit** is a desktop review of a single New Entrant motor carrier's basic safety management controls and can be conducted from any location other than a motor carrier's place of business. Offsite audits are conducted by States that have completed the FMCSA New Entrant training for offsite audits.
- **Group audits** are neither an onsite nor offsite audit. Group audits are conducted on multiple carriers at an alternative location (i.e., hotel, border inspection station, State office, etc.).

Projected Goals for FY 2019 - New Entrant Safety Audits		
	FY 2019	
Number of Safety Audits/Non-Audit Resolutions	Interstate	Intrastate
# of Safety Audits (Onsite)	20	0
# of Safety Audits (Offsite)	400	0
# Group Audits	0	0
<b>TOTAL Safety Audits</b>	<b>420</b>	<b>0</b>
# of Non-Audit Resolutions	160	0

**Strategies:** Describe the strategies that will be utilized to meet the program objective above. Provide any challenges or impediments foreseen that may prevent successful completion of the objective.

New motor carriers / New Entrant carriers are required to complete a safety monitoring period of 18 months with an allowance of 12 months to complete / pass a safety audit. FMCSA request the safety audit be completed after 90 days of operation but within 6 months of operation and not to exceed 12 months.

Investigators provide New Entrant motor carriers with the knowledge and resources to reduce the number and severity of crashes, injuries and fatalities within the statutory limits. New Entrant Investigators utilize the safety audit program to provide a setting for the motor carrier to understand and implement safety regulations, pinpoint safety management needs and review other areas that need improvement.

Federal programs will be utilized to ensure that all safety audits are completed within the 12 month period (120 days for passenger carriers). FMCSA resources are monitored on a weekly basis to ensure all New Entrant Carriers are accounted for by running reports in MCMIS and A & I on line then creating assignments for the investigators. Staff Assistant II utilizes MCMIS, A & I on line and GOTHAM to monitor approaching dates along with obtaining driver, vehicle, company profiles and inspection information.

State and Federal programs are utilized to gather information before/after the investigator meets for a safety audit. CDLIS, CJIS, MCMIS, A & I on line, GOTHAM are utilized to obtain driver, vehicle and inspection information.

According to A & I (06/29/2018) Nebraska currently has an inventory of 397 in the New Entrant pool with 2 past due carriers which have been addressed since the report was generated.

In addition to safety audits, the Investigators will conduct at a minimum, 32 vehicle inspections with at least 18 inspections being hazardous material carrier inspections.

***Activity Plan: Include a description of the activities proposed to help achieve the objectives. If group audits are planned, include an estimate of the number of group audits.***

The New Entrant program will utilize 3 full-time investigators to conduct approximately 420 new entrant safety audits and 160 non-audit resolutions for new entrant interstate motor carriers. Priority will be given to carriers of passengers to ensure safety audits are conducted within 120 days. Approximately 95 percent (95%) of the safety audits will be conducted offsite reducing travel time and cost. Approximately 5 percent (5%) of the safety audits will be conducted onsite at the carrier's principal place of business. If a backlog is created due to a sudden or unexpected influx of onsite carriers, group audits will be conducted at a central or alternate locations to reduce cost, maximize efficiency, and reduce or eliminate travel time. Currently no group audits have been required.

To maximize efficiency of the program, offsite eligible carriers will be contacted as soon as possible after the required documents are uploaded to the NEWS website. Auditors will adhere to the New Entrant Safety Audit Process Document for procedures and timelines when conducting offsite safety audits. Assistance with uploading documents will be provided only as needed.

The New Entrant office will monitor the number of safety audits completed to ensure requirements are met. The Staff Assistant II will complete weekly reports to reflect any carriers within 90 days of the due date to send to the New Entrant Investigators and New Entrant Sergeant. The Staff Assistant II will compile data monthly to track safety audits completed, passed, or failed. The data compiled will be placed on a tracking documents to be utilized for monthly, quarterly, and annual reports.

***Performance Measurement Plan: Describe how you will measure progress toward meeting the objective, such as quantifiable and measurable outputs (staffing, work hours, carrier contacts, inspections, etc.). The measure must include specific benchmarks to be reported on in the quarterly progress report, or as annual outputs.***

The New Entrant Sergeant will review all safety audits for quality, completeness, and accuracy. The New Entrant Sergeant will monitor activity throughout the quarter to guide the program to the established goals. The New Entrant Sergeant will ensure the Staff Assistant II is assigning and scheduling passenger carrier's audits as soon as practical. Scheduling and assignments will be given/monitored to ensure the most efficient use of time and travel.

The Staff Assistant II will review the new entrant inventory on a monthly basis and make assignments based on due dates. Priority will be given to past due carriers, passenger carriers, and hazardous material carriers. Assignments will be planned to maximize audit completion for onsite audits when travel is required to ensure program efficiency. The New Entrant office will strive to have all safety audits completed within 9 months of the company's entry date. Investigators and the Staff Assistant II will work together to ensure all attempts are exhausted before the 12 month due date or the carrier will be placed out of service for non-compliance.

The three (3) New Entrant Investigators are required to complete a minimum of 32 level 1 inspections per fiscal year, which includes 16 hazardous material (HM) inspections with 8 being cargo/bulk and the remaining 8 non-bulk inspections.

The requirement is 32 per year – per investigator (3) plus half (1/2) of the New Entrant Sergeant's 32 which is 16 for a total of 112 Driver/Vehicle inspections per year.

### Part 3 - National Emphasis Areas and State Specific Objectives

*FMCSA establishes annual national priorities (emphasis areas) based on emerging or continuing issues, and will evaluate CVSPs in consideration of these national priorities. Part 3 allows States to address the national emphasis areas/priorities outlined in the Notice of Funding Opportunity (NOFO) and any State-specific objectives as necessary.*

#### 1 - Enforcement of Federal OOS Orders during Roadside Activities

##### Instructions:

*FMCSA has established an Out-of-Service (OOS) catch rate of 85 percent for carriers operating while under an OOS order. In this part, States will indicate their catch rate is at least 85 percent by using the check box or completing the problem statement portion below.*

##### Check this box if:

☐ **As evidenced by the data provided by FMCSA, the State identifies at least 85 percent of carriers operating under a Federal OOS order during roadside enforcement activities and will not establish a specific reduction goal. However, the State will maintain effective enforcement of Federal OOS orders during roadside inspections and traffic enforcement activities.**

##### Narrative Overview for FY 2019

**Enter your State's OOS Catch Rate percentage if below 85 percent:** 84%

##### **Project Goals for FY 2019: Enter a description of the State's performance goals.**

The OOS Catch Rate report utilized for the FY 2018 eCVSP is reflective of only imminent hazard and unsat/unfit OOS carriers. The report supplied is for the time period of May 1, 2017-April 30, 2018. The OOS Catch Rate report utilized identified Nebraska to have conducted 2 inspections and identified 2 carriers on imminent hazard and unsat/unfit OOS orders for reported activity. The goal of the Nebraska State Patrol (NSP) is to attain an OOS catch rate of at least 85% for the FY 2018 year as a whole.

##### **Program Activities: Describe policies, procedures, and/or technology that will be utilized to identify OOS carriers at roadside. Include how you will conduct quality assurance oversight to ensure that inspectors are effectively identifying OOS carriers and preventing them from operating.**

The Nebraska State Patrol utilizes ASPEN 3.0 for inspections conducted by Troopers assigned to the Traffic Services and Carrier Enforcement Divisions. ASPEN 3.0 includes a Pre-Screen function which notifies the officer immediately of an out of service order through a real-time query of SAFER data when connected to the network.

In addition, NSP Communications check the OOS status via NLETS through an ACQ query when a Trooper calls in a stop roadside. This will allow for all uniform personnel another alternative to ensure the OOS status is checked.

If an NSP officer is identified through FMCSA reports (inspections on OOS Carriers) as conducting an inspection on an OOS carrier and the officer does not identify the OOS order or does not identify correctly, an email is sent by the Commander directly to the officer with a carbon copy through the officer's chain of command counseling the officer and conveying the importance of identifying these OOS carriers.

New technologies are being explored that would be added to Nebraska's mainline operations that would allow real-time screening of CMVs passing by the state's interstate scale locations. Based on available grant funding, it is hoped that the state may be able to further enhance the identification of OOS carriers through the implementation of these new credential screening technologies and defective equipment identification tools.

***Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.***

The MCSAP Manager will review reports generated by the FMCSA and monitor the number of OOS carriers discovered or missed. The MCSAP Manager will monitor and ensure officers are counseled on the issue in FY 2019 as failures are identified.

**2 - Passenger Carrier Enforcement****Instructions:**

*FMCSA requests that States conduct enhanced investigations for motor carriers of passengers and other high risk carriers. Additionally, States are asked to allocate resources to participate in the enhanced investigations training being offered by FMCSA. Finally, States are asked to continue partnering with FMCSA in conducting enhanced investigations and inspections at carrier locations.*

**Check this box if:**

☒ As evidenced by the trend analysis data, the State has not identified a significant passenger transportation safety problem. Therefore, the State will not establish a specific passenger transportation goal in the current fiscal year. However, the State will continue to enforce the Federal Motor Carrier Safety Regulations (FMCSRs) pertaining to passenger transportation by CMVs in a manner consistent with the [MCSAP Comprehensive Policy](#) as described either below or in the roadside inspection section.

### 3 - State Specific Objectives – Past

#### Instructions:

*Describe any State-specific CMV problems that were addressed with FY2017 MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc. Report below on year-to-date progress on each State-specific objective identified in the FY 2018 CVSP.*

#### **Progress Report on State Specific Objectives(s) from the FY 2018 CVSP**

*Please enter information to describe the year-to-date progress on any State-specific objective(s) identified in the State's FY 2018 CVSP. Click on "Add New Activity" to enter progress information on each State-specific objective.*

#### Activity #1

##### **Activity: Describe State-specific activity conducted from previous year's CVSP.**

Awareness and Enforcement Training for ELD

##### **Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).**

Awareness and enforcement training for Carrier Enforcement and Traffic Services Troopers in FY18.

##### **Actual: Insert year to date progress (#, %, etc., as appropriate).**

The Nebraska State Patrol will provide training to Carrier Enforcement and Traffic Services Troopers utilizing resources provided by the FMCSA as well as internally produced documents and electronic training to reach all road operations Troopers. Training was accomplished via in-person training utilizing the MCSAP Training Trooper as well as web-based training through the State's Electronic Learning Center which will document successful completion by all officers. The Nebraska State Patrol trained approximately 280 officers on ELD requirements and enforcement topics. Training was documented by collecting names during in-person training as well as by electronic signature when training was completed online.

##### **Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons learned, etc.**

Final detailed information from FMCSA regarding the eRODS software and associated software install presented substantial difficulty in preparing and implementing this training to affected staff.

#### Activity #2

##### **Activity: Describe State-specific activity conducted from previous year's CVSP.**

Trooper in a Truck program. Accident statistics, as documented in the 2016 Large Truck and Bus Accident Report, indicate that distracted driving is a primary cause of accidents involving commercial vehicles. Statistics also tell us that a majority of the time, poor driving behaviors of passenger vehicle drivers are the root cause. Proactive enforcement of poor and distracted driving, conducted in areas prone to commercial vehicle accidents, will help alleviate the activities of drivers in both passenger and commercial vehicles. Troopers, working from the vantage point of a commercial vehicle, will radio observed violations to waiting nearby troopers who can conduct a traffic stop and take enforcement action on the violations.

##### **Goal: Insert goal from previous year CVSP (#, %, etc., as appropriate).**

The Trooper In a Truck program will conduct a selective, weather permitting, 6 times in FY2018 which will include multiple troopers, a trained and Certified observer as well as a vehicle and driver provided through a partnership with the Nebraska Trucking Association and member companies.

##### **Actual: Insert year to date progress (#, %, etc., as appropriate).**

To date, the Nebraska State Patrol has completed 7 Trooper in a Truck selective enforcements for the 2018 Fiscal Year.

##### **Narrative: Describe any difficulties achieving the goal, problems encountered, obstacles overcome, lessons**

***learned, etc.***

The program relies on cooperation with trucking companies who assist by providing a driver and equipment for use during the enforcement selective. It takes considerable effort to coordinate the event in a way that does not overextend the gratuity of the company. Clearly explaining the expectations of the driver, the route and logistics of the stops helps companies understand the high level of dedication while the selective is active.

#### 4 - State Specific Objectives – Future

##### Instructions:

*The State may include additional objectives from the national priorities or emphasis areas identified in the NOFO as applicable. In addition, the State may include any State-specific CMV problems identified in the State that will be addressed with MCSAP funding. Some examples may include hazardous materials objectives, Electronic Logging Device (ELD) implementation, and crash reduction for a specific segment of industry, etc.*

*Describe any State-specific objective(s) identified for FY 2019. Click on "Add New Activity" to enter information on each State-specific objective. This is an optional section and only required if a State has identified a specific State problem planned to be addressed with grant funding.*

##### State Objective #1

##### **Enter the title of your State-Identified Objective.**

MAPS selectives to include traffic enforcement efforts.

##### **Narrative Overview for FY 2019**

##### **Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

According to the Nebraska Office of Highway Safety, the Commercial Motor Vehicle Fatality Rate for calendar year 2016, the rate was 0.27 with 58 fatalities in 42 fatal crashes involving a commercial motor vehicle. For calendar year 2017, the rate was 0.23 with 48 fatalities in 43 fatal crashes involving a commercial motor vehicle. The total miles driven for calendar year 2017 was 21,001 million vehicle miles traveled. The Nebraska State Patrol's goal is a reduction of an overall fatality rate involving Commercial Motor Vehicles (CMVs) by focusing on the Critical Emphasis Areas outlined in the State Highway Safety Plan. These critical emphasis areas are identified as being the primary causes of fatalities in accidents. The emphasis areas are increased seat belt use, reducing roadway departure crashes, reducing impaired driver crashes, and reducing intersection crashes. The Nebraska Strategic Highway Safety Plan has a stated goal of an overall fatality rate of 0.90 fatalities per 100 million VMT by calendar end 2021, inclusive of CMV crashes. The current CMV rate is below the stated goal of .90 in the State Highway Safety plan and contributes to lowering the overall rate each year. Crash statistics, especially along high-volume traffic flow roadways in Nebraska's 10 high accident corridor counties are most concerning due to the inequitable distribution of fatalities (65%) and overall accidents (57%) in 2017 which is the most current complete statistical year. The goal will be to reduce CMV fatalities and CMV accidents in HACs by 7% from 2017's numbers through aggressive and visible enforcement.

##### **Projected Goals for FY 2019:**

##### **Enter performance goal.**

Officers who participate in the MAPS selectives, which have traditionally been conducted as a static-location selective are now having this practice modified to a roving selective in the high accident corridor. The goal is identification of CMVs who commit moving violations and subsequently stopping and inspecting those vehicles. This plan helps align the MAPS program with the FMCSA national priority of Traffic Enforcement activities on CMVs in accident-prone areas. Troopers will conduct 700 Inspections (Level 1,2, or 3) in 14 MAPS selectives targeting High Accident Corridors, as derived from statistical crash data from the Nebraska Department of Roads.

##### **Program Activities: Describe the activities that will be implemented including level of effort.**

The MCSAP Sergeant will work with information gleaned from past enforcement activity and Nebraska Department of Transportation records of accidents to direct MAPS officers to roadways where data indicates a higher likelihood of accidents and poor driving behaviors have historically occurred. Target vehicles will include those which do not likely pass by permanent scale locations or are dedicated to local travel and also CMVs and passenger vehicles observed committing moving traffic offenses. MAPS events average



10 troopers per event, each conducting approximately 5 Level NAS Level One inspections for that day's event. Historical data indicates this is reasonable based on location and time devoted to the activity. Additionally, officers will endeavor to contact 2 motorists observed to be in violation of traffic laws, with a NAS inspection being conducted on CMVs which are contacted as part of this traffic enforcement effort in the high accident corridor.

***Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.***

Statistics from MAPS events will be tabulated and evaluated on both static and roving statistics to assure that approximately half of the time spent at each event is done in a roving capacity. Totals will be collected each day and information about each day's events will be offered to media outlets to create public awareness and promoted through social media outlets through the agency's Public Information Officer. Additionally, media outlets are alerted to each event in an embargoed press release to allow an opportunity to conduct interviews and capture video or pictures.

**State Objective #2**

***Enter the title of your State-Identified Objective.***

Trooper In a Truck Program

***Narrative Overview for FY 2019***

***Problem Statement Narrative: Describe problem identified by performance data including baseline data.***

The Large Vehicle Crash Causation study (Publication No. FMCSA-RRA-07-017) indicates that CMV accidents are caused primarily by vehicles departing from their lane of travel and speed. Additionally, the 2016 Large Truck and Bus Crash Data Report indicates that distracted driving, generally, causes accidents more than 6% of the time. The average speed of a CMV fatal crash is 55.6mph, according to the 2016 Large Truck and Bus Crash Data Report.

***Projected Goals for FY 2019:***

***Enter performance goal.***

The Trooper In a Truck program will conduct selective, weather permitting, 4 times in FY2019 which will include at least 4 troopers, a trained and certified observer, and a vehicle and driver provided through a partnership with the Nebraska Trucking Association and member companies. Roadways with at least a minimum speed of 55mph will be identified. Troopers will attempt to observe, stop and take enforcement action on at least 5 vehicles during each selective.

***Program Activities: Describe the activities that will be implemented including level of effort.***

A sworn officer serving as an observer riding in the passenger seat of a semi-truck will observe moving violations of both passenger vehicles (non-CMV) as well as CMVs. Information about the violation will be radioed to waiting troopers who will make a traffic stop based on the observation. Proper enforcement action will be taken and documented via a written warning or citation, as well as a NAS Level 3 inspection on commercial vehicles with appropriate notation of any observed violations.

***Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.***

Statistics on the number of selective enforcements and associated "stops/contacts" on non-CMV TE in accordance with the MCP which will be reported quarterly and measured against the annual goal. All activity is coded to an activity grant that can be queried from citations/warnings as well as data extraction from Safetynet on inspections conducted during the selective. Activity will be provided to media outlets for reporting and awareness. Effectiveness of each selective will be evaluated by command staff and adjustments made to help assure activity levels are met or exceeded.

## State Objective #3

**Enter the title of your State-Identified Objective.**

Passenger vehicle Strike Force

**Narrative Overview for FY 2019****Problem Statement Narrative: Describe problem identified by performance data including baseline data.**

Passenger vehicle accidents are among the highest priorities for FMCSA. Nebraska has not historically had a statistically significant problem with passenger vehicle accidents, however the very nature of one bad accident justifies an ongoing cooperation with FMCSA's efforts to mitigate this type of accident.

**Projected Goals for FY 2019:****Enter performance goal.**

Nebraska will partner with FMCSA during the annual passenger vehicle Strike Force.

**Program Activities: Describe the activities that will be implemented including level of effort.**

The Nebraska State Patrol will work cooperatively with the FMCSA during the 2019 Passenger Vehicle Strike Force. Using ACE and performance history of carriers, NSP will endeavor to conduct 3 Compliance Reviews and conduct 55 vehicle inspections, based on available fleet size and manpower.

**Performance Measurements and Monitoring: Describe all performance measures and how the State will conduct ongoing monitoring of progress in addition to quarterly SF-PPR reporting.**

Nebraska will track activities directly tied to the goals and objectives identified by FMCSA during the Strike Force event and report those activities in the appropriate PPR.

## Part 4 - Financial Information

### 1 - Overview

The Spending Plan is an explanation of each budget component, and should support the cost estimates for the proposed work. The Spending Plan should focus on how each item will achieve the proposed project goals and objectives, and explain how costs are calculated. The Spending Plan must be clear, specific, detailed, and mathematically correct. Sources for assistance in developing the Spending Plan include [2 CFR part 200](#), [2 CFR part 1201](#), [49 CFR part 350](#) and the [MCSAP Comprehensive Policy](#).

Before any cost is billed to or recovered from a Federal award, it must be allowable ([2 CFR §200.403](#), [2 CFR §200 Subpart E – Cost Principles](#)), reasonable and necessary ([2 CFR §200.403](#) and [2 CFR §200.404](#)), and allocable ([2 CFR §200.405](#)).

- **Allowable** costs are permissible under the OMB Uniform Guidance, DOT and FMCSA regulations and directives, MCSAP policy, and all other relevant legal and regulatory authority.
- **Reasonable and Necessary** costs are those which a prudent person would deem to be judicious under the circumstances.
- **Allocable** costs are those that are charged to a funding source (e.g., a Federal award) based upon the benefit received by the funding source. Benefit received must be tangible and measurable.
  - For example, a Federal project that uses 5,000 square feet of a rented 20,000 square foot facility may charge 25 percent of the total rental cost.

#### What's New for FY 2019

The Spending Plan budget activity tables have been restructured to permit Maintenance of Effort (MOE) expenditures to be added on each line item of the budget activity tables. In the FY 2018 eCVSP, States indicated MOE costs as a single cost in each budget activity area. Please review the FY 2019 changes and instructions below prior to completing your Spending Plan.

- A new column (% of Time on MCSAP Grant) has been added in each of the budget activity tables to capture the percentage of time each item entered is dedicated to the MCSAP grant.
- A new column (MOE) has been added in each of the budget activity tables to capture MOE amounts. This allows users the ability to add MOE expenditures by each line item. MOE expenditures must not be included in the calculation of Total Project Costs, Federal share, or State share.

#### Instructions

The Spending Plan should include costs for FY 2019 only. This applies to States completing a single-year CVSP, multi-year CVSP, or an Annual Update to their multi-year CVSP.

The Spending Plan data tables are displayed by budget category (Personnel, Fringe Benefits, Travel, Equipment, Supplies, Contractual and Subaward, and Other Costs). You may add additional lines to each table, as necessary. Please include clear, concise explanations in the narrative boxes regarding the reason for each cost, how costs are calculated, why they are necessary, and specific information on how prorated costs were determined.

The following definitions describe Spending Plan terminology.

- **Federal Share** means the portion of the total project costs paid by Federal funds. Federal share is 85 percent of the total project costs for this FMCSA grant program.
- **State Share** means the portion of the total project costs paid by State funds. State share is 15 percent of the total project costs for this FMCSA grant program. A State is only required to contribute up to 15 percent of the total project costs of all budget categories combined as State share. A State is NOT required to include a 15 percent State share for each line item in a budget category. The State has the flexibility to select the budget categories and line items where State match will be shown.
- **Total Project Costs** means total allowable costs incurred under a Federal award and all required cost sharing (sum of the Federal share plus State share), including third party contributions.
- **Maintenance of Effort (MOE)** means the level of effort Lead State Agencies are required to maintain each fiscal year in accordance with [49 CFR § 350.301](#). The State has the flexibility to select the budget categories and line items where MOE will be shown. Additional information regarding MOE can be found in the MCSAP

*Comprehensive Policy (MCP) in section 3.6.*

### **Expansion of On Screen Messages**

*The system performs a number of edit checks on Spending Plan data inputs to ensure calculations are correct, and values are as expected. When anomalies are detected, alerts will be displayed on screen.*

- **Calculation of Federal and State Shares**

*Total Project Costs are determined for each line based upon user-entered data and a specific budget category formula. Federal and State shares are then calculated by the system based upon the Total Project Costs and are added to each line item.*

*The system calculates an 85 percent Federal share and 15 percent State share automatically and populates these values in each line. Federal share is the product of Total Project Costs x .85. State share equals Total Project Costs minus Federal share. If Total Project Costs are updated based upon user edits to the input values, the 85 and 15 percent values will not be recalculated by the system and should be reviewed and updated by users as necessary.*

*States may edit the system-calculated Federal and State share values at any time to reflect actual allocation for any line item. For example, States may allocate a different percentage to Federal and State shares. States must ensure that the sum of the Federal and State shares equals the Total Project Costs for each line before proceeding to the next budget category.*

*An error is shown on line items where Total Project Costs does not equal the sum of the Federal and State shares. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.*

*Territories must insure that Total Project Costs equal Federal share for each line in order to proceed.*

- **MOE Expenditures**

*States may enter MOE on individual line items in the Spending Plan tables. The Personnel, Fringe Benefits, Equipment, Supplies, and Other Costs budget activity areas include edit checks on each line item preventing MOE costs from exceeding allowable amounts.*

- *If "Percentage of Time on MCSAP grant" equals 100%, then MOE must equal \$0.00.*
- *If "Percentage of Time on MCSAP grant" equals 0%, then MOE may equal up to Total Project Costs as expected at 100%.*
- *If "Percentage of Time on MCSAP grant" > 0% AND < 100%, then the MOE maximum value cannot exceed "100% Total Project Costs" minus "system-calculated Total Project Costs".*

*An error is shown on line items where MOE expenditures are too high. Errors must be resolved before the system will allow users to 'save' or 'add' new line items.*

*The Travel and Contractual budget activity areas do not include edit checks for MOE costs on each line item. States should review all entries to ensure costs reflect estimated expenditures.*

- **Financial Summary**

*The Financial Summary is a summary of all budget categories. The system provides warnings to the States on this page if the projected State Spending Plan totals are outside FMCSA's estimated funding amounts. States should review any warning messages that appear on this page and address them prior to submitting the eCVSP for FMCSA review.*

*The system will confirm that:*

- *Overtime value does not exceed the FMCSA limit.*
- *Planned MOE Costs equal or exceed FMCSA limit.*
- *States' proposed Federal and State share totals are each within \$5 of FMCSA's Federal and State share estimated amounts.*
- *Territories' proposed Total Project Costs are within \$5 of \$350,000.*

ESTIMATED Fiscal Year Funding Amounts for MCSAP			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$3,653,319.00	\$644,198.00	\$4,297,517.00

Summary of MCSAP Funding Limitations	
Allowable amount for Overtime without written justification (15% of MCSAP Award Amount ):	\$644,198.00
MOE Baseline:	\$24,416.75

## 2 - Personnel

Personnel costs are salaries for employees working directly on a project.

**Note: Do not include any personally identifiable information (PII) in the CVSP. The final CVSP approved by FMCSA is required to be posted to a public FMCSA website.**

List grant-funded staff who will complete the tasks discussed in the narrative descriptive sections of the CVSP. Positions may be listed by title or function. It is not necessary to list all individual personnel separately by line. The State may use average or actual salary and wages by personnel category (e.g., Trooper, Civilian Inspector, Admin Support, etc.). Additional lines may be added as necessary to capture all your personnel costs.

The percent of each person's time must be allocated to this project based on the amount of time/effort applied to the project. For budgeting purposes, historical data is an acceptable basis.

**Note:** Reimbursement requests must be based upon documented time and effort reports. Those same time and effort reports may be used to estimate salary expenses for a future period. For example, a MCSAP officer's time and effort reports for the previous year show that he/she spent 35 percent of his/her time on approved grant activities. Consequently, it is reasonable to budget 35 percent of the officer's salary to this project. For more information on this item see [2 CFR §200.430](#).

In the salary column, enter the salary for each position.

Total Project Costs equal the Number of Staff x Percentage of Time on MCSAP grant x Salary for both Personnel and Overtime (OT).

If OT will be charged to the grant, only OT amounts for the Lead MCSAP Agency should be included in the table below. If the OT amount requested is greater than the 15 percent limitation in the MCSAP Comprehensive Policy (MCP), then justification must be provided in the CVSP for review and approval by FMCSA headquarters.

Activities conducted on OT by subrecipients under subawards from the Lead MCSAP Agency must comply with the 15 percent limitation as provided in the MCP. Any deviation from the 15 percent limitation must be approved by the Lead MCSAP Agency for the subrecipients.

### Summary of MCSAP Funding Limitations

Allowable amount for Lead MCSAP Agency Overtime without written justification (15% of MCSAP Award Amount):	\$644,198.00
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Personnel: Salary and Overtime Project Costs							
Salary Project Costs							
Position(s)	# of Staff	% of Time on MCSAP Grant	Salary	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Central Area Major	1	25.0000	\$114,653.00	\$28,663.25	\$24,363.76	\$4,299.49	\$0.00
Division Commander	1	50.0000	\$103,929.28	\$51,964.64	\$44,169.94	\$7,794.70	\$0.00
District Lieutenants	3	25.0000	\$95,309.00	\$71,481.75	\$60,759.49	\$10,722.26	\$0.00
Area Sergeants	11	25.0000	\$72,519.20	\$199,427.80	\$169,513.63	\$29,914.17	\$0.00
Hazardous Materials Coordinator	1	100.0000	\$84,302.40	\$84,302.40	\$71,657.04	\$12,645.36	\$0.00
NE/CR Sergeant	1	100.0000	\$75,504.00	\$75,504.00	\$64,178.40	\$11,325.60	\$0.00
MCSAP Staff Sergeant	1	100.0000	\$61,817.60	\$61,817.60	\$52,544.96	\$9,272.64	\$0.00
Officers FTE	4	100.0000	\$58,509.27	\$234,037.08	\$198,931.52	\$35,105.56	\$0.00
MCSAP CR Troopers	3	100.0000	\$69,060.16	\$207,180.48	\$176,103.41	\$31,077.07	\$0.00
Training Specialist	1	50.0000	\$63,960.00	\$31,980.00	\$27,183.00	\$4,797.00	\$0.00
MCSAP CVE Team	6	100.0000	\$58,509.27	\$351,055.62	\$298,397.28	\$52,658.34	\$0.00
IT Infrastructure Analyst	1	100.0000	\$46,263.36	\$46,263.36	\$39,323.86	\$6,939.50	\$0.00
IT Infrastructure Analyst Lead	1	100.0000	\$58,722.56	\$58,722.56	\$49,914.18	\$8,808.38	\$0.00
MCSAP Staff Assistant	1	100.0000	\$35,276.80	\$35,276.80	\$29,985.28	\$5,291.52	\$0.00
Accounting Clerk	1	50.0000	\$39,345.28	\$19,672.64	\$16,721.74	\$2,950.90	\$0.00
Office Supervisor	1	10.0000	\$32,664.32	\$3,266.43	\$2,776.47	\$489.96	\$0.00
Electronics Technician	1	100.0000	\$37,560.64	\$37,560.64	\$31,926.54	\$5,634.10	\$0.00
MCSAP Lieutenant	1	100.0000	\$95,309.00	\$95,309.00	\$81,012.65	\$14,296.35	\$0.00
NE/CR Lieutenant	1	100.0000	\$95,309.00	\$95,309.00	\$81,012.65	\$14,296.35	\$0.00
Administrative Assistant II	1	50.0000	\$37,606.40	\$18,803.20	\$15,982.72	\$2,820.48	\$0.00
Safety Audit Investigator	3	100.0000	\$69,060.16	\$207,180.48	\$176,103.41	\$31,077.07	\$0.00
Staff Assistant	1	100.0000	\$35,289.28	\$35,289.28	\$29,995.89	\$5,293.39	\$0.00
MCSAP Research Analyst II	1	100.0000	\$44,374.72	\$44,374.72	\$37,718.51	\$6,656.21	\$0.00
MCSAP Attorney III	1	50.0000	\$70,353.92	\$35,176.96	\$29,900.42	\$5,276.54	\$0.00
Communication Specialist	3	100.0000	\$36,027.11	\$108,081.33	\$91,869.13	\$16,212.20	\$0.00
Patrol Division Trooper	200	0.0000	\$446.32	\$0.00	\$0.00	\$0.00	\$89,264.00
<b>Subtotal: Salary</b>				<b>\$2,237,701.02</b>	<b>\$1,902,045.88</b>	<b>\$335,655.14</b>	<b>\$89,264.00</b>
Overtime Project Costs							
Hazardous Material Overtime	45	100.0000	\$2,556.40	\$115,038.00	\$97,782.30	\$17,255.70	\$0.00
Incidental Overtime	84	100.0000	\$766.92	\$64,421.28	\$54,758.09	\$9,663.19	\$0.00
Planned Overtime Project	56	99.8690	\$6,891.79	\$385,434.65	\$328,049.20	\$57,385.45	\$0.00
<b>Subtotal: Overtime</b>				<b>\$564,893.93</b>	<b>\$480,589.59</b>	<b>\$84,304.34</b>	<b>\$0.00</b>
<b>TOTAL: Personnel</b>				<b>\$2,802,594.95</b>	<b>\$2,382,635.47</b>	<b>\$419,959.48</b>	<b>\$89,264.00</b>
<b>Accounting Method:</b>	<b>Cash</b>						

**Enter a detailed explanation of how the personnel costs were derived and allocated to the MCSAP project.**

One (1) Compliance Review (CR) Lieutenant and MCSAP Lieutenant are dedicated to MCSAP Administrative activities. Duties include the application, administration and monitoring of all MCSAP related grants and activities. Appropriate percentage of time is listed on the line item budget. The MCSAP Research Analyst II, Carrier Enforcement Records Technician, Administrative Assistant II, and Electronics Technician are dedicated to MCSAP support activities. These duties include but not limited to administrative, record keeping, reporting. The Electronics Technician is assigned to handle all MCSAP units for installation and maintenance of electronic computers and similar equipment. Appropriate percentage of time is listed on the line item budget. MCSAP Attorney is 50% assigned to MCSAP activities, these activities include CR hearings, legislative issues,

FMCSR interpretations and other duties as assigned.

The MCSAP Hazardous Material Coordinator is dedicated one hundred (100) percent to MCSAP HM Activities (40 hours per week). These duties include the updating, instructing and coordination of the NSP Haz Mat program. Appropriate percentage of time is listed on the line item budget.

The MCSAP Staff Sergeant is dedicated one hundred (100) percent to MCSAP Staff duties such as DataQs, answering phone calls, serves as coordinator and supervisor of the Metropolitan Aggressive and Preventive Selectives (MAPS Team) (40 Hours per week), as listed on the line item budget.

The three (3) MCSAP CR Troopers are dedicated one hundred (100) percent to Compliance Reviews (40 hours per week each), as listed on the line item budget. The three (3) MCSAP SA Troopers are dedicated to one hundred (100) percent to Safety Audits (40 hours per week each), as listed on the line item budget.

The one (1) IT Infrastructure Analyst Lead and one (1) IT Infrastructure Analyst are dedicated one hundred (100) percent to Information Systems (40 hours per week each) Information Systems support includes all MCSAP related issues for the Carrier Enforcement Division.

The sixty (60) Carrier Enforcement Troopers work part time on MCSAP eligible enforcement activities. The total of their part time efforts equates to four (4) FTEs (8,320) working hours per year, as listed on the line item budget.

The six (6) Carrier Enforcement Troopers designated as MCSAP Commercial Vehicle Enforcement (CVE) team, work full time on MCSAP eligible enforcement activities. The total full time efforts equates to (12,480) working hours per year.

Overtime is reimbursed to employees contained in the Fair Labor Standards Act for hours worked over 40 hours in a workweek, which is incidental to the individual's 40-hour workweek occurring merely by chance or without intention.

Overtime Explanation/Justification:

**\*\*Please note the Overtime Information only allows for whole numbers so therefore below is based on allowing for fractions. In addition overtime is listed only in line item for Personnel and not included in Fringe.\*\***

NSP will continue planned overtime only if there is sufficient funding available. Supervisors will schedule and monitor overtime hours earned. Planned overtime allows NSP to conduct roadside MCSAP inspections to enhance our goal of reducing CMV crashes and fatalities. Overtime estimated in this portion of the budget is for Salaries and Benefits.

Grants (Planned Inspection OT 0256, Hazardous Material OT 1397, and Incidental OT 9308) will continue from previous eCVSP's. The table does not allow calculation to be exact. The following is the NSP MCSAP Overtime Allocation Explanation/Justifications and is an estimate only.

Overtime expenditures will fall into 3 main categories for the Nebraska State Patrol related to the MCSAP Budget.

Planned Inspection Overtime – 56 Officers x \$63.91 wage x 107.69 hours annually = \$385,434.64 (Grant 0256)

Hazardous Materials Inspections – 45 officers x \$63.91 wage x 40 hours annually = \$115,038 (Grant 1397)

Incidental Overtime - 84 officers x \$63.91 x 12 hours annually = \$64,421.28 (Grant 9308)

Total Overtime expenditure is \$564,893.93.

Planned (0256) Overtime is only available to Carrier Enforcement Troopers and Sergeants who are current on their required number of inspections. Supervisors will monitor overtime hours earned. This is a planned overtime category which will enhance our goal of reducing CMV crashes and fatalities through the regular inspection of carriers in the state. Hours are estimated based on previous participation rates in these categories.

Hazardous Materials (1397) is only available to Carrier Enforcement Troopers and Sergeants who are current on their required number of inspections. Supervisors will monitor overtime hours earned. This category enhances our goal of reducing CMV crashes and fatalities and reducing HM incidents through the regular inspection of HM carriers in the state. Hours are estimated based on previous participation rates in these categories.

Incidental Overtime (9308) is reimbursed to employees contained in the Fair Labor Standards Act for hours worked over 40 hours in a workweek, which is incidental to the individual's 40 hour workweek occurring merely by chance and without intention. The estimated hours reflect 1 hour per month per employee in the Division.







### 3 - Fringe Benefits

*Fringe costs are benefits paid to employees, including the cost of employer's share of FICA, health insurance, worker's compensation, and paid leave. Only non-Federal grantees that use the **accrual basis** of accounting may have a separate line item for leave, and is entered as the projected leave expected to be accrued by the personnel listed within Part 4.2 – Personnel. Reference [2 CFR §200.431\(b\)](#).*

*Show the fringe benefit costs associated with the staff listed in the Personnel section. Fringe costs may be estimates, or based on a fringe benefit rate approved by the applicant's Federal cognizant agency for indirect costs. If using an approved rate, a copy of the indirect cost rate agreement must be provided through grants.gov. For more information on this item see [2 CFR §200.431](#).*

*Show how the fringe benefit amount is calculated (i.e., actual fringe benefits, rate approved by HHS Statewide Cost Allocation or cognizant agency). Include a description of the specific benefits that are charged to a project and the benefit percentage or total benefit cost.*

*The cost of fringe benefits are allowable if:*

- *Costs are provided under established written policies.*
- *Costs are equitably allocated to all related activities, including Federal awards.*
- *Accounting basis (cash or accrual) selected for each type of leave is consistently followed by the non-Federal entity or specified grouping of employees.*

*Depending on the State, there are fixed employer taxes that are paid as a percentage of the salary, such as Social Security, Medicare, State Unemployment Tax, etc.*

- *For each of these standard employer taxes, under Position you may list "All Positions," the benefits would be the respective standard employer taxes, followed by the respective rate with a base being the total salaries for Personnel in Part 4.2.*
- *The base multiplied by the respective rate would give the total for each standard employer tax. Workers' Compensation is rated by risk area. It is permissible to enter this as an average, usually between sworn and unsworn—any grouping that is reasonable and clearly explained in the narrative is allowable.*
- *Health Insurance and Pensions can vary greatly and can be averaged; and like Workers' Compensation, can sometimes be broken into sworn and unsworn.*

*In the Position column include a brief position description that is associated with the fringe benefits.*

*The **Fringe Benefit Rate** is:*

- *The rate that has been approved by the State's cognizant agency for indirect costs; or a rate that has been calculated based on the aggregate rates and/or costs of the individual items that your agency classifies as fringe benefits.*
- *For example, your agency pays 7.65 percent for FICA, 42.05 percent for health/life/dental insurance, and 15.1 percent for retirement. The aggregate rate of 64.8 percent (sum of the three rates) may be applied to the salaries/wages of personnel listed in the table.*

*The **Base Amount** is:*

- *The salary/wage costs within the proposed budget to which the fringe benefit rate will be applied.*
- *For example, if the total wages for all grant-funded staff is \$150,000 and the percentage of time on the grant is 50 percent, then that is the amount the fringe rate of 64.8 (from the example above) will be applied. The calculation is: \$150,000 x 64.8 x 50% / 100 = \$48,600 Total Project Costs.*

*Total Project Costs equal the Fringe Benefit Rate x Percentage of Time on MCSAP grant x Base Amount divided by 100.*

Fringe Benefits Project Costs							
Position(s)	Fringe Benefit Rate	% of Time on MCSAP Grant	Base Amount	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Central Area Major	33.0000	100.0000	\$28,663.25	\$9,458.87	\$8,040.04	\$1,418.83	\$0.00
MCSAP Research Analyst	33.0000	100.0000	\$44,374.72	\$14,643.65	\$12,447.10	\$2,196.55	\$0.00
Division Commander	33.0000	100.0000	\$51,964.64	\$17,148.33	\$14,576.08	\$2,572.25	\$0.00
Electronics Technician	33.0000	100.0000	\$37,560.54	\$12,394.97	\$10,535.72	\$1,859.25	\$0.00
Accounting Clerk	33.0000	100.0000	\$19,672.64	\$6,491.97	\$5,518.17	\$973.80	\$0.00
Office Supervisor	33.0000	100.0000	\$3,266.43	\$1,077.92	\$916.23	\$161.69	\$0.00
MCSAP Lieutenant	33.0000	100.0000	\$95,309.00	\$31,451.97	\$26,734.17	\$4,717.80	\$0.00
NE/CR Lieutenant	33.0000	100.0000	\$95,309.00	\$31,451.97	\$26,734.17	\$4,717.80	\$0.00
Administrative Assistant II	33.0000	100.0000	\$18,803.20	\$6,205.05	\$5,274.30	\$930.75	\$0.00
Safety Audit Investigator	33.0000	100.0000	\$207,180.48	\$68,369.55	\$58,114.12	\$10,255.43	\$0.00
MCSAP Attorney	33.0000	100.0000	\$35,176.96	\$11,608.39	\$9,867.13	\$1,741.26	\$0.00
MCSAP CR Troopers	33.0000	100.0000	\$207,180.48	\$68,369.55	\$58,114.12	\$10,255.43	\$0.00
Training Specialist	33.0000	100.0000	\$31,980.00	\$10,553.40	\$8,970.39	\$1,583.01	\$0.00
MCSAP CVE Team	33.0000	100.0000	\$351,055.62	\$115,848.35	\$98,471.10	\$17,377.25	\$0.00
IT Infrastructure Analyst	33.0000	100.0000	\$46,263.36	\$15,266.90	\$12,976.87	\$2,290.03	\$0.00
IT Infrastructure Analyst Lead	33.0000	100.0000	\$58,722.56	\$19,378.44	\$16,471.67	\$2,906.77	\$0.00
MCSAP Staff Assistant II	33.0000	100.0000	\$35,276.80	\$11,641.34	\$9,895.14	\$1,746.20	\$0.00
District Lieutenants	33.0000	100.0000	\$71,481.75	\$23,588.97	\$20,050.62	\$3,538.35	\$0.00
Area Sergeants	33.0000	100.0000	\$199,427.80	\$65,811.17	\$55,939.49	\$9,871.68	\$0.00
Hazardous Materials Coordinator	33.0000	100.0000	\$84,302.40	\$27,819.79	\$23,646.82	\$4,172.97	\$0.00
NE/CR Sergeant	33.0000	100.0000	\$75,504.00	\$24,916.32	\$21,178.87	\$3,737.45	\$0.00
MCSAP Sergeant	33.0000	100.0000	\$61,817.60	\$20,399.80	\$17,339.83	\$3,059.97	\$0.00
Officers FTE	33.0000	100.0000	\$234,037.08	\$77,232.23	\$65,647.40	\$11,584.83	\$0.00
Communication Specialist	33.0000	100.0000	\$108,081.33	\$35,666.83	\$30,316.81	\$5,350.02	\$0.00
Staff Assistant	33.0000	100.0000	\$35,289.28	\$11,645.46	\$9,898.64	\$1,746.82	\$0.00
<b>TOTAL: Fringe Benefits</b>				<b>\$738,441.19</b>	<b>\$627,675.00</b>	<b>\$110,766.19</b>	<b>\$0.00</b>

***Enter a detailed explanation of how the fringe benefit costs were derived and allocated to the MCSAP project.***

The Nebraska State Patrol is collecting fringe benefit reimbursements at actual costs for the individuals who are paid for from the MCSAP grant. Fringe benefits are a summation of the actual fringe benefits per employee, which includes mandatory retirement, health insurance, state provided life insurance, and unemployment. Approximately thirty three (33) percent of the personnel costs are for fringe benefits. The State of Nebraska Department of Administrative Services utilizes the Labor and Distribution System where the system separates electronically the individual employee by percentage of how many hours worked in a labor unit, such as MCSAP, New Entrant etc. The Labor and Distribution Report, then calculates the percentage time to each benefit for each individual grant. If the employee works two different grants then the appropriate percentage is calculated to each grant. For an example if an employee works 70 hours (87.5%) in a 2-week time frame for MCSAP, and worked 10 hours (12.5%) for High Priority for a total of 80 hours. Then 87.5% of the 33% Fringe Benefit would be collected out of the MCSAP and 12.5% of the 33% Fringe Benefit would be collected out of the High Priority Grant. This is only an example since Nebraska did not receive a High Priority Grant this year.

When an employee codes their time to the grant, NSP establishes the actual hours worked to the grant, so the individual's salary would be paid correctly. Retirement is broken out by 16%, Medicare is broken out 1.456%, and if they have Social Security, 6.0% on the dollar amount is coded to the grant. Depending on the employee's health, Dental, Life and LTD the same percentage is used for salary to determine the benefit percentage. Sometimes we are over or under the percentage.

This is why we use 33% for budget purposes.

Fringe for Overtime has been included in the Personnel salary information.

**4 - Travel**

*Itemize the positions/functions of the people who will travel. Show the estimated cost of items including but not limited to, lodging, meals, transportation, registration, etc. Explain in detail how the MCSAP program will directly benefit from the travel.*

*Travel costs are funds for field work or for travel to professional meetings.*

*List the purpose, number of persons traveling, number of days, percentage of time on MCSAP Grant, and total project costs for each trip. If details of each trip are not known at the time of application submission, provide the basis for estimating the amount requested. For more information on this item see [2 CFR §200.474](#).*

*Total Project Costs should be determined by State users, and manually input in the table below. There is no system calculation for this budget category.*

Travel Project Costs							
Purpose	# of Staff	# of Days	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
NAS Part A Training	20	5	100.0000	\$4,700.00	\$3,995.00	\$705.00	\$0.00
NAS Part B Training	5	5	100.0000	\$2,000.00	\$1,700.00	\$300.00	\$0.00
CVSA Fall Conference	4	5	100.0000	\$12,000.00	\$10,200.00	\$1,800.00	\$0.00
Passenger Carrier Safety Training	2	5	100.0000	\$4,000.00	\$3,400.00	\$600.00	\$0.00
FMCSA Conference	4	5	100.0000	\$7,000.00	\$5,950.00	\$1,050.00	\$0.00
MCSAP Preplanning Conference	5	5	100.0000	\$10,000.00	\$8,500.00	\$1,500.00	\$0.00
MCSAP Inservice	23	2	100.0000	\$4,500.00	\$3,825.00	\$675.00	\$0.00
NAIC	2	6	100.0000	\$5,200.00	\$4,420.00	\$780.00	\$0.00
CVSA COHMED Conference	3	6	100.0000	\$9,000.00	\$7,650.00	\$1,350.00	\$0.00
CVSA Spring Conference	6	6	100.0000	\$18,000.00	\$15,300.00	\$2,700.00	\$0.00
Routine Travel	38	15	100.0000	\$67,000.00	\$56,950.00	\$10,050.00	\$0.00
IT Systems Training	4	5	100.0000	\$8,000.00	\$6,800.00	\$1,200.00	\$0.00
Haz Mat Training (Basic, Bulk/NonBulk, OBP	23	15	100.0000	\$15,000.00	\$12,750.00	\$2,250.00	\$0.00
<b>TOTAL: Travel</b>				<b>\$166,400.00</b>	<b>\$141,440.00</b>	<b>\$24,960.00</b>	<b>\$0.00</b>

**Enter a detailed explanation of how the travel costs were derived and allocated to the MCSAP project.**

*State of Nebraska Travel Policy states:*

State Wide Overnight Travel - Pursuant to §81-1174, employees traveling on State business shall claim only actual amounts paid for food/meals. Employees should not submit claims based on any per diem amount. (The Federal maximum per diem rates are only a guideline and should NOT be claimed). When requesting or approving food/meal costs, compare the average cost per day for the entire trip with the appropriate daily GSA rate. Exceeding the GSA daily rate by a small amount fits the State definition of reasonableness. Reasonableness in very limited cases may exceed such rates by larger amounts; however, the reasons must be fully documented. No reimbursement may be made for alcoholic beverages. (GSA meal guidelines)

Agencies are responsible to see that all submitted claims for food/meals are adequately substantiated. Unsubstantiated food/meals should not be reimbursed. Receipts are required unless the cost of the food/meal is under \$5.00. Per diem type claims should always be questioned.

*Maximum to be claimed per GSA guidelines are:*

Per Diem meals / field work: \$51/day- Omaha only \$64

Per Diem lodging / field work: \$93/day-Omaha only \$109

Per Diem meals / Out of State conference: \$50/day

Per Diem lodging / conference: \$200/day

These expenses are inclusive of Airfare (if needed), Per Diem, and Lodging. Program travel encompasses costs associated with MCSAP Selective Enforcement activities, Public Relations, Public Education, Special Projects, Compliance Review Program, Monitoring of Inspections, North American Inspector Championships, MCSAP, CVSA Conferences and meetings, Information Systems, Hazardous Materials meetings, COHMED, IT workshop, HM Basic Training, HM Cargo Tank Training, North American Standard Part A Training, North American Standard Part B training, MCSAP In-Service and FMCSA's Phase III Training. The number of personnel listed on the line-item budget varies, which is reasonable and necessary based on the type of program travel attending the appropriate activities as listed on the line-item budget. We will follow the GSA maximum per Diem rates when possible.

**Travel:**

**Routine travel for Selective Enforcement / Public Relations / Special Projects/Monitoring of Inspections:**

Costs represent necessary travel funds for Carrier Enforcement personnel to provide adequate coverage within the state.

Travel is necessary to perform Compliance Reviews, Patrols, Selective Operations--including high crash corridors, MCSAP Programs, and other industry meetings within the state. These expenses are inclusive of per Diem and lodging. The number of personnel listed on the line item budget varies, depending on the activity; which is reasonable and necessary based on the typed of program travel. *NSP utilizes the GSA maximum per Diem rates when possible:*

**FMCSA Pre-planning Conference:**

Costs represent necessary travel for NSP Personnel attend the FMCSA Pre-planning conference. The MCSAP Lieutenant and four of his representatives will attend this conference.

**CVSA Spring Conference:**

Costs represent necessary travel for NSP personnel to attend the Commercial Vehicle Safety Alliance(CVSA) spring conference. The MCSAP Lieutenant, MCSAP Hazardous Material Coordinator, MCSAP Sergeant, Commander and two of his representative(s) will attend these conferences. Please note the added personnel is in anticipation of succession planning.

**CVSA Fall Conference:**

Costs represent necessary travel for NSP Personnel to attend the Commercial Vehicle Safety Alliance(CVSA) fall conference. The MCSAP Lieutenant, MCSAP Hazardous Material Coordinator, MCSAP Sergeant and Commander or designee will attend this conference, scheduled to be in Biloxi, MS.

**CVSA COHMED Conference:**

Costs represents necessary travel for Carrier Enforcement personnel to attend the Commercial Vehicle Safety Alliance (CVSA) Cooperative Hazardous Materials Enforcement and Development (COHMED) Conference. COHMED is an outreach activity to foster coordination, corporations, and communication between federal, state, and local jurisdictions having regulatory and enforcement responsibilities for safety transportation of hazardous materials and the industry that they regulate. The MCSAP Hazardous Material Coordinator and two officers will attend this conference. The expenses are inclusive of airfare, per Diem meals, lodging, and miscellaneous costs (tips, ground travel, luggage fees, etc.)

**North American Inspector Championships:**

Costs represent necessary travel for Carrier Enforcement personnel to attend the CVSA North American Inspection Championships. The competition recognizes the roadside inspector for demonstrated excellence in the competition. One officer will be selected to attend the Championships based on state a competition that consists of a written test, hazardous material table top inspection. Cargo Tank Inspections, Motor Coach Inspections, and a Level I inspections. Various training modules are also included in the Championship. The state also sends 1 CE personnel to the Championship to assist in judging this competition. The expenses are inclusive of airfare, per Diem, and lodging. No registration fee is required.

**Travel for Training:**

**Certification Training Basic Hazmat, Cargo Tank, and other Bulk Package Training:**

Costs represent the necessary travel for Carrier Enforcement Troopers to attend the Hazardous Material Basic Training. Hazardous Material Cargo Tank Training, and the other Bulk Packaging Training. The number of staff to attend the training is based on retirement, transfers, and resignation from the CE Division. No registration fees are required for these courses, however a provision has been made for 1 Sergeant to attend training, out of cycle and out of state, due to promotion.

**Certification Part A North American Standard Training:**

Costs represent necessary travel for NSP Trooper (recruits) to attend the North American Standard Part A Inspection Course. All new recruits are required to attend the Part A Course. The number of staff to attend the training is based on retirement, transfers, and resignation of all NSP Troopers. The average number of recruits on an annual basis is 20. This training is held at the Nebraska Law enforcement Training Academy and all recruits are required to stay at the academy. Meals and lodging are very reasonable.

**Certification Part B North American Standard Training:**

Costs represent necessary travel for NSP Trooper (recruits) to attend the North American Standard Part B Inspection Course. All new recruits assigned to the Carrier Enforcement Division are required to attend the Part B Course. The number of staff to attend the training is based on retirement, transfers, and resignation within the Carrier Division. The average number of recruits for Part B on an annual basis is 5. This training is held at the Nebraska Law Enforcement Training Academy and all recruits are required to stay at the academy. Meals and lodging are below per diem rates.

**Information Technology Devopment Training:**

Cost represents registration fees for MCSAP Lieutenant and up to 3 designee(s) part of the MCSAP plan identified personnel. This training has been historically required to maintain updated information on IT operating systems to allow our Information System Analysts to keep abreast of information

systems in relationship to FMCSA's operating Information Systems. Most recently, the FMCSA has included ITD training with the FMCSA pre planning conference but discussion was to hold separately. The training will not be utilized if it is in conjunction with other training but is noted in the event ITD holds their own conference.

**FMCSA Conference:**

It is expected that FMCSA will be holding an annual national MCSAP conference but its location and related costs cannot be determined at this time. We are budgeting based on historical average cost inclusive of anticipated air fare costs.

**Level VI Refresher and Certification Training:**

The CVSA Level VI Re-Fresher Training is required by the Level VI program for our Level VI Inspectors. NSP will conduct this training for 7 Troopers certified to conduct Level VI inspectors. Please note NSP has 2 Troopers certified to Train the Trainer in the Level VI program (for a total of 9).

**MCSAP in-service:**

MCSAP in-service is conducted annually for all uniformed CE Troopers. The annual in-service training provides updates on FMCSA Regulations and Out-Of-Service Criteria. Training is one day and all officers are required to attend. However, since it is only 1 day training only a few officers (estimated at 20) will require meals and lodging due to travel distance.

**Passenger Vehicle Inspector Training:**

Costs represent travel and training costs associated with 2 NSP officers attend a Passenger Carrier Safety Training. Passenger carrier CMV safety and enforcement continues to be a major CMV safety focus and the Nebraska State Patrol will identify 2 officers to receive initial training and certification for Passenger Vehicle Inspections.

**5 - Equipment**

Equipment is tangible or intangible personal property. It includes information technology systems having a useful life of more than one year, and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity (i.e., the State) for financial statement purposes, or \$5,000.

- If your State's equipment capitalization threshold is below \$5,000, check the box below and provide the threshold amount. See [§200.12](#) Capital assets, [§200.20](#) Computing devices, [§200.48](#) General purpose equipment, [§200.58](#) Information technology systems, [§200.89](#) Special purpose equipment, and [§200.94](#) Supplies.

Show the total cost of equipment and the percentage of time dedicated for MCSAP related activities that the equipment will be billed to MCSAP. For example, you intend to purchase a server for \$5,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$1,000. If the equipment you are purchasing will be capitalized (depreciated), you may only show the depreciable amount, and not the total cost ([2 CFR §200.436](#) and [2 CFR §200.439](#)). If vehicles or large IT purchases are listed here, the applicant must disclose their agency's capitalization policy.

Provide a description of the equipment requested. Include the quantity, the full cost of each item, and the percentage of time this item will be dedicated to MCSAP grant.

Total Project Costs equal the Number of Items x Full Cost per Item x Percentage of Time on MCSAP grant.

Equipment Project Costs							
Item Name	# of Items	Full Cost per Item	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
Ford F150 Crew Cab	1	\$30,430.00	50	\$15,215.00	\$12,932.75	\$2,282.25	\$0.00
Chevy Tahoe	1	\$36,441.00	50	\$18,220.50	\$15,487.43	\$2,733.07	\$0.00
Ford F150 Crew Cab	2	\$30,430.00	100	\$60,860.00	\$51,731.00	\$9,129.00	\$0.00
Ford F150 Equipment Package	1	\$4,570.00	50	\$2,285.00	\$1,942.25	\$342.75	\$0.00
Tahoe Equipment Package	1	\$3,521.00	50	\$1,760.50	\$1,496.43	\$264.07	\$0.00
Ford F150 Equipment Package	2	\$4,570.00	100	\$9,140.00	\$7,769.00	\$1,371.00	\$0.00
Cygnus 4 Thickness tester and test blocks	8	\$2,585.00	100	\$20,680.00	\$17,578.00	\$3,102.00	\$0.00
<b>TOTAL: Equipment</b>				<b>\$128,161.00</b>	<b>\$108,936.86</b>	<b>\$19,224.14</b>	<b>\$0.00</b>
<b>Equipment threshold is greater than \$5,000.</b>							

**Enter a detailed explanation of how the equipment costs were derived and allocated to the MCSAP project.**

Four Marked Patrol Ford Pickups are budgeted replacements for patrol units currently in service that are expected to come to the conclusion of their useful life based on mileage, age, and maintenance concerns. Patrol units are purchased under a State bid that is updated every year to assure the lowest cost for the features required. These units are 4 wheel drive vehicles which are designed for police service and suited for the wide variety of weather and seasons in Nebraska. Each unit requires a Portable Scale Equipment Package, as outlined below, to be fully complemented for Patrol use.

Two vehicles (Ford F150 Crew Cab) will be issued to Troopers (tentatively Strode and N. Jones) who are assigned to CVE which is 100% MCSAP funded.

One vehicle a Chevy Tahoe will be issued to Trooper (tentatively Lewis) who is assigned to 50% MCSAP funded.

One vehicle a Ford F150 Crew Cab will be issued to Trooper (tentatively McGee) who is assigned to 50% MCSAP funded.

Equipment package for Portable units includes lights, console, push bumper, antennas, decals and Pickup topper unit to completely outfit a new pickup for use as a marked patrol unit.

The Cygnus 4 Thickness Tester is expected to have a useful life beyond 1 year and are specialized test instruments for cargo tank



inspections by qualified HM inspectors. These units will be issued to permanent scale locations and to strategically located officers in the state.

**6 - Supplies**

*Supplies means all tangible property other than that described in [§200.33](#) Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. See also [§200.20](#) Computing devices and [§200.33](#) Equipment.*

*Estimates for supply costs may be based on the same allocation as personnel. For example, if 35 percent of officers' salaries are allocated to this project, you may allocate 35 percent of your total supply costs to this project. A different allocation basis is acceptable, so long as it is reasonable, repeatable and logical, and a description is provided in the narrative.*

*Provide a description of each unit/item requested, including the quantity of each unit/item, the unit of measurement for the unit/item, the cost of each unit/item, and the percentage of time on MCSAP grant.*

*Total Project Costs equal the Number of Units x Cost per Unit x Percentage of Time on MCSAP grant.*

Supplies Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
MCSAP Inspection Equipment	1 Each	\$22,500.00	100.0000	\$22,500.00	\$19,125.00	\$3,375.00	\$0.00
Uniforms and Protective Equipment	1 Each	\$75,000.00	100.0000	\$75,000.00	\$63,750.00	\$11,250.00	\$0.00
IT Equipment and supplies	1 Each	\$73,100.00	100.0000	\$73,100.00	\$62,135.00	\$10,965.00	\$0.00
Regulation books and supplies	1 Each	\$8,753.31	100.0000	\$8,753.31	\$7,440.31	\$1,313.00	\$0.00
DPG-2 Digital Pit Gauge	8 Each	\$200.00	100.0000	\$1,600.00	\$1,360.00	\$240.00	\$0.00
<b>TOTAL: Supplies</b>				<b>\$180,953.31</b>	<b>\$153,810.31</b>	<b>\$27,143.00</b>	<b>\$0.00</b>

***Enter a detailed explanation of how the supply costs were derived and allocated to the MCSAP project.***

MCSAP Inspection equipment includes items like creepers, chock blocks, flashlights, brake measurement tools and other associated items identified with performing MCSAP eligible inspections and functions. The budget is inclusive of new items needed for planned attrition of existing gear.

Uniforms and Protective equipment are MCSAP vest carriers, BDU uniforms, belts, and associated equipment. Of note, this amount does include an amount sufficient to cover anticipated replacement of the current holster and magazine system due to a weapon upgrade that is expected at some point during this fiscal cycle.

IT Equipment is inclusive of computers, printers, toner cartridges and service required to keep currently deployed systems functional or provide for replacement of unrepairable failed units. In part, Scanners for scales on State Network (replacing existing and future desktops (\$700 x 7 locations for \$4900), Desktops for Scale sites located on Highway 136 and Scale site on Highway 30 (\$800 x 2 locations for \$1600). New computers for MCSAP Research Analyst II and for MCSAP Staff Assistant (\$1100 x 2 for \$2200). New Network printers for scale sites (\$750 x 10 sites for \$7500).

Regulation book and supplies expenses are for annual replacement of FMCSR and Hazardous Materials regulation books for all NAS-certified personnel and any associated supplies needed for the FMCSR and Hazardous Material regulation books.

DPG-2 Digital Pit Gauge, are expected to have a useful life beyond 1 year and are specialized test instruments for cargo tank inspections by qualified HM inspectors. These units will be issued to permanent scale locations and to strategically located Troopers within the state.

All purchases identified in supplies will be vetted against the MCSAP Comprehensive Plan to assure items are

approved per spending guidelines.

## 7 - Contractual and Subaward

This section includes contractual costs and subawards to subrecipients. Use the table below to capture the information needed for both contractual agreements and subawards. The definitions of these terms are provided so the instrument type can be entered into the table below.

**Contractual** – A contract is a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award ([2 CFR §200.22](#)). All contracts issued under a Federal award must comply with the standards described in [2 CFR §200 Procurement Standards](#).

**Note:** Contracts are separate and distinct from subawards; see [2 CFR §200.330](#) for details.

**Subaward** – A subaward is an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract ([2 CFR §200.92](#) and [2 CFR §200.330](#)).

**Subrecipient** - Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program, but does not include an individual who is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency ([2 CFR §200.93](#)).

Enter the legal name of the vendor or subrecipient if known. If unknown at this time, please indicate 'unknown' in the legal name field. Include a description of services for each contract or subaward listed in the table. Entering a statement such as "contractual services" with no description will not be considered meeting the requirement for completing this section.

Enter the DUNS or EIN number of each entity. There is a drop-down option to choose either DUNS or EIN, and then the State must enter the corresponding identification number.

Select the Instrument Type by choosing either Contract or Subaward for each entity.

Total Project Costs should be determined by State users and input in the table below. The tool does not automatically calculate the total project costs for this budget category.

**Operations and Maintenance**-If the State plans to include O&M costs that meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below.

Please describe the activities these costs will be using to support (i.e., ITD, PRISM, SSDQ or other services.)

Contractual and Subaward Project Costs							
Legal Name	DUNS/EIN Number	Instrument Type	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
<b>TOTAL: Contractual and Subaward</b>				<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Enter a detailed explanation of how the contractual and subaward costs were derived and allocated to the MCSAP project.

## 8 - Other Costs

*Other Costs are those not classified elsewhere and are allocable to the Federal award. These costs must be specifically itemized and described. The total costs and allocation bases must be explained in the narrative. Examples of Other Costs may include utilities and/or leased equipment, employee training tuition, meeting registration costs, etc. The quantity, unit of measurement (e.g., monthly, annually, each, etc.), unit cost, and percentage of time on MCSAP grant must be included.*

**Operations and Maintenance**—If the State plans to include O&M costs that do not meet the definition of a contractual or subaward cost, details must be provided in the table and narrative below. Please identify these costs as ITD O&M, PRISM O&M, or SSDQ O&M. Sufficient detail must be provided in the narrative that explains what components of the specific program are being addressed by the O&M costs.

*Enter a description of each requested Other Cost.*

*Enter the number of items/units, the unit of measurement, the cost per unit/item, and the percentage of time dedicated to the MCSAP grant for each Other Cost listed. Show the cost of the Other Costs and the portion of the total cost that will be billed to MCSAP. For example, you intend to purchase air cards for \$2,000 to be shared equally among five programs, including MCSAP. The MCSAP portion of the total cost is \$400.*

*Total Project Costs equal the Number of Units x Cost per Item x Percentage of Time on MCSAP grant.*

### Indirect Costs

*Information on Indirect Costs ([2 CFR §200.56](#)) is captured in this section. This cost is allowable only when an approved indirect cost rate agreement has been provided. Applicants may charge up to the total amount of the approved indirect cost rate multiplied by the eligible cost base. Applicants with a cost basis of salaries/wages and fringe benefits may only apply the indirect rate to those expenses. Applicants with an expense base of modified total direct costs (MTDC) may only apply the rate to those costs that are included in the MTDC base ([2 CFR §200.68](#)).*

- **Cost Basis** — is the accumulated direct costs (normally either total direct salaries and wages or total direct costs exclusive of any extraordinary or distorting expenditures) used to distribute indirect costs to individual Federal awards. The direct cost base selected should result in each Federal award bearing a fair share of the indirect costs in reasonable relation to the benefits received from the costs.
- **Approved Rate** — is the rate in the approved Indirect Cost Rate Agreement.
- **Eligible Indirect Expenses** — means after direct costs have been determined and assigned directly to Federal awards and other activities as appropriate. Indirect costs are those remaining to be allocated to benefitted cost objectives. A cost may not be allocated to a Federal award as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned to a Federal award as a direct cost.
- **Total Indirect Costs** equal Approved Rate x Eligible Indirect Expenses divided by 100.

**Your State will not claim reimbursement for Indirect Costs.**

Other Costs Project Costs							
Item Name	# of Units/ Unit of Measurement	Cost per Unit	% of Time on MCSAP Grant	Total Project Costs (Federal + State)	Federal Share	State Share	MOE
MCSAP Fuel 100%	19 Unit	\$6,000.00	100.0000	\$114,000.00	\$96,900.00	\$17,100.00	\$0.00
MCSAP Fuel 50%	10 Unit	\$6,000.00	50.0000	\$30,000.00	\$25,500.00	\$4,500.00	\$0.00
Unit Maintenance MCSAP 100%	19 Unit	\$2,500.00	100.0000	\$47,500.00	\$40,375.00	\$7,125.00	\$0.00
Unit Maintenance MCSAP 50%	10 Unit	\$2,500.00	50.0000	\$12,500.00	\$10,625.00	\$1,875.00	\$0.00
Office Space/Utilities	1 annual	\$31,000.00	100.0000	\$31,000.00	\$26,350.00	\$4,650.00	\$0.00
Cell Phone Lines	23 annual	\$567.00	100.0000	\$13,041.00	\$11,084.85	\$1,956.15	\$0.00
MCSAP Telephone Charges (landline)	15 annual	\$634.00	100.0000	\$9,510.00	\$8,083.50	\$1,426.50	\$0.00
Towing expense Drug Interdiction	1 varies	\$2,000.00	100.0000	\$2,000.00	\$1,700.00	\$300.00	\$0.00
CVSA Decals	3625 decal	\$0.28	100.0000	\$1,015.00	\$862.75	\$152.25	\$0.00
CVSA Annual Membership	1 membersip	\$12,900.00	100.0000	\$12,900.00	\$10,965.00	\$1,935.00	\$0.00
HELP Inc Dues	1 annual	\$7,500.00	100.0000	\$7,500.00	\$6,375.00	\$1,125.00	\$0.00
<b>TOTAL: Other Costs</b>				<b>\$280,966.00</b>	<b>\$238,821.10</b>	<b>\$42,144.90</b>	<b>\$0.00</b>

***Enter a detailed explanation of how the 'other' costs were derived and allocated to the MCSAP project.***

MCSAP Fuel 100%-Cost represent necessary fuel costs associated with 19-100% MCSAP units. Fuel costs represent a 20% cost increase over last year, calculated at the current average fuel price as reported by the Nebraska Energy Office on July 24, 2018

MCSAP Fuel 50%-Cost represent necessary fuel costs associated with 10-50% MCSAP units.

Unit Maintenance MCSAP 100%-Cost represent necessary maintenance costs associated with 19-100% MCSAP units.

Unit Maintenance MCSAP 50%-Cost represent necessary maintenance costs associated with 10-50% MCSAP units.

Nebraska State Patrol mandates vehicles be driven to 150,000 miles. Maintenance costs have been modified higher to account for this recent change in operation.

**\*\*Please note fuel is purchased as needed through a Voyager Credit Card. Maintenance costs are purchased through Voyager or invoice.**

Office Space/ Utilities MCSAP-Cost represent office space for MCSAP personnel which includes rent, gas, electric, garbage cost, water, recycling and ect.. The building rent is derived from one journal entry invoice from the Airport Authority. This invoice combines Carrier Enforcement, MCSAP, Supply and Vehicle Installation Building. The rent is then divided into percentages according to square footage of these units.

MCSAP Cell phone lines/MCSAP telephone lines-Cost represent cell phone and office telephone lines used for MCSAP personnel.

Towing Expense Drug Interdiction-Cost represent towing expenses related from drug interdiction investigations on a case by case basis.

CVSA Decals/CVSA Annual Membership-Cost represent expenses for CVSA Decals and CVSA Annual Membership Dues. Note CVSA membership dues are expected to increase and this amount is subject to change.

HELP Inc. Dues-Cost represent expenses related to HELP Inc Dues. The FAST Act, beginning in FY2017 provides flexibility for Nebraska to utilize a portion of our MCSAP funding towards operation and maintenance costs. Operations and maintenance is defined as the combination of all technical and administrative actions intended to enable a CMV information system, communication network and or hardware and software application to perform its required functions and address necessary adaptation to changes in external conditions. This fee is for one representative from the Nebraska State Patrol.

**9 - Comprehensive Spending Plan**

The Comprehensive Spending Plan is auto-populated from all line items in the tables and is in read-only format. Changes to the Comprehensive Spending Plan will only be reflected by updating the individual budget category table(s).

<b>ESTIMATED Fiscal Year Funding Amounts for MCSAP</b>			
	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$3,653,319.00	\$644,198.00	\$4,297,517.00

<b>Summary of MCSAP Funding Limitations</b>	
Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$644,198.00
MOE Baseline:	\$24,416.75

<b>Estimated Expenditures</b>				
<b>Personnel</b>				
	Federal Share	State Share	Total Project Costs (Federal + Share)	MOE
Central Area Major	\$24,363.76	\$4,299.49	\$28,663.25	\$0.00
Division Commander	\$44,169.94	\$7,794.70	\$51,964.64	\$0.00
District Lieutenants	\$60,759.49	\$10,722.26	\$71,481.75	\$0.00
Area Sergeants	\$169,513.63	\$29,914.17	\$199,427.80	\$0.00
Hazardous Materials Coordinator	\$71,657.04	\$12,645.36	\$84,302.40	\$0.00
NE/CR Sergeant	\$64,178.40	\$11,325.60	\$75,504.00	\$0.00
MCSAP Staff Sergeant	\$52,544.96	\$9,272.64	\$61,817.60	\$0.00
Officers FTE	\$198,931.52	\$35,105.56	\$234,037.08	\$0.00
MCSAP CR Troopers	\$176,103.41	\$31,077.07	\$207,180.48	\$0.00
Training Specialist	\$27,183.00	\$4,797.00	\$31,980.00	\$0.00
MCSAP CVE Team	\$298,397.28	\$52,658.34	\$351,055.62	\$0.00
IT Infrastructure Analyst	\$39,323.86	\$6,939.50	\$46,263.36	\$0.00
IT Infrastructure Analyst Lead	\$49,914.18	\$8,808.38	\$58,722.56	\$0.00
MCSAP Staff Assistant	\$29,985.28	\$5,291.52	\$35,276.80	\$0.00
Accounting Clerk	\$16,721.74	\$2,950.90	\$19,672.64	\$0.00
Office Supervisor	\$2,776.47	\$489.96	\$3,266.43	\$0.00
Electronics Technician	\$31,926.54	\$5,634.10	\$37,560.64	\$0.00
MCSAP Lieutenant	\$81,012.65	\$14,296.35	\$95,309.00	\$0.00
NE/CR Lieutenant	\$81,012.65	\$14,296.35	\$95,309.00	\$0.00
Administrative Assistant II	\$15,982.72	\$2,820.48	\$18,803.20	\$0.00
Safety Audit Investigator	\$176,103.41	\$31,077.07	\$207,180.48	\$0.00
Staff Assistant	\$29,995.89	\$5,293.39	\$35,289.28	\$0.00
MCSAP Research Analyst II	\$37,718.51	\$6,656.21	\$44,374.72	\$0.00
MCSAP Attorney III	\$29,900.42	\$5,276.54	\$35,176.96	\$0.00
Communication Specialist	\$91,869.13	\$16,212.20	\$108,081.33	\$0.00
Patrol Division Trooper	\$0.00	\$0.00	\$0.00	\$89,264.00
<b>Salary Subtotal</b>	<b>\$1,902,045.88</b>	<b>\$335,655.14</b>	<b>\$2,237,701.02</b>	<b>\$89,264.00</b>



Hazardous Material Overtime	\$97,782.30	\$17,255.70	\$115,038.00	\$0.00
Incidental Overtime	\$54,758.09	\$9,663.19	\$64,421.28	\$0.00
Planned Overtime Project	\$328,049.20	\$57,385.45	\$385,434.65	\$0.00
<b>Overtime subtotal</b>	<b>\$480,589.59</b>	<b>\$84,304.34</b>	<b>\$564,893.93</b>	<b>\$0.00</b>
<b>Personnel total</b>	<b>\$2,382,635.47</b>	<b>\$419,959.48</b>	<b>\$2,802,594.95</b>	<b>\$89,264.00</b>

Fringe Benefits				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Central Area Major	\$8,040.04	\$1,418.83	\$9,458.87	\$0.00
MCSAP Research Analyst	\$12,447.10	\$2,196.55	\$14,643.65	\$0.00
Division Commander	\$14,576.08	\$2,572.25	\$17,148.33	\$0.00
Electronics Technician	\$10,535.72	\$1,859.25	\$12,394.97	\$0.00
Accounting Clerk	\$5,518.17	\$973.80	\$6,491.97	\$0.00
Office Supervisor	\$916.23	\$161.69	\$1,077.92	\$0.00
MCSAP Lieutenant	\$26,734.17	\$4,717.80	\$31,451.97	\$0.00
NE/CR Lieutenant	\$26,734.17	\$4,717.80	\$31,451.97	\$0.00
Administrative Assistant II	\$5,274.30	\$930.75	\$6,205.05	\$0.00
Safety Audit Investigator	\$58,114.12	\$10,255.43	\$68,369.55	\$0.00
MCSAP Attorney	\$9,867.13	\$1,741.26	\$11,608.39	\$0.00
MCSAP CR Troopers	\$58,114.12	\$10,255.43	\$68,369.55	\$0.00
Training Specialist	\$8,970.39	\$1,583.01	\$10,553.40	\$0.00
MCSAP CVE Team	\$98,471.10	\$17,377.25	\$115,848.35	\$0.00
IT Infrastructure Analyst	\$12,976.87	\$2,290.03	\$15,266.90	\$0.00
IT Infrastructure Analyst Lead	\$16,471.67	\$2,906.77	\$19,378.44	\$0.00
MCSAP Staff Assistant II	\$9,895.14	\$1,746.20	\$11,641.34	\$0.00
District Lieutenants	\$20,050.62	\$3,538.35	\$23,588.97	\$0.00
Area Sergeants	\$55,939.49	\$9,871.68	\$65,811.17	\$0.00
Hazardous Materials Coordinator	\$23,646.82	\$4,172.97	\$27,819.79	\$0.00
NE/CR Sergeant	\$21,178.87	\$3,737.45	\$24,916.32	\$0.00
MCSAP Sergeant	\$17,339.83	\$3,059.97	\$20,399.80	\$0.00
Officers FTE	\$65,647.40	\$11,584.83	\$77,232.23	\$0.00
Communication Specialist	\$30,316.81	\$5,350.02	\$35,666.83	\$0.00
Staff Assistant	\$9,898.64	\$1,746.82	\$11,645.46	\$0.00
<b>Fringe Benefits total</b>	<b>\$627,675.00</b>	<b>\$110,766.19</b>	<b>\$738,441.19</b>	<b>\$0.00</b>

Travel				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
NAS Part A Training	\$3,995.00	\$705.00	\$4,700.00	\$0.00
NAS Part B Training	\$1,700.00	\$300.00	\$2,000.00	\$0.00
CVSA Fall Conference	\$10,200.00	\$1,800.00	\$12,000.00	\$0.00
Passenger Carrier Safety Training	\$3,400.00	\$600.00	\$4,000.00	\$0.00
FMCSA Conference	\$5,950.00	\$1,050.00	\$7,000.00	\$0.00
MCSAP Preplanning Conference	\$8,500.00	\$1,500.00	\$10,000.00	\$0.00
MCSAP Inservice	\$3,825.00	\$675.00	\$4,500.00	\$0.00
NAIC	\$4,420.00	\$780.00	\$5,200.00	\$0.00
CVSA COHMED Conference	\$7,650.00	\$1,350.00	\$9,000.00	\$0.00
CVSA Spring Conference	\$15,300.00	\$2,700.00	\$18,000.00	\$0.00
Routine Travel	\$56,950.00	\$10,050.00	\$67,000.00	\$0.00
IT Systems Training	\$6,800.00	\$1,200.00	\$8,000.00	\$0.00
Haz Mat Training (Basic, Bulk/NonBulk, OBP)	\$12,750.00	\$2,250.00	\$15,000.00	\$0.00
<b>Travel total</b>	<b>\$141,440.00</b>	<b>\$24,960.00</b>	<b>\$166,400.00</b>	<b>\$0.00</b>

Equipment				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
Ford F150 Crew Cab	\$12,932.75	\$2,282.25	\$15,215.00	\$0.00
Chevy Tahoe	\$15,487.43	\$2,733.07	\$18,220.50	\$0.00
Ford F150 Crew Cab	\$51,731.00	\$9,129.00	\$60,860.00	\$0.00
Ford F150 Equipment Package	\$1,942.25	\$342.75	\$2,285.00	\$0.00
Tahoe Equipment Package	\$1,496.43	\$264.07	\$1,760.50	\$0.00
Ford F150 Equipment Package	\$7,769.00	\$1,371.00	\$9,140.00	\$0.00
Cygnus 4 Thickness tester and test blocks	\$17,578.00	\$3,102.00	\$20,680.00	\$0.00
<b>Equipment total</b>	<b>\$108,936.86</b>	<b>\$19,224.14</b>	<b>\$128,161.00</b>	<b>\$0.00</b>

Supplies				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
MCSAP Inspection Equipment	\$19,125.00	\$3,375.00	\$22,500.00	\$0.00
Uniforms and Protective Equipment	\$63,750.00	\$11,250.00	\$75,000.00	\$0.00
IT Equipment and supplies	\$62,135.00	\$10,965.00	\$73,100.00	\$0.00
Regulation books and supplies	\$7,440.31	\$1,313.00	\$8,753.31	\$0.00
DPG-2 Digital Pit Gauge	\$1,360.00	\$240.00	\$1,600.00	\$0.00
<b>Supplies total</b>	<b>\$153,810.31</b>	<b>\$27,143.00</b>	<b>\$180,953.31</b>	<b>\$0.00</b>

Contractual and Subaward				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
<b>Contractual and Subaward total</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

Other Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
MCSAP Fuel 100%	\$96,900.00	\$17,100.00	\$114,000.00	\$0.00
MCSAP Fuel 50%	\$25,500.00	\$4,500.00	\$30,000.00	\$0.00
Unit Maintenance MCSAP 100%	\$40,375.00	\$7,125.00	\$47,500.00	\$0.00
Unit Maintenance MCSAP 50%	\$10,625.00	\$1,875.00	\$12,500.00	\$0.00
Office Space/Utilities	\$26,350.00	\$4,650.00	\$31,000.00	\$0.00
Cell Phone Lines	\$11,084.85	\$1,956.15	\$13,041.00	\$0.00
MCSAP Telephone Charges (landline)	\$8,083.50	\$1,426.50	\$9,510.00	\$0.00
Towing expense Drug Interdiction	\$1,700.00	\$300.00	\$2,000.00	\$0.00
CVSA Decals	\$862.75	\$152.25	\$1,015.00	\$0.00
CVSA Annual Membership	\$10,965.00	\$1,935.00	\$12,900.00	\$0.00
HELP Inc Dues	\$6,375.00	\$1,125.00	\$7,500.00	\$0.00
<b>Other Costs total</b>	<b>\$238,821.10</b>	<b>\$42,144.90</b>	<b>\$280,966.00</b>	<b>\$0.00</b>

Total Costs				
	Federal Share	State Share	Total Project Costs (Federal + State)	MOE
<b>Subtotal for Direct Costs</b>	<b>\$3,653,318.74</b>	<b>\$644,197.71</b>	<b>\$4,297,516.45</b>	<b>\$89,264.00</b>
<b>Total Costs Budgeted</b>	<b>\$3,653,318.74</b>	<b>\$644,197.71</b>	<b>\$4,297,516.45</b>	<b>\$89,264.00</b>

**10 - Financial Summary**

The Financial Summary is auto-populated by the system by budget category. It is a read-only document and can be used to complete the SF-424A in Grants.gov. Changes to the Financial Summary will only be reflected by updating the individual budget category table(s).

- The system will confirm that percentages for Federal and State shares are correct for Total Project Costs. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that Planned MOE Costs equal or exceed FMCSA funding limitation. The edit check is performed on the **"Total Costs Budgeted"** line only.
- The system will confirm that the Overtime value does not exceed the FMCSA funding limitation. The edit check is performed on the **"Overtime subtotal"** line.

**ESTIMATED Fiscal Year Funding Amounts for MCSAP**

	85% Federal Share	15% State Share	Total Estimated Funding
Total	\$3,653,319.00	\$644,198.00	\$4,297,517.00

**Summary of MCSAP Funding Limitations**

Allowable amount for Overtime without written justification (15% of Basic Award Amount):	\$644,198.00
MOE Baseline:	\$24,416.75

**Estimated Expenditures**

	Federal Share	State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Salary Subtotal	\$1,902,045.88	\$335,655.14	\$2,237,701.02	\$89,264.00
Overtime Subtotal	\$480,589.59	\$84,304.34	\$564,893.93	\$0.00
Personnel Total	\$2,382,635.47	\$419,959.48	\$2,802,594.95	\$89,264.00
Fringe Benefits Total	\$627,675.00	\$110,766.19	\$738,441.19	\$0.00
Travel Total	\$141,440.00	\$24,960.00	\$166,400.00	\$0.00
Equipment Total	\$108,936.86	\$19,224.14	\$128,161.00	\$0.00
Supplies Total	\$153,810.31	\$27,143.00	\$180,953.31	\$0.00
Contractual and Subaward Total	\$0.00	\$0.00	\$0.00	\$0.00
Other Costs Total	\$238,821.10	\$42,144.90	\$280,966.00	\$0.00
	85% Federal Share	15% State Share	Total Project Costs (Federal + State)	Planned MOE Costs
Subtotal for Direct Costs	\$3,653,318.74	\$644,197.71	\$4,297,516.45	\$89,264.00
Indirect Costs	\$0.00	\$0.00	\$0.00	NA
<b>Total Costs Budgeted</b>	<b>\$3,653,318.74</b>	<b>\$644,197.71</b>	<b>\$4,297,516.45</b>	<b>\$89,264.00</b>

## Part 5 - Certifications and Documents

*Part 5 includes electronic versions of specific requirements, certifications and documents that a State must agree to as a condition of participation in MCSAP. The submission of the CVSP serves as official notice and certification of compliance with these requirements. State or States means all of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Virgin Islands.*

*If the person submitting the CVSP does not have authority to certify these documents electronically, then the State must continue to upload the signed/certified form(s) through the "My Documents" area on the State's Dashboard page.*

### 1 - State Certification

*The State Certification will not be considered complete until the four questions and certification declaration are answered. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.*

1. What is the name of the person certifying the declaration for your State? John Bolduc
2. What is this person's title? Superintendant
3. Who is your Governor's highway safety representative? Fred Zwonechek
4. What is this person's title? Nebraska Highway Safety Administrator

**The State affirmatively accepts the State certification declaration written below by selecting 'yes'.**

- ☐ Yes
- ☒ Yes, uploaded certification document
- ☐ No

#### State Certification declaration:

I, John Bolduc, Superintendant, on behalf of the State of NEBRASKA, as requested by the Administrator as a condition of approval of a grant under the authority of [49 U.S.C. § 31102](#), as amended, certify that the State satisfies all the conditions required for MCSAP funding, as specifically detailed in [49 C.F.R. § 350.211](#).

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

**2 - Annual Review of Laws, Regulations, Policies and Compatibility Certification**

*You must answer all three questions and indicate your acceptance of the certification declaration. Selecting 'no' in the declaration may impact your State's eligibility for MCSAP funding.*

1. What is the name of your certifying State official? Mark Boyer
2. What is the title of your certifying State official? Assistant General Counsel
3. What are the phone # and email address of your State official? 402-479-4983 Mark.Boyer@nebraska.gov

**The State affirmatively accepts the compatibility certification declaration written below by selecting 'yes'.**

- ☒ Yes
- ☐ Yes, uploaded certification document
- ☐ No

I, Mark Boyer, certify that the State has conducted the annual review of its laws and regulations for compatibility regarding commercial motor vehicle safety and that the State's safety laws remain compatible with the Federal Motor Carrier Safety Regulations (49 CFR parts 390-397) and the Hazardous Materials Regulations (49 CFR parts 107 (subparts F and G only), 171-173, 177, 178, and 180) and standards and orders of the Federal government, except as may be determined by the Administrator to be inapplicable to a State enforcement program. For the purpose of this certification, Compatible means State laws or regulations pertaining to interstate commerce that are identical to the FMCSRs and HMRs or have the same effect as the FMCSRs and identical to the HMRs and for intrastate commerce rules identical to or within the tolerance guidelines for the FMCSRs and identical to the HMRs.

If there are any exceptions that should be noted to the above certification, include an explanation in the text box below.

**3 - New Laws/Legislation/Policy Impacting CMV Safety**

**Has the State adopted/enacted any new or updated laws (i.e., statutes) impacting CMV safety since the last CVSP or annual update was submitted?**

☒ Yes ☐ No

In the table below, please provide the bill number and effective date of any new legislation. Include the code section which was changed because of the bill and provide a brief description of the legislation. Please include a statute number, hyperlink or URL, in the summary. Do NOT include the actual text of the Bill as that can be very lengthy.

Legislative Adoption			
Bill Number	Effective Date	Code Section Changed	Summary of Changes
LB909	01/01/2018	75-362 through 75-369.07	Annual update to Nebraska State Law to incorporate FMCSRs, current at that time.

**Has the State adopted/enacted any new administrative actions or policies impacting CMV safety since the last CVSP?**

☐ Yes ☒ No

## LEGISLATIVE BILL 909

Approved by the Governor April 11, 2018

Introduced by Bostelman, 23; Brewer, 43.

A BILL FOR AN ACT relating to transportation; to amend sections 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018; to change provisions relating to the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Operator's License Act, the Motor Vehicle Registration Act, the Motor Vehicle Safety Responsibility Act, the Nebraska Rules of the Road, the State Boat Act, motor carriers, and hazardous materials regulations; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-1204.04, Reissue Revised Statutes of Nebraska, is amended to read:

28-1204.04 (1) Any person who possesses a firearm in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event is guilty of the offense of unlawful possession of a firearm at a school. Unlawful possession of a firearm at a school is a Class IV felony. This subsection shall not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) the possession of firearms by peace officers or other duly authorized law enforcement officers when contracted by a school to provide school security or school event control services, (c) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, (d) firearms which may lawfully be possessed by a member of a college or university rifle team, within the scope of such person's duties as a member of the team, (e) firearms which may lawfully be possessed by a person employed by a college or university in this state as part of an agriculture or a natural resources program of such college or university, within the scope of such person's employment, (f) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle, (g) firearms which may lawfully be possessed by a person for the purpose of using them, with the approval of the school, in a historical reenactment, in a hunter education program, or as part of an honor guard, or (h) a handgun carried as a concealed handgun by a valid holder of a permit issued under the Concealed Handgun Permit Act in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public and used by a school if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle while the vehicle is in or on such parking area, except as prohibited by federal law. For purposes of this subsection, encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm possessed in violation of subsection (1) of this section shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any firearm confiscated by school administrative or teaching personnel shall be delivered



to a peace officer as soon as practicable.

(3) Any firearm confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm for as long as the firearm is needed as evidence. After the firearm is no longer needed as evidence, it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a handgun in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm at a school. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 2. Section 37-1280, Reissue Revised Statutes of Nebraska, is amended to read:

37-1280 (1) The Department of Motor Vehicles shall adopt and promulgate rules and regulations necessary to carry out sections 37-1275 to 37-1290, and the county treasurers shall conform to the rules and regulations and act at the direction of the department. The department shall also provide the county treasurers with the necessary training for the proper administration of such sections. The department shall receive and file in its office all instruments forwarded to it by the county treasurers under such sections and shall maintain indices covering the entire state for the instruments so filed. These indices shall be by hull identification number and alphabetically by the owner's name and shall be for the entire state and not for individual counties. The department shall provide and furnish the forms required by section 37-1286 to the county treasurers except manufacturers' or importers' certificates. The department shall check with its records all duplicate certificates of title received from the county treasurers. If it appears that a certificate of title has been improperly issued, the department shall cancel the certificate of title. Upon cancellation of any certificate of title, the department shall notify the county treasurer who issued the certificate, and the county treasurer shall enter the cancellation upon his or her records. The department shall also notify the person to whom such certificate of title was issued and any lienholders appearing on the certificate of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any lien noted on the certificate. The holder of the certificate of title shall return the certificate to the department immediately. If a certificate of number has been issued pursuant to section 37-1216 to the holder of a certificate of title so canceled, the department shall notify the commission. Upon receiving the notice, the commission shall immediately cancel the certificate of number and demand the return of the certificate of number and the holder of the certificate of number shall return the certificate to the commission immediately.

(2) The department may remove a lien on a certificate of title when such lien was improperly noted if evidence of the improperly noted lien is submitted to the department and the department finds the evidence sufficient to support removal of the lien. The department shall send notification prior to removal of the lien to the last-known address of the lienholder. The lienholder must respond within thirty days after the date on the notice and provide sufficient evidence to support that the lien should not be removed. If the lienholder fails to respond to the notice, the lien may be removed by the department.

Sec. 3. Section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, is amended to read:

37-1283 (1)(a) This subsection applies prior to the implementation date designated by the Director of Motor Vehicles pursuant to subsection (2) of section 118 of this act.

(b)(i) {1} Whenever ownership of a motorboat is transferred by operation of law as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale, (ii) {2} whenever a motorboat is sold to satisfy storage or repair charges or under section 76-1607, or (iii) {3} whenever

repossession is had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, ~~and upon acceptance of an electronic certificate of title record after repossession, in addition to the title requirements in this section,~~ the county treasurer of any county or the Department of Motor Vehicles, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to the motorboat, and upon payment of the fee prescribed in section 37-1287 and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.

(2)(a) This subsection applies beginning on the implementation date designated by the director pursuant to subsection (2) of section 118 of this act.

(b)(i) Whenever ownership of a motorboat is transferred by operation of law as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale, (ii) whenever a motorboat is sold to satisfy storage or repair charges or under section 76-1607, or (iii) whenever repossession is had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, and upon acceptance of an electronic certificate of title record after repossession, in addition to the title requirements in this section, the county treasurer of any county or the Department of Motor Vehicles, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to the motorboat, and upon payment of the fee prescribed in section 37-1287 and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.

(3) If the prior certificate of title issued for the motorboat provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner.

(4) Only an affidavit by the person or agent of the person to whom possession of the motorboat has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of a court order or an instrument upon which such claim of possession and ownership is founded shall be considered satisfactory proof of ownership and right of possession, except that if the applicant cannot produce such proof of ownership, he or she may submit to the department such evidence as he or she may have and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize any county treasurer to issue a certificate of title, as the case may be. If from the records of the county treasurer or the department there appear to be any liens on the motorboat, the certificate of title shall comply with section 37-1282 regarding the liens unless the application is accompanied by proper evidence of their satisfaction or extinction.

Sec. 4. Section 37-1285, Reissue Revised Statutes of Nebraska, is amended to read:

37-1285 Each owner of a motorboat and each person mentioned as owner in the last certificate of title, when the motorboat is dismantled, destroyed, or changed in such a manner that it loses its character as a motorboat or changed in such a manner that it is not the motorboat described in the certificate of title, shall surrender his or her certificate of title to any county treasurer or to the Department of Motor Vehicles. If the certificate of title is surrendered to a county treasurer, he or she shall, with the consent of any holders of any liens noted on the certificate, enter a cancellation upon the records and shall notify the department of the cancellation. Beginning on the implementation date designated by the Director of Motor Vehicles pursuant to subsection (3) of section 118 of this act, a wrecker or salvage dealer shall report electronically to the department using the electronic reporting system. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted on the certificate, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the county treasurer and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 5. Section 37-1285.01, Revised Statutes Supplement, 2017, is amended to read:

37-1285.01 Beginning on the implementation date designated by the Director of Motor Vehicles pursuant to subsection (2) of section 118 of this act January 1, 2019, if a motorboat certificate of title is an electronic certificate of title record, upon application by an owner or a lienholder and payment of the fee prescribed in section 37-1287, the following changes may be made to a certificate of title electronically and without printing a certificate of title:

- (1) Changing the name of an owner to reflect a legal change of name;
- (2) Removing the name of an owner with the consent of all owners and lienholders; or
- (3) Adding an additional owner with the consent of all owners and lienholders.

Sec. 6. Section 37-1293, Reissue Revised Statutes of Nebraska, is amended

to read:

37-1293 When an insurance company acquires a salvage motorboat through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county treasurer, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage motorboat for which a total loss settlement is made unless the owner of the motorboat elects to retain the motorboat. If the owner elects to retain the motorboat, the insurance company shall notify the Department of Motor Vehicles of such fact in a format prescribed by the department. Beginning on the implementation date designated by the Director of Motor Vehicles pursuant to subsection (3) of section 118 of this act, the insurance company shall report electronically to the department using the electronic reporting system. The department shall immediately enter the salvage brand onto the computerized record of the motorboat. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county treasurer. The county treasurer shall, upon receipt of the certificate of title, issue a salvage branded certificate of title for the motorboat.

Sec. 7. Section 60-101, Revised Statutes Supplement, 2017, is amended to read:

60-101 Sections 60-101 to 60-197 and sections 11, 12, 16, 17, and 23 of this act shall be known and may be cited as the Motor Vehicle Certificate of Title Act.

Sec. 8. Section 60-102, Revised Statutes Supplement, 2017, is amended to read:

60-102 For purposes of the Motor Vehicle Certificate of Title Act, unless the context otherwise requires, the definitions found in sections 60-103 to 60-136.01 and sections 11, 12, 16, and 17 of this act shall be used.

Sec. 9. Section 60-104, Reissue Revised Statutes of Nebraska, is amended to read:

60-104 Assembled vehicle means a vehicle which was manufactured or assembled less than thirty years prior to application for a certificate of title and which that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts unless such major component parts were replaced under warranty by the original manufacturer of the vehicle. Its make shall be assembled, and its model year shall be the year in which the vehicle was assembled. ~~Assembled vehicle also includes a specially constructed vehicle.~~

Sec. 10. Section 60-104.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-104.01 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) ~~in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Sec. 11. Auxiliary axle means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a full trailer, commonly known as converter gears or converter dollies.

Sec. 12. Car toter or tow dolly means a two-wheeled conveyance designed or adapted to support the weight of one axle of a motor vehicle while being towed in combination behind another motor vehicle.

Sec. 13. Section 60-119, Reissue Revised Statutes of Nebraska, is amended to read:

60-119 Kit vehicle means a vehicle which was assembled by a person other than a generally recognized manufacturer of vehicles by the use of a reproduction resembling a specific manufacturer's make and model that is at least thirty years old ~~replica~~ purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. ~~Kit~~ ~~The term kit vehicle~~ does not include glider kits.

Sec. 14. Section 60-119.01, Revised Statutes Supplement, 2017, is amended to read:

60-119.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) (1) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) (2) whose gross vehicle weight rating is less than three thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, (c) which is equipped with a windshield and an occupant protection system, and (d) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018. A motorcycle with

a sidecar attached is not a low-speed vehicle 2017.

Sec. 15. Section 60-124, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-124 Motorcycle means any motor vehicle having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes does not include an autocycle.

Sec. 16. Reconstructed means the designation of a vehicle which was permanently altered from its original design construction by removing, adding, or substituting major component parts.

Sec. 17. Replica means the designation of a vehicle which resembles a specific manufacturer's make and model that is at least thirty years old and which has been assembled as a kit vehicle.

Sec. 18. Section 60-129, Reissue Revised Statutes of Nebraska, is amended to read:

60-129 Semitrailer means any trailer so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle. Semitrailer does not include an auxiliary axle or a car toter or tow dolly.

Sec. 19. Section 60-133, Reissue Revised Statutes of Nebraska, is amended to read:

60-133 Trailer means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include an auxiliary axle or a car toter or tow dolly.

Sec. 20. Section 60-142.04, Reissue Revised Statutes of Nebraska, is amended to read:

60-142.04 The owner of ~~(1) an assembled vehicle or (2) a vehicle which was manufactured or assembled more than thirty years prior to application for a certificate of title with one or more major component parts replaced by replacement parts, other than replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle, may apply for a certificate of title by presenting a certificate of title for one major component part, a notarized bill of sale for all other major component parts replaced, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section 60-148. The certificate of title shall indicate the year of the vehicle resembles, as the year application for title was made and the make of the vehicle resembles, and the model the vehicle resembles and shall be branded as reconstructed assembled.~~

Sec. 21. Section 60-142.05, Reissue Revised Statutes of Nebraska, is amended to read:

60-142.05 The owner of a kit vehicle may apply for a certificate of title by presenting a manufacturer's statement of origin for the kit, a notarized bill of sale for all major component parts not in the kit, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section 60-148. The certificate of title shall indicate the year of the vehicle resembles, as the year application for title was made and the make of the vehicle resembles, and the model the vehicle resembles and shall be branded as replica assembled.

Sec. 22. Section 60-142.06, Reissue Revised Statutes of Nebraska, is amended to read:

60-142.06 An owner of a vehicle which has previously been issued a certificate of title as an assembled vehicle prior to the effective date of this act in this state may have the vehicle inspected by a qualified car club representative who shall determine whether or not any modifications or replacement parts are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle and obtain a statement as provided in section 60-142.03. The owner may apply for a certificate of title indicating the year, make, and model of the vehicle by presenting the statement and an application for certificate of title to the department. After review of the application, the department shall issue the certificate of title to the owner if the vehicle meets the specifications provided in section 60-142.02.

Sec. 23. The owner of an assembled vehicle may apply for a certificate of title by presenting a certificate of title for one major component part, a notarized bill of sale for all other major component parts replaced, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section 60-148. The certificate of title shall indicate the year of the vehicle as the year application for title was made and the make of the vehicle as assembled.

Sec. 24. Section 60-146, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-146 (1) An application for a certificate of title for a vehicle shall include a statement that an identification inspection has been conducted on the vehicle unless (a) the title sought is a salvage branded certificate of title or a nontransferable certificate of title, (b) the surrendered ownership document is a Nebraska certificate of title, a manufacturer's statement of origin, an importer's statement of origin, a United States Government Certificate of Release of a vehicle, or a nontransferable certificate of title, (c) the application contains a statement that the vehicle is to be registered under section 60-3,198, (d) the vehicle is a cabin trailer, (e) the title sought is the first title for the vehicle sold directly by the manufacturer of the vehicle to a dealer franchised by the manufacturer, or (f) the vehicle was sold at an auction authorized by the manufacturer and purchased by a dealer

franchised by the manufacturer of the vehicle.

(2) The department shall prescribe a form to be executed by a dealer and submitted with an application for a certificate of title for vehicles exempt from inspection pursuant to subdivision (1)(e) or (f) of this section. The form shall clearly identify the vehicle and state under penalty of law that the vehicle is exempt from inspection.

(3) The statement that an identification inspection has been conducted shall be furnished by the county sheriff of any county or by any other holder of a certificate of training issued pursuant to section 60-183, shall be in a format as determined by the department, and shall expire ninety days after the date of the inspection. The county treasurer shall accept a certificate of inspection, approved by the superintendent, from an officer of a state police agency of another state unless an inspection is required under section 60-174.

(4) The identification inspection shall include examination and notation of the then current odometer reading, if any, and a comparison of the vehicle identification number with the number listed on the ownership records, except that if a lien is registered against a vehicle and recorded on the vehicle's ownership records, the county treasurer shall provide a copy of the ownership records for use in making such comparison. If such numbers are not identical, if there is reason to believe further inspection is necessary, or if the inspection is for a Nebraska assigned number, the person performing the inspection shall make a further inspection of the vehicle which may include, but shall not be limited to, examination of other identifying numbers placed on the vehicle by the manufacturer and an inquiry into the numbering system used by the state issuing such ownership records to determine ownership of a vehicle. The identification inspection shall also include a statement that the vehicle identification number has been checked for entry in the National Crime Information Center and the Nebraska Crime Information Service. In the case of an assembled vehicle, a vehicle designated as reconstructed, or a vehicle designated as replica, the identification inspection shall include, but not be limited to, an examination of the records showing the date of receipt and source of each major component part. No identification inspection shall be conducted unless all major component parts are properly attached to the vehicle in the correct location.

(5) If there is cause to believe that odometer fraud exists, written notification shall be given to the office of the Attorney General. If after such inspection the sheriff or his or her designee determines that the vehicle is not the vehicle described by the ownership records, no statement shall be issued.

(6) The county treasurer or the department may also request an identification inspection of a vehicle to determine if it meets the definition of motor vehicle as defined in section 60-123.

Sec. 25. Section 60-148, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-148 (1) Whenever a person applies for a certificate of title for a vehicle, the department shall assign a distinguishing identification number to the vehicle if the vehicle identification number is destroyed, obliterated, or missing. The owner of such a vehicle to which such number is assigned shall have such number affixed to such vehicle as provided in subsection (2) of this section and sign an affidavit on a form prepared by the department that such number has been attached. Before the certificate of title for an assigned number is released to the applicant by the county treasurer, the applicant shall also provide a statement that an inspection has been conducted.

(2) The department shall develop a metallic assigned vehicle identification number plate which can be permanently secured to a vehicle by rivets or a permanent sticker or other form of marking or identifying the vehicle with the distinguishing identification number as determined by the director. All distinguishing identification numbers shall contain seventeen characters in conformance with national standards. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled all-terrain vehicle, a utility-type vehicle, a ~~or~~ minibike, an ~~or~~ assembled vehicle, a vehicle designated as reconstructed, or a vehicle designated as replica, the department shall use a distinguishing identification number. The department shall, upon application by an owner, provide the owner with a number plate or a permanent sticker or other form of marking or identification displaying a distinguishing identification number or the manufacturer's number.

(3) Any vehicle to which a distinguishing identification number is assigned shall be titled under such distinguishing identification number when titling of the vehicle is required under the Motor Vehicle Certificate of Title Act.

Sec. 26. Section 60-149, Revised Statutes Supplement, 2017, is amended to read:

60-149 (1)(a) If a certificate of title has previously been issued for a vehicle in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned except as otherwise provided in the Motor Vehicle Certificate of Title Act.

(b) Except for manufactured homes or mobile homes as provided in subsection (2) of this section, if a certificate of title has not previously been issued for the vehicle in this state or if a certificate of title is unavailable ~~pursuant to subsection (4) of section 52-1801,~~ the application shall be accompanied by:

(i) A manufacturer's or importer's certificate except as otherwise

provided in subdivision (viii) ~~(vii)~~ of this subdivision;

(ii) A duly certified copy of the manufacturer's or importer's certificate;

(iii) An affidavit by the owner affirming ownership in the case of an all-terrain vehicle, a utility-type vehicle, or a minibike;

(iv) A certificate of title from another state;

(v) A court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the law of the state from which the vehicle was brought into this state does not have a certificate of title law;

(vi) Evidence of ownership as provided for in section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections 60-2401 to 60-2411;

(vii) ~~(vi)~~ Documentation prescribed in section 60-142.01, 60-142.02, 60-142.04, 60-142.05, or 60-142.09 or section 23 of this act or documentation of compliance with section 76-1607; or

(viii) ~~(vii)~~ A manufacturer's or importer's certificate and an affidavit by the owner affirming ownership in the case of a minitruck; or -

(ix) In the case of a motor vehicle, a trailer, an all-terrain vehicle, a utility-type vehicle, or a minibike, an affidavit by the holder of a motor vehicle auction dealer's license as described in subdivision (11) of section 60-1406 affirming that the certificate of title is unavailable and that the vehicle (A) is a salvage vehicle through payment of a total loss settlement, (B) is a salvage vehicle purchased by the auction dealer, or (C) has been donated to an organization operating under section 501(c)(3) of the Internal Revenue Code as defined in section 49-801.01.

(c) If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state.

(d) If a certificate of title has not previously been issued for the vehicle in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 60-167.

(2)(a) If the application for a certificate of title for a manufactured home or a mobile home is being made in accordance with subdivision (4)(b) of section 60-137 or if the certificate of title for a manufactured home or a mobile home is unavailable pursuant to section 52-1801, the application shall be accompanied by proof of ownership in the form of:

(i) A duly assigned manufacturer's or importer's certificate;

(ii) A certificate of title from another state;

(iii) A court order issued by a court of record;

(iv) Evidence of ownership as provided for in section 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411, or documentation of compliance with section 76-1607; or

(v) Assessment records for the manufactured home or mobile home from the county assessor and an affidavit by the owner affirming ownership.

(b) If the applicant cannot produce proof of ownership described in subdivision (a) of this subsection, he or she may submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize the county treasurer to issue a certificate of title, as the case may be.

(3) For purposes of this section, certificate of title includes a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle.

(4) The county treasurer shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

(5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of this section, the holder of a motor vehicle auction dealer's license shall certify that (i) it has made at least two written attempts and has been unable to obtain the properly endorsed certificate of title to the property noted in the affidavit from the owner and (ii) thirty days have expired after the mailing of a written notice regarding the intended disposition of the property noted in the affidavit by certified mail, return receipt requested, to the last-known address of the owner and to any lien or security interest holder of record of the property noted in the affidavit.

(b) The notice under subdivision (5)(a)(ii) of this section shall contain a description of the property noted in the affidavit and a statement that title to the property noted in the affidavit shall vest in the holder of the motor vehicle auction dealer's license thirty days after the date such notice was mailed.

(c) The mailing of notice and the expiration of thirty days under subdivision (5)(a)(ii) of this section shall extinguish any lien or security interest of a lienholder or security interest holder in the property noted in the affidavit, unless the lienholder or security interest holder has claimed such property within such thirty-day period. The holder of a motor vehicle auction dealer's license shall transfer possession of the property noted in the affidavit to the lienholder or security interest holder claiming such property.

Sec. 27. Section 60-164, Revised Statutes Supplement, 2017, is amended to

read:

60-164 (1) The department shall implement an electronic title and lien system for vehicles. The holder of a security interest, trust receipt, conditional sales contract, or similar instrument regarding a vehicle, or beginning on the implementation date determined by the director pursuant to subsection (7) of section 60-1507 ~~January 1, 2019~~, a licensed dealer, may file a lien electronically as prescribed by the department. Upon receipt of an application for a certificate of title for a vehicle, any lien filed electronically shall become part of the electronic certificate of title record created by the county treasurer or department maintained on the electronic title and lien system. If an application for a certificate of title indicates that there is a lien or encumbrance on a vehicle or if a lien or notice of lien has been filed electronically, the department shall retain an electronic certificate of title record and shall note and cancel such liens electronically on the system. The department shall provide access to the electronic certificate of title records for licensed dealers and lienholders who participate in the system by a method determined by the director.

(2) Except as provided in section 60-165, the provisions of article 9, Uniform Commercial Code, shall never be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a vehicle. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a vehicle, if such instrument is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of the same by the holder of such instrument or, in the case of a certificate of title, if a notation of the same has been made electronically as prescribed in subsection (1) of this section or by the county treasurer or department on the face of the certificate of title or on the electronic certificate of title record, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants but otherwise shall not be valid against them, except that during any period in which a vehicle is inventory, as defined in section 9-102, Uniform Commercial Code, held for sale by a person or corporation that is required to be licensed as provided in the Motor Vehicle Industry Regulation Act and is in the business of selling such vehicles, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory, shall apply to a security interest in such vehicle created by such person or corporation as debtor without the notation of lien on the certificate of title. A buyer of a vehicle at retail from a dealer required to be licensed as provided in the Motor Vehicle Industry Regulation Act shall take such vehicle free of any security interest. A purchase-money security interest, as defined in section 9-103, Uniform Commercial Code, in a vehicle is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase-money security interest attaches.

(3) Subject to subsections (1) and (2) of this section, all liens, security agreements, and encumbrances noted upon a certificate of title or an electronic certificate of title record and all liens noted electronically as prescribed in subsection (1) of this section shall take priority according to the order of time in which the same are noted by the county treasurer or department. Exposure for sale of any vehicle by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on such vehicle shall not render the same void or ineffective as against the creditors of such owner or holder of subsequent liens, security agreements, or encumbrances upon such vehicle.

(4) The holder of a security agreement, trust receipt, conditional sales contract, or similar instrument, upon presentation of such instrument to the department or to any county treasurer, together with the certificate of title and the fee prescribed for notation of lien, may have a notation of such lien made on the face of such certificate of title. The owner of a vehicle may present a valid out-of-state certificate of title issued to such owner for such vehicle with a notation of lien on such certificate of title and the prescribed fee to the county treasurer or department and have the notation of lien made on the new certificate of title issued pursuant to section 60-144 without presenting a copy of the lien instrument. The county treasurer or the department shall enter the notation and the date thereof over the signature of the person making the notation and the seal of the office. If noted by a county treasurer, he or she shall on that day notify the department which shall note the lien on its records. The county treasurer or the department shall also indicate by appropriate notation and on such instrument itself the fact that such lien has been noted on the certificate of title.

(5) A transaction does not create a sale or a security interest in a vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a minibike, merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the vehicle.

(6) The county treasurer or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county treasurer or the department, within fifteen days after the date of notice, the certificate of

title to permit notation of such other lien and, after notation of such other lien, the county treasurer or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county treasurer or the department for the purpose of showing such other lien on such certificate of title within fifteen days after the date of notice shall be liable for damages to such other lienholder for the amount of damages such other lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of such lien on the certificate of title.

(7) Upon receipt of a subsequent lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments or a notice of lien filed electronically, together with an application for notation of the subsequent lien, the fee prescribed in section 60-154, and, if a printed certificate of title exists, the presentation of the certificate of title, the county treasurer or department shall make notation of such other lien. If the certificate of title is not an electronic certificate of title record, the county treasurer or department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county treasurer or department, within fifteen days after the date of notice, the certificate of title to permit notation of such other lien. After such notation of lien, the lien shall become part of the electronic certificate of title record created by the county treasurer or department which is maintained on the electronic title and lien system. The holder of a certificate of title who refuses to deliver a certificate of title to the county treasurer or department for the purpose of noting such other lien on such certificate of title within fifteen days after the date when notified to do so shall be liable for damages to such other lienholder for the amount of damages such other lienholder suffered by reason of the holder of the certificate of title refusing to permit the noting of such lien on the certificate of title.

(8) When a lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the certificate of title over his, her, or its signature and deliver the certificate of title to the county treasurer or the department, which shall note the cancellation of the lien on the face of the certificate of title and on the records of such office. If delivered to a county treasurer, he or she shall on that day notify the department which shall note the cancellation on its records. The county treasurer or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of lien shall be noted on the certificate of title without charge. For an electronic certificate of title record, the lienholder shall, within fifteen days after payment is received when such lien is discharged, notify the department electronically or provide written notice of such lien release, in a manner prescribed by the department, to the county treasurer or department. The department shall note the cancellation of lien and, if no other liens exist, issue the certificate of title to the owner or as otherwise directed by the owner or lienholder. If the holder of the title cannot locate a lienholder, a lien may be discharged ten years after the date of filing by presenting proof that thirty days have passed since the mailing of a written notice by certified mail, return receipt requested, to the last-known address of the lienholder.

Sec. 28. Section 60-164.01, Revised Statutes Supplement, 2017, is amended to read:

60-164.01 Beginning on the implementation date designated by the director pursuant to subsection (2) of section 118 of this act January 1, 2019, if a certificate of title is an electronic certificate of title record, upon application by an owner or a lienholder and payment of the fee prescribed in section 60-154, the following changes may be made to a certificate of title electronically and without printing a certificate of title:

- (1) Changing the name of an owner to reflect a legal change of name;
- (2) Removing the name of an owner with the consent of all owners and lienholders; or
- (3) Adding an additional owner with the consent of all owners and lienholders.

Sec. 29. Section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018, is amended to read:

60-166 (1)(a) This subsection applies prior to the implementation date designated by the Director of Motor Vehicles pursuant to subsection (2) of section 118 of this act.

(b) (i) In the event of (i) (a) the transfer of ownership of a vehicle by operation of law as upon inheritance, devise, or bequest, order in bankruptcy, insolvency, replevin, or execution sale or as provided in sections 30-24, 125, 52-601.01 to 52-605, 60-1901 to 60-1911 and section 3 of this act, and 60-2401 to 60-2411, (ii) (b) the engine of a vehicle being replaced by another engine, (iii) (c) a vehicle being sold to satisfy storage or repair charges or under section 76-1607, or (iv) (d) repossession being had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, and upon acceptance of an electronic certificate of title record after repossession, in addition to the title requirements in this section, the county treasurer of any county or the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's



certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to such vehicle, and upon payment of the appropriate fee and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.

(2)(a) This subsection applies beginning on the implementation date designated by the director pursuant to subsection (2) of section 118 of this act.

(b) In the event of (i) the transfer of ownership of a vehicle by operation of law as upon inheritance, devise, bequest, order in bankruptcy, insolvency, replevin, or execution sale or as provided in section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to 60-1911 and section 3 of Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018, and sections 60-2401 to 60-2411, (ii) the engine of a vehicle being replaced by another engine, (iii) a vehicle being sold to satisfy storage or repair charges or under section 76-1607, or (iv) repossession being had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, and upon acceptance of an electronic certificate of title record after repossession, in addition to the title requirements in this section, the county treasurer of any county or the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to such vehicle, and upon payment of the appropriate fee and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto.

(3) If the prior certificate of title issued for such vehicle provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner.

(4) Only an affidavit by the person or agent of the person to whom possession of such vehicle has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of a court order or an instrument upon which such claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession, except that if the applicant cannot produce such proof of ownership, he or she may submit to the department such evidence as he or she may have, and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize any county treasurer to issue a certificate of title, as the case may be.

(5) ~~(2)~~ If from the records of the county treasurer or the department there appear to be any liens on such vehicle, such certificate of title shall comply with section 60-164 or 60-165 regarding such liens unless the application is accompanied by proper evidence of their satisfaction or extinction.

Sec. 30. Section 60-168.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-168.01 (1) The department, upon receipt of clear and convincing evidence of a failure to note a required brand or failure to note a lien on a certificate of title, shall notify the holder of such certificate of title to deliver to the county treasurer or the department, within fifteen days after the date on the notice, such certificate of title to permit the noting of such brand or lien. After notation, the county treasurer or the department shall deliver the corrected certificate of title to the holder as provided by section 60-152. If a holder fails to deliver a certificate of title to the county treasurer or to the department, within fifteen days after the date on the notice for the purpose of noting such brand or lien on the certificate of title, the department shall cancel the certificate of title. This ~~subsection~~ ~~section~~ does not apply when noting a lien in accordance with subsection (6) of section 60-164.

(2) The department may remove a lien on a certificate of title when such lien was improperly noted if evidence of the improperly noted lien is submitted to the department and the department finds the evidence sufficient to support removal of the lien. The department shall send notification prior to removal of the lien to the last-known address of the lienholder. The lienholder must respond within thirty days after the date on the notice and provide sufficient evidence to support that the lien should not be removed. If the lienholder fails to respond to the notice, the lien may be removed by the department.

Sec. 31. Section 60-169, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-169 (1)(a) Except as otherwise provided in subdivision (b) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to any county treasurer or to the department. If the certificate of title is surrendered to a county treasurer, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon the records and shall notify the department of such cancellation. Beginning on the implementation date designated by the director pursuant to subsection (3) of section 118 of this act, a wrecker or salvage dealer shall report electronically to the department using the electronic reporting system. If the certificate is surrendered to the

department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.

(b)(i) In the case of a mobile home or manufactured home for which a certificate of title has been issued, if such mobile home or manufactured home is affixed to real property in which each owner of the mobile home or manufactured home has any ownership interest, the certificate of title may be surrendered for cancellation to the county treasurer of the county where such mobile home or manufactured home is affixed to real property if at the time of surrender the owner submits to the county treasurer an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:

(A) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(B) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(C) The legal description of the real property upon which the mobile home or manufactured home is affixed and the names of all of the owners of record of the real property;

(D) A statement that the mobile home or manufactured home is affixed to the real property;

(E) The written consent of each holder of a lien duly noted on the certificate of title to the release of such lien and the cancellation of the certificate of title;

(F) A copy of the certificate of title surrendered for cancellation; and

(G) The name and address of an owner, a financial institution, or another entity to which notice of cancellation of the certificate of title may be delivered.

(ii) The person submitting an affidavit of affixture pursuant to subdivision (b)(i) of this subsection shall swear or affirm that all statements in the affidavit are true and material and further acknowledge that any false statement in the affidavit may subject the person to penalties relating to perjury under section 28-915.

(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county treasurer, along with the affidavit required by subdivision (1)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county treasurer shall be entitled to collect fees from the person submitting the affidavit in accordance with section 33-109 to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, the county treasurer or designated county official shall not issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.

(3) If a mobile home or manufactured home is affixed to real estate before June 1, 2006, a person who is the holder of a lien or security interest in both the mobile home or manufactured home and the real estate to which it is affixed on such date may enforce its liens or security interests by accepting a deed in lieu of foreclosure or in the manner provided by law for enforcing liens on the real estate.

(4) A mobile home or manufactured home for which the certificate of title has been canceled and for which an affidavit of affixture has been duly recorded pursuant to subsection (2) of this section shall be treated as part of the real estate upon which such mobile home or manufactured home is located. Any lien thereon shall be perfected and enforced in the same manner as a lien on real estate. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only as a part of the real estate to which it is affixed.

(5)(a) If each owner of both the mobile home or manufactured home and the real estate described in subdivision (1)(b) of this section intends to detach the mobile home or manufactured home from the real estate, the owner shall do both of the following: (i) Before detaching the mobile home or manufactured home, record an affidavit of detachment in the office of the register of deeds in the county in which the affidavit is recorded under subdivision (1)(b) of this section; and (ii) apply for a certificate of title for the mobile home or manufactured home pursuant to section 60-147.

(b) The affidavit of detachment shall contain all of the following:

(i) The names and addresses of all of the owners of record of the mobile home or manufactured home;

(ii) A description of the mobile home or manufactured home that includes the name of the manufacturer, the year of manufacture, the model, and the manufacturer's serial number;

(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached and the names of all of the owners of record of the real estate;

(iv) A statement that the mobile home or manufactured home is to be detached from the real property;

(v) A statement that the certificate of title of the mobile home or manufactured home has previously been canceled;

(vi) The name of each holder of a lien of record against the real estate

from which the mobile home or manufactured home is to be detached, with the written consent of each holder to the detachment; and

(vii) The name and address of an owner, a financial institution, or another entity to which the certificate of title may be delivered.

(6) An owner of an affixed mobile home or manufactured home for which the certificate of title has previously been canceled pursuant to subsection (2) of this section shall not detach the mobile home or manufactured home from the real estate before a certificate of title for the mobile home or manufactured home is issued by the county treasurer or department. If a certificate of title is issued by the county treasurer or department, the mobile home or manufactured home is no longer considered part of the real property. Any lien thereon shall be perfected pursuant to section 60-164. The owner of such mobile home or manufactured home may convey ownership of the mobile home or manufactured home only by way of a certificate of title.

(7) For purposes of this section:

(a) A mobile home or manufactured home is affixed to real estate if the wheels, towing hitches, and running gear are removed and it is permanently attached to a foundation or other support system; and

(b) Ownership interest means the fee simple interest in real estate or an interest as the lessee under a lease of the real property that has a term that continues for at least twenty years after the recording of the affidavit under subsection (2) of this section.

(8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county treasurer and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 32. Section 60-171, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-171 For purposes of sections 60-171 to 60-177:

(1) Cost of repairs means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for repair that are customary and reasonable. Retail cost of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the insurance industry;

(2) Flood damaged means damage to a vehicle resulting from being submerged in water to the point that rising water has reached over the floorboard, has entered the passenger compartment, and has caused damage to any electrical, computerized, or mechanical components. Flood damaged specifically does not apply to a vehicle that an inspection, conducted by an insurance claim representative or a vehicle repairer, indicates:

(a) Has no electrical, computerized, or mechanical components damaged by water; or

(b) Had one or more electrical, computerized, or mechanical components damaged by water and all such damaged components were repaired or replaced;

~~(3) (2)~~ Late model vehicle means a vehicle which has (a) a manufacturer's model year designation of, or later than, the year in which the vehicle was wrecked, damaged, or destroyed, or any of the six preceding years or (b)(i) in the case of vehicles other than all-terrain vehicles, utility-type vehicles, and minibikes, a retail value of more than ten thousand five hundred dollars until January 1, 2010, and a retail value of more than ten thousand five hundred dollars increased by five hundred dollars every five years thereafter or (ii) in the case of all-terrain vehicles, utility-type vehicles, or minibikes, a retail value of more than one thousand seven hundred fifty dollars until January 1, 2010, and a retail value of more than one thousand seven hundred fifty dollars increased by two hundred fifty dollars every five years thereafter;

~~(4) (3)~~ Manufacturer buyback means the designation of a vehicle with an alleged nonconformity when the vehicle (a) has been replaced by a manufacturer or (b) has been repurchased by a manufacturer as the result of court judgment, arbitration, or any voluntary agreement entered into between the manufacturer or its agent and a consumer;

~~(5) (4)~~ Previously salvaged means the designation of a rebuilt or reconstructed vehicle which was previously required to be issued a salvage branded certificate of title and which has been inspected as provided in section 60-146;

~~(6) (5)~~ Retail value means the actual cash value, fair market value, or retail value of a vehicle as (a) set forth in a current edition of any nationally recognized compilation, including automated data bases, of retail values or (b) determined pursuant to a market survey of comparable vehicles with respect to condition and equipment; and

~~(7) (6)~~ Salvage means the designation of a vehicle which is:

(a) A late model vehicle which has been wrecked, damaged, or destroyed to the extent that the estimated total cost of repair to rebuild or reconstruct the vehicle to its condition immediately before it was wrecked, damaged, or destroyed and to restore the vehicle to a condition for legal operation, meets or exceeds seventy-five percent of the retail value of the vehicle at the time it was wrecked, damaged, or destroyed; or

(b) Voluntarily designated by the owner of the vehicle as a salvage vehicle by obtaining a salvage branded certificate of title, without respect to the damage to, age of, or value of the vehicle. ~~;~~ or

~~(c) Flood damaged resulting from being submerged in water to the point that rising water has reached over the floorboard, has entered the passenger compartment, and has caused damage to any electrical, computerized, or~~

~~mechanical components. Flood damaged specifically does not apply to a vehicle that an inspection, conducted by an insurance claim representative or a vehicle repairer, indicates:~~

~~(i) Has no electrical, computerized, or mechanical components damaged by water; or~~

~~(ii) Had one or more electrical, computerized, or mechanical components damaged by water and all such damaged components were repaired or replaced.~~

Sec. 33. Section 60-173, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-173 (1) When an insurance company acquires a salvage vehicle through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county treasurer, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage vehicle for which a total loss settlement is made unless the owner of the salvage vehicle elects to retain the salvage vehicle.

(2) If the owner elects to retain the salvage vehicle, the insurance company shall notify the department of such fact in a format prescribed by the department. The department shall immediately enter the salvage brand onto the computerized record of the vehicle. Beginning on the implementation date designated by the director pursuant to subsection (3) of section 118 of this act, the insurance company shall report electronically to the department using the electronic reporting system. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county treasurer in the county designated in section 60-144. The county treasurer shall, upon receipt of the certificate of title, issue a salvage branded certificate of title for the vehicle.

(3) An insurance company may apply to the department for a salvage branded certificate of title without obtaining a properly endorsed certificate of title from the owner or other evidence of ownership as prescribed by the department if it has been at least thirty days since the company obtained oral or written acceptance by the owner of an offer in an amount in settlement of a total loss. The insurance company shall submit an application form prescribed by the department for a salvage branded certificate of title accompanied by an affidavit from the insurance company that it has made at least two written attempts and has been unable to obtain the proper endorsed certificate of title from the owner following an oral or written acceptance by the owner of an offer of an amount in settlement of a total loss and evidence of settlement.

Sec. 34. Section 60-174, Reissue Revised Statutes of Nebraska, is amended to read:

60-174 Whenever a title is issued in this state for a vehicle that is designated a salvage, previously salvaged, flood damaged, or manufacturer buyback, the following title brands shall be required: Salvage, previously salvaged, flood damaged, or manufacturer buyback. A certificate branded salvage, previously salvaged, flood damaged, or manufacturer buyback shall be administered in the same manner and for the same fee or fees as provided for a certificate of title in sections 60-154 to 60-160. When a salvage branded certificate of title is surrendered for a certificate of title branded previously salvaged, the application for a certificate of title shall be accompanied by a statement of inspection as provided in section 60-146.

Sec. 35. Section 60-175, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-175 Any person who acquires ownership of a salvage, flood-damaged, or manufacturer buyback vehicle for which he or she does not obtain a salvage branded, flood-damaged branded, or manufacturer buyback branded certificate of title shall surrender the certificate of title to the county treasurer and make application for a salvage branded, flood-damaged branded, or manufacturer buyback branded certificate of title within thirty days after acquisition or prior to the sale or resale of the vehicle or any major component part of such vehicle or use of any major component part of the vehicle, whichever occurs earlier.

Sec. 36. Section 60-191, Reissue Revised Statutes of Nebraska, is amended to read:

60-191 If any odometer is repaired or replaced, the reading of the repaired or replaced odometer shall be set at the reading of the odometer repaired or replaced immediately prior to repair or replacement and the adjustment shall not be deemed a violation of section 60-190, except that when the repaired or replaced odometer is incapable of registering the same mileage as before such repair or replacement, the repaired or replaced odometer shall be adjusted to read zero and a notice in writing on a form prescribed by the department shall be attached to the left door frame of the motor vehicle, or in the case of a motorcycle, other than an autocycle, to the frame of the motorcycle, by the owner or his or her agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced and any removal or alteration of such notice so affixed shall be deemed a violation of section 60-190.

Sec. 37. Section 60-192, Revised Statutes Supplement, 2017, is amended to read:

60-192 The transferor of any motor vehicle of an age of less than ten years, which was equipped with an odometer by the manufacturer, shall provide

to the transferee a statement, signed by the transferor, setting forth: (1) The mileage on the odometer at the time of transfer; and (2)(a) a statement that, to the transferor's best knowledge, such mileage is that actually driven by the motor vehicle, (b) a statement that the transferor has knowledge that the mileage shown on the odometer is in excess of the designated mechanical odometer limit, or (c) a statement that the odometer reading does not reflect the actual mileage and should not be relied upon because the transferor has knowledge that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error. If a discrepancy exists between the odometer reading and the actual mileage, a warning notice to alert the transferee shall be included with the statement. The transferor shall retain a true copy of such statement for a period of five years from the date of the transaction. Beginning on the implementation date designated by the director pursuant to subsection (2) of section 118 of this act, if ~~If~~ motor vehicle ownership has been transferred by operation of law pursuant to repossession under subdivision (2)(b)(iv) ~~(1)(d)~~ of section 60-166, the mileage shall be listed as the odometer reading at the time of the most recent transfer of ownership prior to the repossession of the motor vehicle. The adjustment shall not be deemed a violation of section 60-190.

Sec. 38. Section 60-301, Revised Statutes Supplement, 2017, is amended to read:

60-301 Sections 60-301 to 60-3,235 and sections 40, 41, 47, 49, and 50 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 39. Section 60-302, Revised Statutes Supplement, 2017, is amended to read:

60-302 For purposes of the Motor Vehicle Registration Act, unless the context otherwise requires, the definitions found in sections 60-302.01 to 60-360 and sections 40, 41, 47, 49, and 50 of this act shall be used.

Sec. 40. Auxiliary axle means an auxiliary undercarriage assembly with a fifth wheel and tow bar used to convert a semitrailer to a full trailer, commonly known as converter gears or converter dollies.

Sec. 41. Car toter or tow dolly means a two-wheeled conveyance designed or adapted to support the weight of one axle of a motor vehicle while being towed in combination behind another motor vehicle.

Sec. 42. Section 60-309, Reissue Revised Statutes of Nebraska, is amended to read:

60-309 Assembled vehicle means a motor vehicle or trailer which was manufactured or assembled less than thirty years prior to application for registration under the Motor Vehicle Registration Act and which that is materially altered from its construction by the removal, addition, or substitution of new or used major component parts unless such major component parts were replaced under warranty by the original manufacturer of the motor vehicle or trailer. Its make shall be assembled, and its model year shall be the year in which the motor vehicle or trailer was assembled. Assembled vehicle also includes a specially constructed vehicle.

Sec. 43. Section 60-309.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-309.01 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system, (4) having antilock brakes, (4) and (5) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Sec. 44. Section 60-316, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-316 (1) This subsection applies until January 1, 2023. Commercial motor vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks or public power district motor vehicles.

(2) This subsection applies beginning January 1, 2023. Commercial motor vehicle means any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of property and does not include farm trucks, metropolitan utilities district motor vehicles, or public power district motor vehicles.

Sec. 45. Section 60-335, Reissue Revised Statutes of Nebraska, is amended to read:

60-335 Kit vehicle means a motor vehicle or trailer which was assembled by a person other than a generally recognized manufacturer of motor vehicles or trailers by the use of a reproduction resembling a specific manufacturer's make and model that is at least thirty years old replica purchased from an authorized manufacturer and accompanied by a manufacturer's statement of origin. Kit vehicle does not include glider kits.

Sec. 46. Section 60-336.01, Revised Statutes Supplement, 2017, is amended to read:

60-336.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) (1) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) (2) whose gross vehicle weight rating is less than three thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, (c) which is equipped with a windshield and an occupant protection system, and (d) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018. A motorcycle with a sidecar attached is not a low-speed vehicle 2017.

Sec. 47. Metropolitan utilities district means a district created pursuant to section 14-2101.

Sec. 48. Section 60-340, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-340 Motorcycle means any motor vehicle having a seat or saddle for use of the operator and designed to travel on not more than three wheels in contact with the ground. Motorcycle includes does not include an autocycle.

Sec. 49. Reconstructed means the designation of a vehicle which was permanently altered from its original design construction by removing, adding, or substituting major component parts.

Sec. 50. Replica means the designation of a vehicle which resembles a specific manufacturer's make and model that is at least thirty years old and which has been assembled as a kit vehicle.

Sec. 51. Section 60-348, Reissue Revised Statutes of Nebraska, is amended to read:

60-348 Semitrailer means any trailer so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle. Semitrailer does not include an auxiliary axle or a car toter or tow dolly.

Sec. 52. Section 60-354, Reissue Revised Statutes of Nebraska, is amended to read:

60-354 Trailer means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. Trailer does not include an auxiliary axle or a car toter or tow dolly.

Sec. 53. Section 60-363, Revised Statutes Supplement, 2017, is amended to read:

60-363 (1) No person shall operate or park a motor vehicle on the highways unless such motor vehicle at all times carries in or upon it, subject to inspection by any peace officer, the registration certificate issued for it.

(2) No person shall tow or park a trailer on the highways unless the registration certificate issued for the trailer or a copy thereof is carried in or upon the trailer or in or upon the motor vehicle that is towing or parking the trailer, subject to inspection by any peace officer, except as provided in subsections subsection (4) and (5) of this section and except fertilizer trailers as defined in section 60-326. The registration certificate for a fertilizer trailer shall be kept at the principal place of business of the owner of the fertilizer trailer.

(3) In the case of a motorcycle other than an autocycle, the registration certificate shall be carried either in plain sight, affixed to the motorcycle, or in the tool bag or some convenient receptacle attached to the motorcycle.

(4) In the case of a motor vehicle or trailer operated by a public power district registered pursuant to section 60-3,228, the registration certificate shall be kept at the principal place of business of the public power district.

(5) Beginning January 1, 2023, in the case of a motor vehicle or trailer operated by a metropolitan utilities district registered pursuant to section 60-3,228, the registration certificate shall be kept at the principal place of business of the metropolitan utilities district.

Sec. 54. Section 60-378, Reissue Revised Statutes of Nebraska, is amended to read:

60-378 (1) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, apply to the department for a transporter's certificate and one transporter license plate. Additional pairs of transporter certificates and transporter license plates may be procured for a fee of ten dollars each. Transporter license plates shall be displayed (a) upon the motor vehicle or trailer being transported or (b) upon a properly registered truck or truck-tractor which is a work or service vehicle in the process of towing a trailer which is itself being delivered by the transporter, and such registered truck or truck-tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for six years a record of each motor vehicle or trailer transported by him or her under this section, and such record shall be available to the department for inspection. Each applicant shall file with the department proof of his or her status as a bona fide transporter.

(2) Transporter license plates may be the same size as license plates issued for motorcycles other than autocycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such license plates may only be displayed upon the front of a driven motor vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being

towed.

Sec. 55. Section 60-386, Revised Statutes Supplement, 2017, is amended to read:

60-386 (1) Each new application shall contain, in addition to other information as may be required by the department, the name and residential and mailing address of the applicant and a description of the motor vehicle or trailer, including the color, the manufacturer, the identification number, the United States Department of Transportation number if required by 49 C.F.R. 390.5 and 390.19, as such regulations existed on January 1, ~~2018~~ 2017, and the weight of the motor vehicle or trailer required by the Motor Vehicle Registration Act. Beginning on the implementation date designated by the director pursuant to subsection (4) of section 118 of this act, for trailers which are not required to have a certificate of title under section 60-137 and which have no identification number, the assignment of an identification number shall be required and the identification number shall be issued by the county treasurer or department. With the application the applicant shall pay the proper registration fee and shall state whether the motor vehicle is propelled by alternative fuel and, if alternative fuel, the type of fuel. The application shall also contain a notification that bulk fuel purchasers may be subject to federal excise tax liability. The department shall include such notification in the notices required by section 60-3,186.

(2) This subsection applies beginning on an implementation date designated by the director. The director shall designate an implementation date which is on or before January 1, 2020. In addition to the information required under subsection (1) of this section, the application for registration shall contain (a) the full legal name as defined in section 60-468.01 of each owner and (b) (i) the motor vehicle operator's license number or state identification card number of each owner, if applicable, and one or more of the identification elements as listed in section 60-484 of each owner, if applicable, and (ii) if any owner is a business entity, a nonprofit organization, an estate, a trust, or a church-controlled organization, its tax identification number.

Sec. 56. Section 60-389, Reissue Revised Statutes of Nebraska, is amended to read:

60-389 Upon the filing of such application, the department shall, upon registration, assign to such motor vehicle or trailer a distinctive registration number in the form of a license plate. Beginning on the implementation date designated by the director pursuant to subsection (4) of section 118 of this act, for trailers which are not required to have a certificate of title under section 60-137 and which have an identification number issued by the county treasurer or department under section 60-386, trailer identification tags shall be supplied by the department and shall be required to be affixed to the trailer after issuance. Upon sale or transfer of any such motor vehicle or trailer, such number may be canceled or may be reassigned to another motor vehicle or trailer, at the option of the department, subject to the provisions of the Motor Vehicle Registration Act.

Sec. 57. Section 60-395, Revised Statutes Supplement, 2017, is amended to read:

60-395 (1) Except as otherwise provided in subsection (2) of this section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128, 60-3,224, 60-3,227, ~~60-3,231~~, 60-3,233, and 60-3,235, the registration shall expire and the registered owner or lessee may, by returning the registration certificate, the license plates, and, when appropriate, the validation decals and by either making application on a form prescribed by the department to the county treasurer of the occurrence of an event described in subdivisions (a) through (e) of this subsection or, in the case of a change in situs, displaying to the county treasurer the registration certificate of such other state as evidence of a change in situs, receive a refund of that part of the unused fees and taxes on motor vehicles or trailers based on the number of unexpired months remaining in the registration period from the date of any of the following events:

- (a) Upon transfer of ownership of any motor vehicle or trailer;
- (b) In case of loss of possession because of fire, theft, dismantlement, or junking;
- (c) When a salvage branded certificate of title is issued;
- (d) Whenever a type or class of motor vehicle or trailer previously registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated or towed on the public roads and no longer subject to registration fees, the motor vehicle tax imposed in section 60-3,185, the motor vehicle fee imposed in section 60-3,190, and the alternative fuel fee imposed in section 60-3,191;
- (e) Upon a trade-in or surrender of a motor vehicle under a lease; or
- (f) In case of a change in the situs of a motor vehicle or trailer to a location outside of this state.

(2) If the date of the event falls within the same calendar month in which the motor vehicle or trailer is acquired, no refund shall be allowed for such month.

(3) If the transferor or lessee acquires another motor vehicle at the time of the transfer, trade-in, or surrender, the transferor or lessee shall have the credit provided for in this section applied toward payment of the motor vehicle fees and taxes then owing. Otherwise, the transferor or lessee shall file a claim for refund with the county treasurer upon an application form prescribed by the department.

(4) The registered owner or lessee shall make a claim for refund or credit

of the fees and taxes for the unexpired months in the registration period within sixty days after the date of the event or shall be deemed to have forfeited his or her right to such refund or credit.

(5) For purposes of this section, the date of the event shall be: (a) In the case of a transfer or loss, the date of the transfer or loss; (b) in the case of a change in the situs, the date of registration in another state; (c) in the case of a trade-in or surrender under a lease, the date of trade-in or surrender; (d) in the case of a legislative act, the effective date of the act; and (e) in the case of a court decision, the date the decision is rendered.

(6) Application for registration or for reassignment of license plates and, when appropriate, validation decals to another motor vehicle or trailer shall be made within thirty days of the date of purchase.

(7) If a motor vehicle or trailer was reported stolen under section 60-178, a refund under this section shall not be reduced for a lost plate charge and a credit under this section may be reduced for a lost plate charge but the applicant shall not be required to pay the plate fee for new plates.

(8) The county treasurer shall refund the motor vehicle fee and registration fee from the fees which have not been transferred to the State Treasurer. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed. No refund of less than two dollars shall be paid.

Sec. 58. Section 60-3,100, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,100 (1) The department shall issue to every person whose motor vehicle or trailer is registered one or two fully reflectorized license plates upon which shall be displayed (a) the registration number consisting of letters and numerals assigned to such motor vehicle or trailer in figures not less than two and one-half inches nor more than three inches in height and (b) also the word Nebraska suitably lettered so as to be attractive. The license plates shall be of a color designated by the director. The color of the plates shall be changed each time the license plates are changed. Each time the license plates are changed, the director shall secure competitive bids for materials pursuant to sections 81-145 to 81-162. Autocycle, motorcycle, minitruck, low-speed vehicle, and trailer license plate letters and numerals may be one-half the size of those required in this section.

(2)(a) Except as otherwise provided in this subsection, two license plates shall be issued for every motor vehicle.

(b) One license plate shall be issued for (i) apportionable vehicles, (ii) buses, (iii) dealers, (iv) minitrucks, (v) motorcycles, other than autocycles, (vi) special interest motor vehicles that use the special interest motor vehicle license plate authorized by and issued under section 60-3,135.01, (vii) trailers, and (viii) truck-tractors.

(c)(i) Beginning January 1, 2017, one license plate shall be issued, upon request and compliance with this subdivision, for any passenger car which is not manufactured to be equipped with a bracket on the front of the vehicle to display a license plate. A license decal shall be issued with the license plate as provided in subdivision (ii) of this subdivision and shall be displayed on the driver's side of the windshield. In order to request a single license plate and license decal, there shall be an additional annual nonrefundable registration fee of one hundred dollars plus the cost of the decal paid to the county treasurer at the time of registration. All fees collected under this subdivision shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

(ii) The department shall design, procure, and furnish to the county treasurers a license decal which shall be displayed as evidence that a license plate has been obtained under this subdivision. Each county treasurer shall furnish a license decal to the person obtaining the plate.

(d) When two license plates are issued, one shall be prominently displayed at all times on the front and one on the rear of the registered motor vehicle or trailer. When only one plate is issued, it shall be prominently displayed on the rear of the registered motor vehicle or trailer. When only one plate is issued for motor vehicles registered pursuant to section 60-3,198 and truck-tractors, it shall be prominently displayed on the front of the apportionable vehicle.

Sec. 59. Section 60-3,104, Revised Statutes Supplement, 2017, is amended to read:

60-3,104 The department shall issue the following types of license plates:

(1) Amateur radio station license plates issued pursuant to section 60-3,126;

(2) Apportionable vehicle license plates issued pursuant to section 60-3,203;

(3) Autocycle license plates issued pursuant to section 60-3,100;

(4) Boat dealer license plates issued pursuant to section 60-379;

(5) Breast Cancer Awareness Plates issued pursuant to sections 60-3,230 and 60-3,231;

(6) Bus license plates issued pursuant to section 60-3,144;

(7) Choose Life License Plates issued pursuant to sections 60-3,232 and 60-3,233;

(8) Commercial motor vehicle license plates issued pursuant to section 60-3,147;

(9) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;

(10) Disabled veteran license plates issued pursuant to section 60-3,124;



(11) Farm trailer license plates issued pursuant to section 60-3,151;  
(12) Farm truck license plates issued pursuant to section 60-3,146;  
(13) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;  
(14) Fertilizer trailer license plates issued pursuant to section 60-3,151;  
(15) Gold Star Family license plates issued pursuant to sections 60-3,122.01 and 60-3,122.02;  
(16) Handicapped or disabled person license plates issued pursuant to section 60-3,113;  
(17) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134;  
(18) Local truck license plates issued pursuant to section 60-3,145;  
(19) Metropolitan utilities district license plates issued pursuant to section 60-3,228;  
~~(20) (19)~~ Military Honor Plates issued pursuant to sections 60-3,122.03 and 60-3,122.04;  
~~(21) (20)~~ Minitruck license plates issued pursuant to section 60-3,100;  
~~(22) (21)~~ Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;  
~~(23) (22)~~ Motor vehicles exempt pursuant to section 60-3,107;  
~~(24) (23)~~ Motorcycle license plates issued pursuant to section 60-3,100;  
~~(25) (24)~~ Mountain Lion Conservation Plates issued pursuant to sections 60-3,226 and 60-3,227;  
~~(26) (25)~~ Native American Cultural Awareness and History Plates issued pursuant to sections 60-3,234 and 60-3,235;  
~~(27) (26)~~ Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;  
~~(28) (27)~~ Nebraska 150 Sesquicentennial Plates issued pursuant to sections 60-3,223 to 60-3,225;  
~~(29) (28)~~ Nonresident owner thirty-day license plates issued pursuant to section 60-382;  
~~(30) (29)~~ Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,143 other than autocycles;  
~~(31) (30)~~ Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,143 other than autocycles;  
~~(32) (31)~~ Pearl Harbor license plates issued pursuant to section 60-3,122;  
~~(33) (32)~~ Personal-use dealer license plates issued pursuant to section 60-3,116;  
~~(34) (33)~~ Personalized message license plates for motor vehicles, trailers, and semitrailers, except motor vehicles, trailers, and semitrailers registered under section 60-3,198, issued pursuant to sections 60-3,118 to 60-3,121;  
~~(35) (34)~~ Prisoner-of-war license plates issued pursuant to section 60-3,123;  
~~(36) (35)~~ Public power district license plates issued pursuant to section 60-3,228;  
~~(37) (36)~~ Purple Heart license plates issued pursuant to section 60-3,125;  
~~(38) (37)~~ Recreational vehicle license plates issued pursuant to section 60-3,151;  
~~(39) (38)~~ Repossession license plates issued pursuant to section 60-375;  
~~(40) (39)~~ Special interest motor vehicle license plates issued pursuant to section 60-3,135.01;  
~~(41) (40)~~ Specialty license plates issued pursuant to sections 60-3,104.01 and 60-3,104.02;  
~~(42) (41)~~ Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;  
~~(43) (42)~~ Trailer license plates issued pursuant to section 60-3,100;  
~~(44) (43)~~ Trailer license plates issued for trailers owned or operated by a metropolitan utilities district or public power district pursuant to section 60-3,228;  
~~(45) (44)~~ Trailers exempt pursuant to section 60-3,108;  
~~(46) (45)~~ Transporter license plates issued pursuant to section 60-378;  
~~(47) (46)~~ Trucks or combinations of trucks, truck-tractors, or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;  
~~(48) (47)~~ Utility trailer license plates issued pursuant to section 60-3,151; and  
~~(49) (48)~~ Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 60. Section 60-3,113.02, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,113.02 (1) A handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, foster parent, or certifying health care provider may apply for a handicapped or disabled parking permit to the department or through a health care provider using a secure online process developed by the department which will entitle the holder of a permit or a person driving a motor vehicle for the purpose of

transporting such holder to park in those spaces or access aisles provided for by sections 18-1736 and 18-1737 when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, (a) the handicapped or disabled person or temporarily handicapped or disabled person is considered the holder of the permit and (b) certifying health care provider means the physician, physician assistant, or advanced practice registered nurse who makes the certification required in subsection (2) of this section or his or her designee.

(2) The application process for a handicapped or disabled parking permit or for the renewal of a permit under this section shall include presentation of proof of identity by the handicapped or disabled person or temporarily handicapped or disabled person and certification by a physician, a physician assistant, or an advanced practice registered nurse practicing under and in accordance with his or her certification act that the person who will be the holder meets the statutory criteria for qualification. An application for the renewal of a permit under this section may be submitted within one hundred eighty days prior to the expiration of the permit. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall recommend that the permit for the temporarily handicapped or disabled person be issued for either a three-month period or a six-month period, with such recommendation to be based on the estimated date of recovery.

(3) The department, upon receipt of a completed application for a handicapped or disabled parking permit under this section, shall verify that the applicant qualifies for such permit and, if so, shall deliver the permit to the applicant. ~~In issuing a renewal of a permit renewed permits, the department shall deliver a new expiration sticker each individual renewed permit to the applicant to be affixed to the existing permit. Such renewal sticker~~ The renewed permit shall not be issued sooner than ten days prior to the date of expiration of the existing permit, ~~and the existing permit shall be invalid upon receipt of the renewed permit.~~ A person may hold up to two permits under this section. If a person holds a permit under this section, such person may not hold a permit under section 60-3,113.03.

(4) In issuing any handicapped or disabled parking permit under this section, the department shall include a notice and an identification card. The notice shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used by the party to whom issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space or access aisle. The notice shall also indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months. The identification card shall show the expiration date of the permit and such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom the permit is issued as is necessary to the enforcement of sections 18-1736 to 18-1741.07 as determined by the department.

Sec. 61. Section 60-3,113.03, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,113.03 (1) The department shall take an application from any person for a handicapped or disabled parking permit that is issued for a specific motor vehicle and entitles the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces or access aisles provided for by sections 18-1736 and 18-1737 if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

(2) A person applying for a handicapped or disabled parking permit or for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons and shall include such information as is required by the department, including a demonstration to the department that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. An application for the renewal of a permit under this section may be submitted within one hundred eighty days prior to the expiration of the permit.

(3) The department, upon receipt of a completed application, shall verify that the applicant qualifies for a handicapped or disabled parking permit under this section and, if so, shall deliver the permit to the applicant. In issuing renewed permits, the department shall deliver each individual ~~renewed permit~~ renewal to the applicant as provided in section 60-3,113.02. The renewed permit shall not be issued sooner than ten days prior to the date of expiration, and the existing permit shall be invalid upon receipt of the renewed permit. No more than one such permit shall be issued for each motor vehicle under this section.

(4) In issuing any handicapped or disabled parking permit under this section, the department shall include a notice and an identification card to

the registered owner of the motor vehicle or the applicant. The notice shall contain information listing the legal uses of the permit and that the permit is not transferable, is to be used for the motor vehicle for which it is issued, is not to be altered or reproduced, and is to be used only when a handicapped or disabled person or a temporarily handicapped or disabled person will enter or exit the motor vehicle while it is parked in a designated parking space or access aisle. The notice shall also indicate that those convicted of handicapped parking infractions shall be subject to suspension of the permit for six months. The identification card shall identify the motor vehicle for which the permit is issued as is necessary to the enforcement of sections 18-1736 to 18-1741.07 as determined by the department.

Sec. 62. Section 60-3,113.04, Revised Statutes Supplement, 2017, is amended to read:

60-3,113.04 (1) A handicapped or disabled parking permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the regulations adopted by the United States Department of Transportation in 23 C.F.R. part 1235, UNIFORM SYSTEM FOR PARKING FOR PERSONS WITH DISABILITIES, as such regulations existed on January 1, 2018 ~~2017~~.

(2) No handicapped or disabled parking permit shall be issued to any person or for any motor vehicle if any permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 18-1741.02. At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in sections 60-3,113.02, 60-3,113.03, and 60-3,113.05.

(3) A duplicate handicapped or disabled parking permit may be provided up to two times during any single permit period if a permit is destroyed, lost, or stolen. Such duplicate permit shall be issued as provided in section 60-3,113.02 or 60-3,113.03, whichever is applicable, except that a new certification by a physician, a physician assistant, or an advanced practice registered nurse need not be provided. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. If a person has been issued two duplicate permits under this subsection and needs another permit, such person shall reapply for a new permit under section 60-3,113.02 or 60-3,113.03, whichever is applicable.

Sec. 63. Section 60-3,143, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,143 (1) For autocycles, the registration fee shall be as provided in section 60-3,153 ~~fifteen dollars~~.

(2) For every motor vehicle of ten-passenger capacity or less and not used for hire, the registration fee shall be fifteen dollars.

(3) For each motor vehicle having a seating capacity of ten persons or less and used for hire, the registration fee shall be six dollars plus an additional four dollars for every person such motor vehicle is equipped to carry in addition to the driver.

(4) For motor vehicles leased for hire when no driver or chauffeur is furnished by the lessor as part of the consideration paid for by the lessee, incident to the operation of the leased motor vehicle, the fee shall be fifteen dollars.

Sec. 64. Section 60-3,147, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,147 (1) The registration fee on commercial motor vehicles, and public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles, except those motor vehicles registered under section 60-3,198, shall be based upon the gross vehicle weight, not to exceed the maximum authorized by section 60-6,294.

(2) The registration fee on commercial motor vehicles, and public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles, except for motor vehicles and trailers registered under section 60-3,198, shall be based on the gross vehicle weight on such commercial motor vehicles, or public power district motor vehicles, or metropolitan utilities district motor vehicles plus the gross vehicle weight of any trailer or combination with which it is operated, except that for the purpose of determining the registration fee, the gross vehicle weight of a commercial motor vehicle towing or hauling a disabled or wrecked motor vehicle properly registered for use on the highways shall be only the gross vehicle weight of the towing commercial motor vehicle fully equipped and not including the weight of the motor vehicle being towed or hauled.

(3) Except as provided in subsection (4) of this section, the registration fee on such commercial motor vehicles, and public power district motor vehicles, and, beginning January 1, 2023, metropolitan utilities district motor vehicles shall be at the following rates:

- (a) For a gross vehicle weight of three tons or less, eighteen dollars;
- (b) For a gross vehicle weight exceeding three tons and not exceeding four tons, twenty-five dollars;
- (c) For a gross vehicle weight exceeding four tons and not exceeding five tons, thirty-five dollars;
- (d) For a gross vehicle weight exceeding five tons and not exceeding six tons, sixty dollars;
- (e) For a gross vehicle weight exceeding six tons but not exceeding seven tons, eighty-five dollars; and
- (f) For a gross vehicle weight in excess of seven tons, the fee shall be that for a commercial motor vehicle, or public power district motor vehicle, or

metropolitan utilities district motor vehicle having a gross vehicle weight of seven tons and, in addition thereto, twenty-five dollars for each ton of gross vehicle weight over seven tons.

(4)(a) For fractional tons in excess of the twenty percent or the tolerance of one thousand pounds, as provided in section 60-6,300, the fee shall be computed on the basis of the next higher bracket.

(b) The fees provided by this section shall be reduced ten percent for motor vehicles used exclusively for the transportation of agricultural products.

(c) Fees for commercial motor vehicles, ~~or~~ public power district motor vehicles, or, beginning January 1, 2023, metropolitan utilities district motor vehicles with a gross vehicle weight in excess of thirty-six tons shall be increased by twenty percent for all such commercial motor vehicles, ~~or~~ public power district motor vehicles, or metropolitan utilities district motor vehicles operated on any highway not a part of the National System of Interstate and Defense Highways.

(5)(a) Such fee may be paid one-half at the time of registration and one-half on the first day of the seventh month of the registration period when the license fee exceeds two hundred ten dollars. When the second half is paid, the county treasurer shall furnish a registration certificate and license plates issued by the department which shall be displayed on such commercial motor vehicle in the manner provided by law. In addition to the registration fee, the department shall collect a sufficient fee to cover the cost of issuing the certificate and license plates.

(b) If such second half is not paid within thirty days following the first day of the seventh month, the registration of such commercial motor vehicle shall be canceled and the registration certificate and license plates shall be returned to the county treasurer.

(c) Such fee shall be paid prior to any subsequent registration or renewal of registration.

(6) Except as provided in section 60-3,228, license plates issued under this section shall be the same size and of the same basic design as regular license plates issued under section 60-3,100.

(7) A license plate or plates issued to a commercial motor vehicle with a gross weight of five tons or over shall display, in addition to the registration number, the weight that the commercial motor vehicle is licensed for, using a decal on the license plate or plates of the commercial motor vehicle in letters and numerals of such size and design as shall be determined and issued by the department.

Sec. 65. Section 60-3,148, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,148 (1) This subsection applies until January 1, 2023. No owner of a commercial motor vehicle or public power district motor vehicle shall be permitted to increase the gross vehicle weight for which such commercial motor vehicle or public power district motor vehicle is registered except at the office of the county treasurer in the county where such commercial motor vehicle or public power district motor vehicle is currently registered unless the need for such increase occurs when such commercial motor vehicle is more than one hundred miles from the county seat of such county or the public power district motor vehicle is more than one hundred miles from its base location, unless authorized to do so by the Nebraska State Patrol or authorized state scale examiner as an emergency.

(2) This subsection applies beginning January 1, 2023. No owner of a commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle shall be permitted to increase the gross vehicle weight for which such commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle is registered except at the office of the county treasurer in the county where such commercial motor vehicle, metropolitan utilities district motor vehicle, or public power district motor vehicle is currently registered unless the need for such increase occurs when such commercial motor vehicle is more than one hundred miles from the county seat of such county or the metropolitan utilities district motor vehicle or public power district motor vehicle is more than one hundred miles from its base location, unless authorized to do so by the Nebraska State Patrol or authorized state scale examiner as an emergency.

Sec. 66. Section 60-3,185, Reissue Revised Statutes of Nebraska, is amended to read:

60-3,185 A motor vehicle tax is imposed on motor vehicles registered for operation upon the highways of this state, except:

(1) Motor vehicles exempt from the registration fee in section 60-3,160;

(2) One motor vehicle owned and used for his or her personal transportation by a disabled or blind veteran of the United States Armed Forces as defined in section 77-202.23 whose disability or blindness is recognized by the United States Department of Veterans Affairs and who was discharged or otherwise separated with a characterization of honorable if an application for the exemption has been approved under subsection (1) of section 60-3,189;

(3) Motor vehicles owned by Indians who are members of an Indian tribe as defined in 25 U.S.C. 479;

(4) Motor vehicles owned by a member of the United States Armed Forces serving in this state in compliance with military or naval orders or his or her spouse if such servicemember or spouse person is a resident of a state other than Nebraska;

(5) Motor vehicles owned by the state and its governmental subdivisions

and exempt as provided in subdivision (1)(a) or (b) of section 77-202;  
(6) Motor vehicles owned and used exclusively by an organization or society qualified for a tax exemption provided in subdivision (1)(c) or (d) of section 77-202 if an application for the exemption provided in this subdivision has been approved under subsection (2) of section 60-3,189; and  
(7) Trucks, trailers, or combinations thereof registered under section 60-3,198.  
Sec. 67. Section 60-3,187, Revised Statutes Cumulative Supplement, 2016, is amended to read:  
60-3,187 (1) The motor vehicle tax schedules are set out in this section.  
(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First	1.00
Second	0.90
Third	0.80
Fourth	0.70
Fifth	0.60
Sixth	0.51
Seventh	0.42
Eighth	0.33
Ninth	0.24
Tenth and Eleventh	0.15
Twelfth and Thirteenth	0.07
Fourteenth and older	0.00

(3) The base tax shall be:  
(a) Automobiles, autocycles, and motorcycles - An amount determined using the following table:

Value when new	Base tax
Up to \$3,999	\$ 25
\$4,000 to \$5,999	35
\$6,000 to \$7,999	45
\$8,000 to \$9,999	60
\$10,000 to \$11,999	100
\$12,000 to \$13,999	140
\$14,000 to \$15,999	180
\$16,000 to \$17,999	220
\$18,000 to \$19,999	260
\$20,000 to \$21,999	300
\$22,000 to \$23,999	340
\$24,000 to \$25,999	380
\$26,000 to \$27,999	420
\$28,000 to \$29,999	460
\$30,000 to \$31,999	500
\$32,000 to \$33,999	540
\$34,000 to \$35,999	580
\$36,000 to \$37,999	620

LB909 2018	LB909 2018
\$38,000 to \$39,999	660
\$40,000 to \$41,999	700
\$42,000 to \$43,999	740
\$44,000 to \$45,999	780
\$46,000 to \$47,999	820
\$48,000 to \$49,999	860
\$50,000 to \$51,999	900
\$52,000 to \$53,999	940
\$54,000 to \$55,999	980
\$56,000 to \$57,999	1,020
\$58,000 to \$59,999	1,060
\$60,000 to \$61,999	1,100
\$62,000 to \$63,999	1,140
\$64,000 to \$65,999	1,180
\$66,000 to \$67,999	1,220
\$68,000 to \$69,999	1,260
\$70,000 to \$71,999	1,300
\$72,000 to \$73,999	1,340
\$74,000 to \$75,999	1,380
\$76,000 to \$77,999	1,420
\$78,000 to \$79,999	1,460
\$80,000 to \$81,999	1,500
\$82,000 to \$83,999	1,540
\$84,000 to \$85,999	1,580
\$86,000 to \$87,999	1,620
\$88,000 to \$89,999	1,660
\$90,000 to \$91,999	1,700
\$92,000 to \$93,999	1,740
\$94,000 to \$95,999	1,780
\$96,000 to \$97,999	1,820
\$98,000 to \$99,999	1,860
\$100,000 and over	1,900
(b) Assembled automobiles – \$60	
(c) Assembled motorcycles <u>other than autocycles</u> – \$25	
(d) Cabin trailers, up to one thousand pounds – \$10	
(e) Cabin trailers, one thousand pounds and over and less than two thousand pounds – \$25	
(f) Cabin trailers, two thousand pounds and over – \$40	
(g) Recreational vehicles, less than eight thousand pounds – \$160	
(h) Recreational vehicles, eight thousand pounds and over and less than twelve thousand pounds – \$410	
(i) Recreational vehicles, twelve thousand pounds and over – \$860	
(j) Assembled recreational vehicles and buses shall follow the schedules for body type and registered weight	
(k) Trucks - Over seven tons and less than ten tons – \$360	
(l) Trucks - Ten tons and over and less than thirteen tons – \$560	
(m) Trucks - Thirteen tons and over and less than sixteen tons – \$760	
(n) Trucks - Sixteen tons and over and less than twenty-five tons – \$960	

(o) Trucks - Twenty-five tons and over – \$1,160  
(p) Buses – \$360  
(q) Trailers other than semitrailers – \$10  
(r) Semitrailers – \$110  
(s) Minitrucks – \$50  
(t) Low-speed vehicles – \$50  
(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks except those trucks, trailers, or combinations thereof registered under section 60-3,198, and the tax is based on the gross vehicle weight rating as reported by the manufacturer.

(5) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(6) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(7) Assembled cabin trailers, assembled recreational vehicles, and assembled buses shall be designated as sixth-year motor vehicles in their first year of registration for purposes of the schedules.

(8) When a motor vehicle is registered which is required to have a title branded as previous salvage pursuant to section 60-175, the motor vehicle tax shall be reduced by twenty-five percent.

Sec. 68. Section 60-3,190, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles registered for operation in this state. An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to section 60-3,185 shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.

(2) The department shall annually determine the motor vehicle fee on each motor vehicle registered pursuant to this section and shall cause a notice of the amount to be delivered to the registrant. The notice shall be combined with the notice of the motor vehicle tax required by section 60-3,186.

(3) The motor vehicle fee schedules are set out in this subsection and subsection (4) of this section. Except for automobiles with a value when new of less than \$20,000, and for assembled, reconstructed-designated, and replica-designated automobiles, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the automobile as shown in the following table:

YEAR	FRACTION
First through fifth	1.00
Sixth through tenth	.70
Eleventh and over	.35

(4) The base fee shall be:  
(a) Automobiles, with a value when new of less than \$20,000, and assembled, reconstructed-designated, and replica-designated automobiles – \$5  
(b) Automobiles, with a value when new of \$20,000 through \$39,999 – \$20  
(c) Automobiles, with a value when new of \$40,000 or more – \$30  
(d) Motorcycles and autocycles – \$10  
(e) Recreational vehicles and cabin trailers – \$10  
(f) Trucks over seven tons and buses – \$30  
(g) Trailers other than semitrailers – \$10  
(h) Semitrailers – \$30  
(i) Minitrucks – \$10  
(j) Low-speed vehicles – \$10.  
~~(k) Autocycles – \$10.~~

(5) The motor vehicle tax, motor vehicle fee, and registration fee shall be paid to the county treasurer prior to the registration of the motor vehicle for the following registration period. After retaining one percent of the motor vehicle fee collected for costs, the remaining proceeds shall be remitted to the State Treasurer for credit to the Motor Vehicle Fee Fund. The State Treasurer shall return funds from the Motor Vehicle Fee Fund remitted by a county treasurer which are needed for refunds or credits authorized by law.

(6)(a) The Motor Vehicle Fee Fund is created. On or before the last day of each calendar quarter, the State Treasurer shall distribute all funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the county treasurer of each county, amounts in the same proportion as the most recent allocation received by each county from the Highway Allocation Fund; and (ii) fifty percent to the treasurer of each municipality, amounts in the same proportion as the most recent allocation received by each municipality from the Highway Allocation Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(b) Funds from the Motor Vehicle Fee Fund shall be considered local revenue available for matching state sources.

(c) All receipts by counties and municipalities from the Motor Vehicle Fee Fund shall be used for road, bridge, and street purposes.

(7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this

section, automobiles or trucks includes all trucks and combinations of trucks or truck-tractors, except those trucks, trailers, or semitrailers registered under section 60-3,198, and the fee is based on the gross vehicle weight rating as reported by the manufacturer.

(8) Current model year vehicles are designated as first-year motor vehicles for purposes of the schedules.

(9) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle fee for six registration periods.

(10) Assembled vehicles other than assembled, reconstructed-designated, or replica-designated automobiles shall follow the schedules for the motor vehicle body type.

Sec. 69. Section 60-3,193.01, Revised Statutes Supplement, 2017, is amended to read:

60-3,193.01 For purposes of the Motor Vehicle Registration Act, the International Registration Plan is adopted and incorporated by reference as the plan existed on January 1, 2018 ~~2017~~.

Sec. 70. Section 60-3,221, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,221 (1) Except as otherwise provided in the Motor Vehicle Registration Act:

(a) A cabin trailer shall only be towed by a properly registered:

- (i) Passenger car;
- (ii) Commercial motor vehicle or apportionable vehicle;
- (iii) Farm truck;
- (iv) Local truck;
- (v) Minitruck;
- (vi) Recreational vehicle; or
- (vii) Bus;

(b) A utility trailer shall only be towed by:

- (i) A properly registered passenger car;
- (ii) A properly registered commercial motor vehicle or apportionable vehicle;

- (iii) A properly registered farm truck;
- (iv) A properly registered local truck;
- (v) A properly registered minitruck;
- (vi) A properly registered recreational vehicle;
- (vii) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;

(viii) A properly registered well-boring apparatus;

(ix) A dealer-plated vehicle;

(x) A personal-use dealer-plated vehicle;

(xi) A properly registered bus; or

(xii) A properly registered public power district motor vehicle or, beginning January 1, 2023, a properly registered metropolitan utilities district motor vehicle;

(c) A farm trailer shall only be towed by a properly registered:

- (i) Passenger car;
- (ii) Commercial motor vehicle;
- (iii) Farm truck; or
- (iv) Minitruck;

(d) A commercial trailer shall only be towed by:

(i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;

(ii) A properly registered local truck;

(iii) A properly registered well-boring apparatus;

(iv) A properly registered commercial motor vehicle or apportionable vehicle;

(v) A dealer-plated vehicle;

(vi) A personal-use dealer-plated vehicle;

(vii) A properly registered bus;

(viii) A properly registered farm truck; or

(ix) A properly registered public power district motor vehicle or, beginning January 1, 2023, a properly registered metropolitan utilities district motor vehicle;

(e) A fertilizer trailer shall only be towed by a properly registered:

- (i) Passenger car;
- (ii) Commercial motor vehicle or apportionable vehicle;
- (iii) Farm truck; or
- (iv) Local truck;

(f) A pole and cable reel trailer shall only be towed by a properly registered:

(i) Commercial motor vehicle or apportionable vehicle;

(ii) Local truck; or

(iii) Public power district motor vehicle or, beginning January 1, 2023, metropolitan utilities district motor vehicle;

(g) A dealer-plated trailer shall only be towed by:

(i) A dealer-plated vehicle;

(ii) A properly registered passenger car;

(iii) A properly registered commercial motor vehicle or apportionable vehicle;

(iv) A properly registered farm truck;

(v) A properly registered minitruck; or



- (vi) A personal-use dealer-plated vehicle; and
- (h) Trailers registered pursuant to section 60-3,198 as part of an apportioned fleet shall only be towed by:
  - (i) A properly registered motor vehicle which is engaged in soil and water conservation pursuant to section 60-3,149;
  - (ii) A properly registered local truck;
  - (iii) A properly registered well-boring apparatus;
  - (iv) A properly registered commercial motor vehicle or apportionable vehicle;
  - (v) A dealer-plated vehicle;
  - (vi) A personal-use dealer-plated vehicle;
  - (vii) A properly registered bus; or
  - (viii) A properly registered farm truck.

(2) Nothing in this section shall be construed to waive compliance with the Nebraska Rules of the Road or Chapter 75.

(3) Nothing in this section shall be construed to prohibit any motor vehicle or trailer from displaying dealer license plates or In Transit stickers authorized by section 60-376.

Sec. 71. Section 60-3,228, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-3,228 (1)(a) This subsection applies until January 1, 2023. ~~(1)~~

(b) Upon application and payment of the fees required pursuant to this section and section 60-3,229, each motor vehicle and trailer operated by a public power district shall be issued permanent public power district license plates. The public power district license plates shall be issued by the county in which the public power district is headquartered.

(c) ~~(2)~~ Public power district vehicles shall display a distinctive license plate provided by the department pursuant to this section.

(d) ~~(3)~~ Any license plate issued pursuant to this section shall remain affixed to the front and rear of the motor vehicle and to the rear of the trailer as long as the public power district vehicle is registered pursuant to this section by the owner or lessor making the original application pursuant to subdivision (1)(b) subsection (1) of this section.

(2)(a) This subsection applies beginning on January 1, 2023.

(b) Upon application and payment of the fees required pursuant to this section and section 60-3,229, each motor vehicle and trailer operated by a metropolitan utilities district or a public power district shall be issued permanent metropolitan utilities district or public power district license plates. The metropolitan utilities district or public power district license plates shall be issued by the county in which the metropolitan utilities district or public power district is headquartered.

(c) Metropolitan utilities district vehicles or public power district vehicles shall display a distinctive license plate provided by the department pursuant to this section.

(d) Any license plate issued pursuant to this section shall remain affixed to the front and rear of the motor vehicle and to the rear of the trailer as long as the metropolitan utilities district vehicle or public power district vehicle is registered pursuant to this section by the owner or lessor making the original application pursuant to subdivision (2)(b) of this section.

Sec. 72. Section 60-3,229, Revised Statutes Supplement, 2017, is amended to read:

60-3,229 (1) This subsection applies until January 1, 2023. The registration fee for a public power district motor vehicle shall be the fee provided for commercial motor vehicles in section 60-3,147. The registration fee for a public power district trailer shall be the fee provided for a trailer in section 60-3,151.

(2) This subsection applies beginning January 1, 2023. The registration fee for a metropolitan utilities district motor vehicle or public power district motor vehicle shall be the fee provided for commercial motor vehicles in section 60-3,147. The registration fee for a metropolitan utilities district trailer or public power district trailer shall be the fee provided for a trailer in section 60-3,151.

Sec. 73. Section 60-462, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-462 Sections 60-462 to 60-4,189 and section 90 of this act shall be known and may be cited as the Motor Vehicle Operator's License Act.

Sec. 74. Section 60-462.01, Revised Statutes Supplement, 2017, is amended to read:

60-462.01 For purposes of the Motor Vehicle Operator's License Act, the following federal regulations are adopted as Nebraska law as they existed on January 1, 2018 ~~2017~~:

The parts, subparts, and sections of Title 49 of the Code of Federal Regulations, as referenced in the Motor Vehicle Operator's License Act.

Sec. 75. Section 60-463.02, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-463.02 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) ~~in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system,~~ (4) having antilock brakes, (4) ~~and (5)~~ designed to be controlled with a steering

wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Sec. 76. Section 60-479.01, Revised Statutes Supplement, 2017, is amended to read:

60-479.01 (1) All persons handling source documents or engaged in the issuance of new, renewed, or reissued operators' licenses or state identification cards shall have periodic fraudulent document recognition training.

(2) All persons and agents of the department involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or who have the ability to affect information on such licenses or cards shall be subject to a criminal history record information check, including a check of prior employment references, and a lawful status check as required by 6 C.F.R. part 37, as such part existed on January 1, 2018 ~~2017~~. Such persons and agents shall provide fingerprints which shall be submitted to the Federal Bureau of Investigation. The bureau shall use its records for the criminal history record information check.

(3) Upon receipt of a request pursuant to subsection (2) of this section, the Nebraska State Patrol shall undertake a search for criminal history record information relating to such applicant, including transmittal of the applicant's fingerprints to the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the applicant from federal repositories of such information and repositories of such information in other states, if authorized by federal law. The Nebraska State Patrol shall issue a report to the employing public agency that shall include the criminal history record information concerning the applicant. The cost of any background check shall be borne by the employer of the person or agent.

(4) Any person convicted of any disqualifying offense as provided in 6 C.F.R. part 37, as such part existed on January 1, 2018 ~~2017~~, shall not be involved in the recording of verified application information or verified operator's license and state identification card information, involved in the manufacture or production of licenses or cards, or involved in any capacity in which such person would have the ability to affect information on such licenses or cards. Any employee or prospective employee of the department shall be provided notice that he or she will undergo such criminal history record information check prior to employment or prior to any involvement with the issuance of operators' licenses or state identification cards.

Sec. 77. Section 60-480, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-480 (1) Operators' licenses issued by the department pursuant to the Motor Vehicle Operator's License Act shall be classified as follows:

(a) ~~(1)~~ Class O license. The operator's license which authorizes the person to whom it is issued to operate on highways any motor vehicle except a commercial motor vehicle or motorcycle;

(b) ~~(2)~~ Class M license. The operator's license or endorsement on a Class O license, provisional operator's permit, learner's permit, school permit, or commercial driver's license which authorizes the person to whom it is issued to operate a motorcycle on highways;

(c) ~~(3)~~ CDL-commercial driver's license. The operator's license which authorizes the person to whom it is issued to operate a class of commercial motor vehicle or any motor vehicle, except a motorcycle, on highways;

(d) ~~(4)~~ CLP-commercial learner's permit. A permit which when carried with a Class O license authorizes an individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a CLP-commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid;

(e) ~~(5)~~ RCDL-restricted commercial driver's license. The class of commercial driver's license which, when held with an annual seasonal permit, authorizes a seasonal commercial motor vehicle operator as defined in section 60-4,146.01 to operate any Class B Heavy Straight Vehicle or Class C Small Vehicle commercial motor vehicle for purposes of a farm-related or ranch-related service industry as defined in such section within one hundred fifty miles of the employer's place of business or the farm or ranch currently being served as provided in such section or any other motor vehicle, except a motorcycle, on highways;

(f) ~~(6)~~ POP-provisional operator's permit. A motor vehicle operating permit with restrictions issued pursuant to section 60-4,120.01 to a person who is at least sixteen years of age but less than eighteen years of age which authorizes the person to operate any motor vehicle except a commercial motor vehicle or motorcycle;

(g) ~~(7)~~ SCP-school permit. A permit issued to a student between fourteen years and two months of age and sixteen years of age for the purpose of driving in accordance with the requirements of section 60-4,124;

(h) ~~(8)~~ FMP-farm permit. A permit issued to a person for purposes of operating farm tractors and other motorized implements of farm husbandry on highways in accordance with the requirements of section 60-4,126;

(i) ~~(9)~~ LPD-learner's permit. A permit issued in accordance with the requirements of section 60-4,123 to a person at least fifteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, for learning purposes when accompanied by a licensed operator who is at least twenty-one years of age and who possesses a valid operator's license issued by this state or another state;

(j) ~~(10)~~ LPE-learner's permit. A permit issued to a person at least fourteen years of age which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, while learning to drive in preparation for application for a school permit;

(k) ~~(11)~~ EDP-employment driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,129 and 60-4,130;

(l) ~~(12)~~ IIP-ignition interlock permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, which is equipped with an ignition interlock device;

(m) ~~(13)~~ SEP-seasonal permit. A permit issued to a person who holds a restricted commercial driver's license authorizing the person to operate a commercial motor vehicle, as prescribed by section 60-4,146.01, for no more than one hundred eighty consecutive days in any twelve-month period. The seasonal permit shall be valid and run from the date of original issuance of the permit for one hundred eighty days and from the date of annual revalidation of the permit; and

(n) ~~(14)~~ MHP-medical hardship driving permit. A permit issued to a person which authorizes the person to operate a motor vehicle, except a commercial motor vehicle, pursuant to the requirements of sections 60-4,130.01 and 60-4,130.02.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 78. Section 60-484, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-484 (1) Except as otherwise provided in the Motor Vehicle Operator's License Act, no resident of the State of Nebraska shall operate a motor vehicle upon the alleys or highways of this state until the person has obtained an operator's license for that purpose.

(2) Application for an operator's license or a state identification card shall be made in a manner prescribed by the department.

(3) The applicant shall provide his or her full legal name, date of birth, mailing address, gender, race or ethnicity, and social security number, two forms of proof of address of his or her principal residence unless the applicant is a program participant under the Address Confidentiality Act, evidence of identity as required by subsection (6) of this section, and a brief physical description of himself or herself. The applicant (a) may also complete the voter registration portion pursuant to section 32-308, (b) shall be provided the advisement language required by subsection (5) of section 60-6,197, (c) shall answer the following:

(i) Have you within the last three months (e.g. due to diabetes, epilepsy, mental illness, head injury, stroke, heart condition, neurological disease, etc.):

(A) lost voluntary control or consciousness ... yes ... no

(B) experienced vertigo or multiple episodes of dizziness or fainting ... yes ... no

(C) experienced disorientation ... yes ... no

(D) experienced seizures ... yes ... no

(E) experienced impairment of memory, memory loss ... yes ... no

Please explain: .....

(ii) Do you experience any condition which affects your ability to operate a motor vehicle? (e.g. due to loss of, or impairment of, foot, leg, hand, arm; neurological or neuromuscular disease, etc.) ... yes ... no

Please explain: .....

(iii) Since the issuance of your last driver's license/permit, has your health or medical condition changed or worsened? ... yes ... no

Please explain, including how the above affects your ability to drive: ....., and (d) may answer the following:

(i) Do you wish to register to vote as part of this application process?

(ii) Do you wish to have the word "veteran" displayed on the front of your operator's license or state identification card to show that you served in the armed forces of the United States? (To be eligible you must register with the Nebraska Department of Veterans' Affairs registry.)

(iii) Do you wish to include your name in the Donor Registry of Nebraska and donate your organs and tissues at the time of your death?

(iv) Do you wish to receive any additional specific information regarding organ and tissue donation and the Donor Registry of Nebraska?

(v) Do you wish to donate \$1 to promote the Organ and Tissue Donor Awareness and Education Fund?

(4) Application for an operator's license or state identification card shall include a signed oath, affirmation, or declaration of the applicant that the information provided on the application for the license or card is true and correct.

(5) The social security number shall not be printed on the operator's

license or state identification card and shall be used only (a) to furnish information to the United States Selective Service System under section 60-483, (b) with the permission of the director in connection with the verification of the status of an individual's driving record in this state or any other state, (c) for purposes of child support enforcement pursuant to section 42-358.08 or 43-512.06, (d) to furnish information regarding an applicant for or holder of a commercial driver's license with a hazardous materials endorsement to the Transportation Security Administration of the United States Department of Homeland Security or its agent, (e) to furnish information to the Department of Revenue under section 77-362.02, or (f) to furnish information to the Secretary of State for purposes of the Election Act.

(6)(a) Each individual applying for an operator's license or a state identification card shall furnish proof of date of birth and identity with documents containing a photograph or with nonphoto identity documents which include his or her full legal name and date of birth. Such documents shall be those provided in subsection (1) of section 60-484.04.

(b) Any individual under the age of eighteen years applying for an operator's license or a state identification card shall provide a certified copy of his or her birth certificate or, if such individual is unable to provide a certified copy of his or her birth certificate, other reliable proof of his or her identity and age, as required in subdivision (6)(a) of this section, accompanied by a certification signed by a parent or guardian explaining the inability to produce a copy of such birth certificate. The applicant also may be required to furnish proof to department personnel that the parent or guardian signing the certification is in fact the parent or guardian of such applicant.

(c) An applicant may present other documents as proof of identification and age designated by the director. Any documents accepted shall be recorded according to a written exceptions process established by the director.

(7) Any individual applying for an operator's license or a state identification card who indicated his or her wish to have the word "veteran" displayed on the front of such license or card shall comply with section 60-4,189.

(8) No person shall be a holder of an operator's license and a state identification card at the same time. A person who has a digital image and digital signature on file with the department may apply electronically to change his or her Class 0 operator's license to a state identification card.

Sec. 79. Section 60-4,122, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,122 (1) Except as otherwise provided in subsections (2), (3), and (8) of this section, no original or renewal operator's license shall be issued to any person until such person has demonstrated his or her ability to operate a motor vehicle safely as provided in section 60-4,114.

(2) Except as otherwise provided in this section and section 60-4,127, any person who renews his or her Class 0 or Class M license shall demonstrate his or her ability to drive and maneuver a motor vehicle safely as provided in subdivision (3)(b) of section 60-4,114 only at the discretion of department personnel, except that a person required to use bioptic or telescopic lenses shall be required to demonstrate his or her ability to drive and maneuver a motor vehicle safely each time he or she renews his or her license.

(3) Any person who renews his or her Class 0 or Class M license prior to or within one year after its expiration may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state as provided in subdivision (3)(c) of section 60-4,114 if his or her driving record abstract maintained in the computerized records of the department shows that such person's license is not impounded, suspended, revoked, or canceled.

(4) Except for operators' licenses issued to persons required to use bioptic or telescopic lenses, any person who renews his or her operator's license which has been valid for fifteen months or less shall not be required to take any examination required under section 60-4,114.

(5) Any person who renews a state identification card shall appear before department personnel and present his or her current state identification card or shall follow the procedure for electronic renewal in subsection (9) of this section. Proof of identification shall be required as prescribed in sections 60-484 and 60-4,181 and the information and documentation required by section 60-484.04.

(6) A nonresident who applies for an initial operator's license in this state and who holds a valid operator's license from another state which is his or her state of residence may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she surrenders to the department his or her valid out-of-state operator's license.

(7) An applicant for an original operator's license may not be required to demonstrate his or her knowledge of the motor vehicle laws of this state if he or she has been issued a Nebraska LPD-learner's permit that is valid or has been expired for no more than one year. The written examination shall not be waived if the original operator's license being applied for contains a class or endorsement which is different from the class or endorsement of the Nebraska LPD-learner's permit.

(8)(a) A qualified licensee as determined by the department who is twenty-one years of age or older, whose license expires prior to his or her seventy-second birthday, and who has a digital image and digital signature preserved in the digital system may renew his or her Class 0 or Class M license once by electronic means in a manner prescribed by the department using the preserved

digital image and digital signature without taking any examination required under section 60-4,114 if such renewal is prior to or within one year after the expiration of the license, if his or her driving record abstract maintained in the records of the department shows that such person's license is not impounded, suspended, revoked, or canceled, and if his or her driving record indicates that he or she is otherwise eligible. Every licensee, including a licensee who is out of the state at the time of renewal, must apply for renewal in person at least once every ten years and have a new digital image and digital signature captured.

(b) In order to allow for an orderly progression through the various types of operators' licenses issued to persons under twenty-one years of age, a qualified holder of an operator's license who is under twenty-one years of age and who has a digital image and digital signature preserved in the digital system may apply for an operator's license by electronic means in a manner prescribed by the department using the preserved digital image and digital signature if the applicant has passed any required examinations prior to application, if his or her driving record abstract maintained in the records of the department shows that such person's operator's license is not impounded, suspended, revoked, or canceled, and if his or her driving record indicates that he or she is otherwise eligible.

(9) Any person who is twenty-one years of age or older and who has been issued a state identification card with a digital image and digital signature may electronically renew his or her state identification card ~~once~~ by electronic means in a manner prescribed by the department using the preserved digital image and digital signature. ~~Every holder of a state identification card shall apply for renewal in person at least once every ten years and have a new digital image and digital signature captured.~~

(10) In addition to services available at driver license offices, the department may develop requirements for using electronic means for online issuance of operators' licenses and state identification cards to qualified holders as determined by the department.

Sec. 80. Section 60-4,123, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,123 (1) Any person who is at least fifteen years of age may apply for an LPD-learner's permit from the department. In order to obtain an LPD-learner's permit, the applicant shall successfully complete a written examination. A person may take the written examination beginning sixty days prior to his or her fifteenth birthday but shall not be issued a permit until he or she is fifteen years of age. The written examination may be waived for any person who has been issued an LPE-learner's permit, LPD-learner's permit, or SCP-school permit that has been expired for no more than one year.

(2) Upon successful completion of the written examination and the payment of a fee and surcharge as prescribed in section 60-4,115, the applicant shall be issued an LPD-learner's permit as provided in section 60-4,113. The permit shall be valid for twelve months.

(3)(a) The holder of an LPD-learner's permit shall only operate a motor vehicle on the highways of this state if he or she is accompanied at all times by a licensed operator who is at least twenty-one years of age and who has been licensed by this state or another state and if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, he or she is actually occupying the seat beside the licensed operator, (ii) in the case of an autocycle, he or she is actually occupying the seat beside or in front of the licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, he or she is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.

(b) The holder of an LPD-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPD-learner's permit has been cited or charged with a violation of some other law.

(4) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section 60-4,115 for the issuance of each LPD-learner's permit.

Sec. 81. Section 60-4,123.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,123.01 For purposes of driver training, any person who has attained or will attain the age of fourteen years on or before October 15 of the current year may operate a motor vehicle, other than an autocycle, upon the highways of this state if he or she is accompanied or, in the case of a motorcycle, other than an autocycle, or a moped, supervised at all times by a licensed operator who is a driver training instructor certified by the Commissioner of Education.

Sec. 82. Section 60-4,124, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,124 (1) A person who is younger than sixteen years and three months of age but is older than fourteen years and two months of age may be issued a school permit if such person either resides outside a city of the metropolitan, primary, or first class or attends a school which is outside a city of the metropolitan, primary, or first class and if such person has held an LPE-learner's permit for two months. A school permit shall not be issued until such person has demonstrated that he or she is capable of successfully operating a motor vehicle, moped, or motorcycle and has in his or her possession an issuance certificate authorizing the county treasurer to issue a school permit.

In order to obtain an issuance certificate, the applicant shall present (a) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (i) the effects of the consumption of alcohol on a person operating a motor vehicle, (ii) occupant protection systems, (iii) risk assessment, and (iv) railroad crossing safety and (b)(i) proof of successful completion of a written examination and driving test administered by a driver safety course instructor or (ii) a certificate in a form prescribed by the department, signed by a parent, guardian, or licensed driver at least twenty-one years of age, verifying that the applicant has completed fifty hours of lawful motor vehicle operation, under conditions that reflect department-approved driver safety course curriculum, with a parent, guardian, or adult at least twenty-one years of age, who has a current Nebraska operator's license or who is licensed in another state. The department may waive the written examination if the applicant has been issued an LPE-learner's permit or LPD-learner's permit and if such permit is valid or has expired no more than one year prior to application. The written examination shall not be waived if the permit being applied for contains a class or endorsement which is different from the class or endorsement of the LPE-learner's permit.

(2) A person holding a school permit may operate a motor vehicle, moped, or motorcycle or an autocycle:

(a) To and from where he or she attends school and between schools of enrollment over the most direct and accessible route by the nearest highway from his or her place of residence to transport such person or any family member who resides with such person to attend duly scheduled courses of instruction and extracurricular or school-related activities at the school he or she attends; or

(b) Under the personal supervision of a licensed operator. Such licensed operator shall be at least twenty-one years of age and licensed by this state or another state and shall (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, actually occupy the seat beside the permitholder, (ii) in the case of an autocycle, actually occupy the seat beside or behind the permitholder, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, if the permitholder is within visual contact of and under the supervision of, in the case of a motorcycle, a licensed motorcycle operator or, in the case of a moped, a licensed motor vehicle operator.

(3) The holder of a school permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subsection shall be accomplished only as a secondary action when the holder of the school permit has been cited or charged with a violation of some other law.

(4) A person who is younger than sixteen years of age but is over fourteen years of age may be issued an LPE-learner's permit, which permit shall be valid for a period of three months. An LPE-learner's permit shall not be issued until such person successfully completes a written examination prescribed by the department and demonstrates that he or she has sufficient powers of eyesight to safely operate a motor vehicle, moped, or motorcycle or an autocycle.

(5)(a) While holding the LPE-learner's permit, the person may operate a motor vehicle on the highways of this state if (i) for all motor vehicles other than autocycles, motorcycles, or mopeds, he or she has seated next to him or her a person who is a licensed operator, (ii) in the case of an autocycle, he or she has seated next to or behind him or her a person who is a licensed operator, or (iii) in the case of a motorcycle, other than an autocycle, or a moped, he or she is within visual contact of and is under the supervision of a person who, in the case of a motorcycle, is a licensed motorcycle operator or, in the case of a moped, is a licensed motor vehicle operator. Such licensed motor vehicle or motorcycle operator shall be at least twenty-one years of age and licensed by this state or another state.

(b) The holder of an LPE-learner's permit shall not use any type of interactive wireless communication device while operating a motor vehicle on the highways of this state. Enforcement of this subdivision shall be accomplished only as a secondary action when the holder of the LPE-learner's permit has been cited or charged with a violation of some other law.

(6) Department personnel or the county treasurer shall collect the fee and surcharge prescribed in section 60-4,115 from each successful applicant for a school or LPE-learner's permit. All school permits shall be subject to impoundment or revocation under the terms of section 60-496. Any person who violates the terms of a school permit shall be guilty of an infraction and shall not be eligible for another school, farm, LPD-learner's, or LPE-learner's permit until he or she has attained the age of sixteen years.

(7) Any person who holds a permit issued under this section and has violated subdivision (3)(b) or (c) of section 28-306, subdivision (3)(b) or (c) of section 28-394, or section 28-1254, 60-6,196, 60-6,197, or 60-6,197.06 shall not be eligible for an ignition interlock permit.

Sec. 83. Section 60-4,127, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,127 (1) No person shall operate a motorcycle on the alleys or highways of the State of Nebraska until such person has obtained a Class M license. No such license shall be issued until the applicant has (a) met the vision and physical requirements established under section 60-4,118 for operation of a motor vehicle and (b) successfully completed an examination, including the actual operation of a motorcycle, prescribed by the director, except that the required examination may be waived, including the actual

operation of a motorcycle, if the applicant presents proof of successful completion of a motorcycle safety course under the Motorcycle Safety Education Act within the immediately preceding twenty-four months.

(2) Department personnel shall conduct the examination of the applicants and deliver to each successful applicant an issuance certificate or a receipt. If department personnel issue a receipt, department personnel shall collect the fee and surcharge as provided in section 60-4,115 and issue a receipt with driving privileges which is valid for up to thirty days. In counties where the county treasurer collects fees and issues receipts, the certificate may be presented to the county treasurer within ninety days after issuance. Upon presentation of an issuance certificate, the county treasurer shall collect the fee and surcharge for a Class M license as prescribed by section 60-4,115 and issue a receipt with driving privileges which is valid for up to thirty days. If department personnel refuse to issue an issuance certificate or receipt, the department personnel shall state such cause in writing and deliver such written cause to the applicant. The license shall be delivered as provided in section 60-4,113. If the applicant is the holder of an operator's license, the county treasurer or department personnel shall have endorsed on the license the authorization to operate a motorcycle. Fees for Class M licenses shall be as provided by section 60-4,115.

(3) For purposes of this section, motorcycle does not include an autocycle.

Sec. 84. Section 60-4,128, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,128 (1) Any person violating the provisions of section 60-4,127 shall be guilty of a traffic infraction and shall upon conviction thereof be fined not less than ten dollars nor more than one hundred dollars. In addition, a person operating a motorcycle without a Class M license may be required to complete the basic motorcycle safety course as provided in the Motorcycle Safety Education Act.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 85. Section 60-4,130.04, Reissue Revised Statutes of Nebraska, is amended to read:

60-4,130.04 Commercial driver safety course instructors shall possess competence as outlined in rules and regulations adopted and promulgated by the Department of Motor Vehicles. Instructors who teach the department-approved driver safety course in a public school or institution and possess competence as outlined in a driver's education endorsement shall be eligible to sign a form prescribed by the department or electronically submit test results to the department showing successful completion of the driver safety course. Each public school or institution offering a department-approved driver safety course shall be required to obtain a certificate and pay the fee pursuant to section 60-4,130.05. The Nebraska Safety Center shall offer a department-approved driver safety course at least once each year in any county where no approved course is offered.

Sec. 86. Section 60-4,131, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,131 (1) Sections 60-462.01 and 60-4,132 to 60-4,172 and section 90 of this act shall apply to the operation of any commercial motor vehicle.

(2) For purposes of such sections:

(a) Disqualification means:

(i) The suspension, revocation, cancellation, or any other withdrawal by a state of a person's privilege to operate a commercial motor vehicle;

(ii) A determination by the Federal Motor Carrier Safety Administration, under the rules of practice for motor carrier safety contained in 49 C.F.R. part 386, that a person is no longer qualified to operate a commercial motor vehicle under 49 C.F.R. part 391; or

(iii) The loss of qualification which automatically follows conviction of an offense listed in 49 C.F.R. 383.51;

(b) Downgrade means the state:

(i) Allows the driver of a commercial motor vehicle to change his or her self-certification to interstate, but operating exclusively in transportation or operation excepted from 49 C.F.R. part 391, as provided in 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3;

(ii) Allows the driver of a commercial motor vehicle to change his or her self-certification to intrastate only, if the driver qualifies under a state's physical qualification requirements for intrastate only;

(iii) Allows the driver of a commercial motor vehicle to change his or her certification to intrastate, but operating exclusively in transportation or operations excepted from all or part of a state driver qualification requirement; or

(iv) Removes the commercial driver's license privilege from the operator's license;

(c) Employee means any operator of a commercial motor vehicle, including full time, regularly employed drivers; casual, intermittent, or occasional drivers; and leased drivers and independent, owner-operator contractors, while in the course of operating a commercial motor vehicle, who are either directly employed by or under lease to an employer;

(d) Employer means any person, including the United States, a state, the District of Columbia, or a political subdivision of a state, that owns or leases a commercial motor vehicle or assigns employees to operate a commercial motor vehicle;

(e) Endorsement means an authorization to an individual's CLP-commercial learner's permit or commercial driver's license required to permit the individual to operate certain types of commercial motor vehicles;

(f) Foreign means outside the fifty United States and the District of Columbia;

(g) Imminent hazard means the existence of a condition relating to hazardous material that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment;

(h) Issue and issuance means initial issuance, transfer, renewal, or upgrade of a CLP-commercial learner's permit, commercial driver's license, nondomiciled CLP-commercial learner's permit, or nondomiciled commercial driver's license, as described in 49 C.F.R. 383.73;

(i) Medical examiner means an individual certified by the Federal Motor Carrier Safety Administration and listed on the National Registry of Certified Medical Examiners in accordance with 49 C.F.R. part 390, subpart D;

(j) Medical examiner's certificate means a form meeting the requirements of 49 C.F.R. 391.43 issued by a medical examiner in compliance with such regulation;

(k) Medical variance means the Federal Motor Carrier Safety Administration has provided a driver with either an exemption letter permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 381, subpart C, or 49 C.F.R. 391.64 or a Skill Performance Evaluation Certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49;

(l) Nondomiciled CLP-commercial learner's permit or nondomiciled commercial driver's license means a CLP-commercial learner's permit or commercial driver's license, respectively, issued by this state or other jurisdiction under either of the following two conditions:

(i) To an individual domiciled in a foreign country meeting the requirements of 49 C.F.R. 383.23(b)(1); and

(ii) To an individual domiciled in another state meeting the requirements of 49 C.F.R. 383.23(b)(2);

(m) Representative vehicle means a motor vehicle which represents the type of motor vehicle that a driver applicant operates or expects to operate;

(n) State means a state of the United States and the District of Columbia;

(o) State of domicile means that state where a person has his or her true, fixed, and permanent home and principal residence and to which he or she has the intention of returning whenever he or she is absent;

(p) Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that have an individual rated capacity of more than one hundred nineteen gallons and an aggregate rated capacity of one thousand gallons or more and that are either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of one thousand gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle;

(q) Third-party skills test examiner means a person employed by a third-party tester who is authorized by this state to administer the commercial driver's license skills tests specified in 49 C.F.R. part 383, subparts G and H;

(r) Third-party tester means a person, including, but not limited to, another state, a motor carrier, a private driver training facility or other private institution, or a department, agency, or instrumentality of a local government, authorized by this state to employ skills test examiners to administer the commercial driver's license skills tests specified in 49 C.F.R. part 383, subparts G and H;

(s) United States means the fifty states and the District of Columbia; and

(t) Vehicle group means a class or type of vehicle with certain operating characteristics.

Sec. 87. Section 60-4,131.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,131.01 Sections 60-462.01 and 60-4,132 to 60-4,172 and section 90 of this act shall not apply to individuals who operate commercial motor vehicles for military purposes, including and limited to:

(1) Active duty military personnel;

(2) Members of the military reserves, other than military technicians;

(3) Active duty United States Coast Guard personnel; and

(4) Members of the National Guard on active duty, including:

(a) Personnel on full-time National Guard duty;

(b) Personnel on part-time National Guard training; and

(c) National Guard military technicians required to wear military uniforms.

Such individuals must have a valid military driver's license unless such individual is operating the vehicle under written orders from a commanding officer in an emergency declared by the federal government or by the State of Nebraska.

Sec. 88. Section 60-4,132, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,132 The purposes of sections 60-462.01 and 60-4,137 to 60-4,172 and section 90 of this act are to implement the requirements mandated by the federal Commercial Motor Vehicle Safety Act of 1986, 49 U.S.C. 31100 et seq.,



the federal Motor Carrier Safety Improvement Act of 1999, Public Law 106-159, section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, and federal regulations and to reduce or prevent commercial motor vehicle accidents, fatalities, and injuries by: (1) Permitting drivers to hold only one operator's license; (2) disqualifying drivers for specified offenses and serious traffic violations; and (3) strengthening licensing and testing standards.

Sec. 89. Section 60-4,147.02, Revised Statutes Supplement, 2017, is amended to read:

60-4,147.02 No endorsement authorizing the driver to operate a commercial motor vehicle transporting hazardous materials shall be issued, renewed, or transferred by the Department of Motor Vehicles unless the endorsement is issued, renewed, or transferred in conformance with the requirements of section 1012 of the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, USA PATRIOT Act, 49 U.S.C. 5103a, including all amendments and federal regulations adopted pursuant thereto as of January 1, ~~2018~~ 2017, for the issuance of licenses to operate commercial motor vehicles transporting hazardous materials.

Sec. 90. In conformance with section 7208 of the federal Fixing America's Surface Transportation Act and 49 C.F.R. 383.3(i), as such section and regulation existed on January 1, 2018, no hazardous materials endorsement authorizing the holder of a Class A commercial driver's license to operate a commercial motor vehicle transporting diesel fuel shall be required if such driver is (1) operating within the state and acting within the scope of his or her employment as an employee of a custom harvester operation, an agrichemical business, a farm retail outlet and supplier, or a livestock feeder and (2) operating a service vehicle that is (a) transporting diesel in a quantity of one thousand gallons or less and (b) clearly marked with a flammable or combustible placard, as appropriate.

Sec. 91. Section 60-4,182, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-4,182 In order to prevent and eliminate successive traffic violations, there is hereby provided a point system dealing with traffic violations as disclosed by the files of the director. The following point system shall be adopted:

- (1) Conviction of motor vehicle homicide - 12 points;
- (2) Third offense drunken driving in violation of any city or village ordinance or of section 60-6,196, as disclosed by the records of the director, regardless of whether the trial court found the same to be a third offense - 12 points;
- (3) Failure to stop and render aid as required under section 60-697 in the event of involvement in a motor vehicle accident resulting in the death or personal injury of another - 6 points;
- (4) Failure to stop and report as required under section 60-696 or any city or village ordinance in the event of a motor vehicle accident resulting in property damage - 6 points;
- (5) Driving a motor vehicle while under the influence of alcoholic liquor or any drug or when such person has a concentration of eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood or per two hundred ten liters of his or her breath in violation of any city or village ordinance or of section 60-6,196 - 6 points;
- (6) Willful reckless driving in violation of any city or village ordinance or of section 60-6,214 or 60-6,217 - 6 points;
- (7) Careless driving in violation of any city or village ordinance or of section 60-6,212 - 4 points;
- (8) Negligent driving in violation of any city or village ordinance - 3 points;
- (9) Reckless driving in violation of any city or village ordinance or of section 60-6,213 - 5 points;
- (10) Speeding in violation of any city or village ordinance or any of sections 60-6,185 to 60-6,190 and 60-6,313:
  - (a) Not more than five miles per hour over the speed limit - 1 point;
  - (b) More than five miles per hour but not more than ten miles per hour over the speed limit - 2 points;
  - (c) More than ten miles per hour but not more than thirty-five miles per hour over the speed limit - 3 points, except that one point shall be assessed upon conviction of exceeding by not more than ten miles per hour, two points shall be assessed upon conviction of exceeding by more than ten miles per hour but not more than fifteen miles per hour, and three points shall be assessed upon conviction of exceeding by more than fifteen miles per hour but not more than thirty-five miles per hour the speed limits provided for in subdivision (1)(e), (f), (g), or (h) of section 60-6,186; and
  - (d) More than thirty-five miles per hour over the speed limit - 4 points;
- (11) Failure to yield to a pedestrian not resulting in bodily injury to a pedestrian - 2 points;
- (12) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian - 4 points;
- (13) Using a handheld wireless communication device in violation of section 60-6,179.01 or texting while driving in violation of subsection (1) or (3) of section 60-6,179.02 - 3 points;
- (14) Using a handheld mobile telephone in violation of subsection (2) or (4) of section 60-6,179.02 - 3 points;

(15) Unlawful obstruction or interference of the view of an operator in violation of section 60-6,256 - 1 point;

(16) A violation of subsection (1) of section 60-6,175 - 3 points; and

(17) All other traffic violations involving the operation of motor vehicles by the operator for which reports to the Department of Motor Vehicles are required under sections 60-497.01 and 60-497.02 - 1 point.

Subdivision (17) of this section does not include violations involving an occupant protection system or a three-point safety belt system pursuant to section 60-6,270; ~~τ~~ parking violations; ~~τ~~ violations for operating a motor vehicle without a valid operator's license in the operator's possession; ~~τ~~ muffler violations; ~~τ~~ overwidth, overheight, or overlength violations; autocycle, motorcycle, or moped protective helmet violations; ~~τ~~ or overloading of trucks.

All such points shall be assessed against the driving record of the operator as of the date of the violation for which conviction was had. Points may be reduced by the department under section 60-4,188.

In all cases, the forfeiture of bail not vacated shall be regarded as equivalent to the conviction of the offense with which the operator was charged.

The point system shall not apply to persons convicted of traffic violations committed while operating a bicycle as defined in section 60-611 or an electric personal assistive mobility device as defined in section 60-618.02.

Sec. 92. Section 60-501, Revised Statutes Supplement, 2017, is amended to read:

60-501 For purposes of the Motor Vehicle Safety Responsibility Act, unless the context otherwise requires:

(1) Department means Department of Motor Vehicles;

(2) Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes;

(3) Judgment means any judgment which shall have become final by the expiration of the time within which an appeal might have been perfected without being appealed, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, (a) upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services, because of bodily injury to or death of any person or for damages because of injury to or destruction of property, including the loss of use thereof, or (b) upon a cause of action on an agreement of settlement for such damages;

(4) License means any license issued to any person under the laws of this state pertaining to operation of a motor vehicle within this state;

(5) Low-speed vehicle means a (a) four-wheeled motor vehicle (i) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, and (iii) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018, or (b) three-wheeled motor vehicle (i) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (ii) whose gross vehicle weight rating is less than three thousand pounds, (iii) which is equipped with a windshield and an occupant protection system, and (iv) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018. A motorcycle with a sidecar attached is not a low-speed vehicle ~~2017~~;

(6) Minitruck means a foreign-manufactured import vehicle or domestic-manufactured vehicle which (a) is powered by an internal combustion engine with a piston or rotor displacement of one thousand five hundred cubic centimeters or less, (b) is sixty-seven inches or less in width, (c) has a dry weight of four thousand two hundred pounds or less, (d) travels on four or more tires, (e) has a top speed of approximately fifty-five miles per hour, (f) is equipped with a bed or compartment for hauling, (g) has an enclosed passenger cab, (h) is equipped with headlights, taillights, turnsignals, windshield wipers, a rearview mirror, and an occupant protection system, and (i) has a four-speed, five-speed, or automatic transmission;

(7) Motor vehicle means any self-propelled vehicle which is designed for use upon a highway, including trailers designed for use with such vehicles, minitrucks, and low-speed vehicles. Motor vehicle does not include (a) mopeds as defined in section 60-637, (b) traction engines, (c) road rollers, (d) farm tractors, (e) tractor cranes, (f) power shovels, (g) well drillers, (h) every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails, (i) electric personal assistive mobility devices as defined in section 60-618.02, (j) off-road designed vehicles, including, but not limited to, golf car vehicles, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles and utility-type vehicles as defined in section 60-6,355, minibikes as defined in section 60-636, and snowmobiles as defined in section 60-663, and (k) bicycles as defined in section 60-611;

(8) Nonresident means every person who is not a resident of this state;

(9) Nonresident's operating privilege means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by him or her of a motor vehicle or the use of a motor vehicle owned by him or her in this state;

(10) Operator means every person who is in actual physical control of a

motor vehicle;

(11) Owner means a person who holds the legal title of a motor vehicle, or in the event (a) a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or (b) a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of the act;

(12) Person means every natural person, firm, partnership, limited liability company, association, or corporation;

(13) Proof of financial responsibility means evidence of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle, (a) in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, (b) subject to such limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and (c) in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident;

(14) Registration means registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;

(15) State means any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada; and

(16) The forfeiture of bail, not vacated, or of collateral deposited to secure an appearance for trial shall be regarded as equivalent to conviction of the offense charged.

Sec. 93. Section 60-601, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-601 Sections 60-601 to 60-6,383 and section 98 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 94. Section 60-610.01, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-610.01 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) ~~in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Sec. 95. Section 60-628.01, Revised Statutes Supplement, 2017, is amended to read:

60-628.01 Low-speed vehicle means a (1) four-wheeled motor vehicle (a) (1) whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved, level surface, (b) (2) whose gross vehicle weight rating is less than three thousand pounds, and (c) (3) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018, or (2) three-wheeled motor vehicle (a) whose maximum speed attainable is not more than twenty-five miles per hour on a paved, level surface, (b) whose gross vehicle weight rating is less than three thousand pounds, (c) which is equipped with a windshield and an occupant protection system, and (d) that complies with 49 C.F.R. part 571, as such part existed on January 1, 2018. A motorcycle with a sidecar attached is not a low-speed vehicle ~~2017.~~

Sec. 96. Section 60-639, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-639 Motorcycle ~~means shall mean~~ every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding autocycles, tractors, and electric personal assistive mobility devices. Motorcycle includes an autocycle.

Sec. 97. Section 60-640, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-640 (1) Motor-driven cycle means shall mean every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower as measured at the drive shaft, mopeds, and every bicycle with motor attached except for a bicycle as described in subdivision (2) of section 60-611. Motor-driven cycle shall not include an electric personal assistive mobility device.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 98. A driver in a vehicle on any roadway other than a controlled-access highway who is approaching (1) a stopped authorized emergency vehicle using flashing or rotating lights as provided in section 60-6,231 or (2) a vehicle operated by a towing or vehicle recovery service, a Nebraska State Patrol motorist assistance vehicle, a publicly or privately owned utility maintenance vehicle, a highway maintenance vehicle, or a vehicle operated by a

solid waste or recycling collection service, which is stopped and displaying strobe or flashing red, yellow, or amber lights, shall, unless otherwise directed by a law enforcement officer, proceed with due care and caution and:

(a) Reduce speed to a reasonable speed below the posted speed limit, move into another lane that is at least one moving lane apart from the stopped vehicle if possible under existing traffic and safety conditions, and be prepared to stop; or

(b) If such a lane change is impossible, unsafe, or prohibited by law, reduce speed to a reasonable speed below the posted speed limit and be prepared to stop.

Sec. 99. Section 60-6,226, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-6,226 (1) Any motor vehicle having four or more wheels which is manufactured or assembled, whether from a kit or otherwise, after January 1, 1954, designed or used for the purpose of carrying passengers or freight, any autocycle, or any trailer, in use on a highway, shall be equipped with brake and turnsignal lights in good working order.

(2) Motorcycles other than autocycles, motor-driven cycles, motor scooters, bicycles, electric personal assistive mobility devices, vehicles used solely for agricultural purposes, vehicles not designed and intended primarily for use on a highway, and, during daylight hours, fertilizer trailers as defined in section 60-326 and implements of husbandry designed primarily or exclusively for use in agricultural operations shall not be required to have or maintain in working order signal lights required by this section, but they may be so equipped. The operator thereof shall comply with the requirements for utilizing hand and arm signals or for utilizing such signal lights if the vehicle is so equipped.

Sec. 100. Section 60-6,244, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,244 (1) Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle shall be required to be equipped with only one brake. All such brakes shall be maintained at all times in good working order.

(2) It shall be unlawful for any owner or operator of any motor vehicle, other than a motorcycle, to operate such motor vehicle upon a highway unless the brake equipment thereon qualifies with regard to maximum stopping distances from a speed of twenty miles per hour on dry asphalt or concrete pavement free from loose materials as follows:

(a) Two-wheel brakes, maximum stopping distance, forty feet;

(b) Four or more wheel brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, thirty feet;

(c) Four or more wheel brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, thirty-five feet;

(d) All hand, parking, or emergency brakes, vehicles up to seven thousand pounds gross weight, maximum stopping distance, fifty-five feet; and

(e) All hand, parking, or emergency brakes, vehicles seven thousand pounds or more gross weight, maximum stopping distance, sixty-five feet.

(3) All braking distances specified in this section shall apply to all vehicles whether unloaded or loaded to the maximum capacity permitted by law.

(4) The retarding force of one side of the vehicle shall not exceed the retarding force on the opposite side so as to prevent the vehicle stopping in a straight line.

(5) For purposes of this section, motorcycle does not include an autocycle.

Sec. 101. Section 60-6,254, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,254 (1) No person shall drive a motor vehicle, other than a motorcycle, on a highway when the motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position unless such vehicle is equipped with a right-side and a left-side outside mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Temporary outside mirrors and attachments used when towing a vehicle shall be removed from such motor vehicle or retracted within the outside dimensions thereof when it is operated upon the highway without such trailer.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 102. Section 60-6,255, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,255 (1) Every motor vehicle registered pursuant to the Motor Vehicle Registration Act, except motorcycles, shall be equipped with a front windshield.

(2) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wing vents, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the

driver's field of vision.

(3) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(4) For purposes of this section, motorcycle does not include an autocycle.

Sec. 103. Section 60-6,263, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,263 (1) It shall be unlawful to operate on any highway in this state any motor vehicle, other than a motorcycle, manufactured or assembled, whether from a kit or otherwise, after January 1, 1935, which is designed or used for the purpose of carrying passengers unless such vehicle is equipped in all doors, windows, and windshields with safety glass. Any windshield attached to a motorcycle shall be manufactured of products which will successfully withstand discoloration due to exposure to sunlight or abnormal temperatures over an extended period of time.

(2) For purposes of this section, motorcycle does not include an autocycle.

(3) The owner or operator of any motor vehicle operated in violation of this section shall be guilty of a Class III misdemeanor.

Sec. 104. Section 60-6,267, Revised Statutes Supplement, 2017, is amended to read:

60-6,267 (1) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children up to six years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on January 1, 2009, and which is correctly installed in such vehicle.

(2) Any person in Nebraska who drives any motor vehicle which has or is required to have an occupant protection system or a three-point safety belt system shall ensure that all children six years of age and less than eighteen years of age being transported by such vehicle use an occupant protection system.

(3) Subsections (1) and (2) of this section apply to autocycles and to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2009, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(4) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of subsection (1) or (2) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(5) The drivers of authorized emergency vehicles shall not be subject to the requirements of subsection (1) or (2) of this section when operating such authorized emergency vehicles pursuant to their employment.

(6) A driver of a motor vehicle shall not be subject to the requirements of subsection (1) or (2) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(7) The Department of Transportation shall develop and implement an ongoing statewide public information and education program regarding the use of child passenger restraint systems and occupant protection systems and the availability of distribution and discount programs for child passenger restraint systems.

(8) All persons being transported by a motor vehicle operated by a holder of a provisional operator's permit or a school permit shall use such motor vehicle's occupant protection system or a three-point safety belt system.

(9) For purposes of this section, motorcycle does not include an autocycle.

Sec. 105. Section 60-6,279, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,279 (1) A person shall not operate or be a passenger in on an autocycle described in subsection (2) of this section, on a motorcycle other than an autocycle, or on a moped on any highway in this state unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 C.F.R. 571.218, for motorcycle helmets.

(2) This section applies to an autocycle that has a seating area that is not completely enclosed.

Sec. 106. Section 60-6,294, Revised Statutes Supplement, 2017, is amended to read:

60-6,294 (1) Every vehicle, whether operated singly or in a combination of vehicles, and every combination of vehicles shall comply with subsections (2) and (3) of this section except as provided in sections 60-6,294.01, 60-6,297, and 60-6,383. The limitations imposed by this section shall be supplemental to all other provisions imposing limitations upon the size and weight of vehicles.

(2) No wheel of a vehicle or trailer equipped with pneumatic or solid rubber tires shall carry a gross load in excess of ten thousand pounds on any highway nor shall any axle carry a gross load in excess of twenty thousand pounds on any highway. An axle load shall be defined as the total load transmitted to the highway by all wheels the centers of which may be included between two parallel transverse vertical planes forty inches apart extending across the full width of the vehicle.

(3) No group of two or more consecutive axles shall carry a load in pounds in excess of the value given in the following table corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, except that the maximum load carried on any group of two or more axles shall not exceed eighty thousand pounds on the National System of Interstate and Defense Highways unless the Director-State Engineer pursuant to section 60-6,295 authorizes a greater weight.

Distance in feet between the extremes of any group of two or more consecutive axles	Two Axles	Three Axles	Four Axles	Five Axles	Six Axles	Seven Axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	42,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500		
21		51,500	56,000	61,000		
22		52,500	56,500	61,500		
23		53,000	57,500	62,500		
24		54,000	58,000	63,000		
25		54,500	58,500	63,500	69,000	

26	55,500	59,500	64,000	69,500	
27	56,000	60,000	65,000	70,000	
28	57,000	60,500	65,500	71,000	
29	57,500	61,500	66,000	71,500	
30	58,500	62,000	66,500	72,000	
31	59,000	62,500	67,500	72,500	
32	60,000	63,500	68,000	73,000	
33		64,000	68,500	74,000	
34		64,500	69,000	74,500	
35		65,500	70,000	75,000	
36		66,000	70,500	75,500	
37		66,500	71,000	76,000	81,500
38		67,500	72,000	77,000	82,000
39		68,000	72,500	77,500	82,500
40		68,500	73,000	78,000	83,500
41		69,500	73,500	78,500	84,000
42		70,000	74,000	79,000	84,500
43		70,500	75,000	80,000	85,000
44		71,500	75,500	80,500	85,500
45		72,000	76,000	81,000	86,000
46		72,500	76,500	81,500	87,000
47		73,500	77,500	82,000	87,500
48		74,000	78,000	83,000	88,000
49		74,500	78,500	83,500	88,500
50		75,500	79,000	84,000	89,000
51		76,000	80,000	84,500	89,500
52		76,500	80,500	85,000	90,500
53		77,500	81,000	86,000	91,000
54		78,000	81,500	86,500	91,500
55		78,500	82,500	87,000	92,000
56		79,500	83,000	87,500	92,500
57		80,000	83,500	88,000	93,000
58			84,000	89,000	94,000
59			85,000	89,500	94,500
60			85,500	90,000	95,000

(4) The distance between axles shall be measured to the nearest foot. When a fraction is exactly one-half foot, the next larger whole number shall be used, except that:

(a) Any group of three axles shall be restricted to a maximum load of thirty-four thousand pounds unless the distance between the extremes of the first and third axles is at least ninety-six inches in fact; and

(b) The maximum gross load on any group of two axles, the distance between the extremes of which is more than eight feet but less than eight feet six inches, shall be thirty-eight thousand pounds.

(5) The limitations of subsections (2) through (4) of this section shall

apply as stated to all main, rural, and intercity highways but shall not be construed as inhibiting heavier axle loads in metropolitan areas, except on the National System of Interstate and Defense Highways, if such loads are not prohibited by city ordinance.

(6) The weight limitations of wheel and axle loads as defined in subsections (2) through (4) of this section shall be restricted to the extent deemed necessary by the Department of Transportation for a reasonable period when road subgrades or pavements are weak or are materially weakened by climatic conditions.

(7) Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each when the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six, thirty-seven, or thirty-eight feet except as provided in section 60-6,297. Such vehicles shall be subject to section 60-6,301.

(8) If any vehicle crosses a bridge with a total gross load in excess of the posted capacity of such bridge and as a result of such crossing any damage results to the bridge, the owner of such vehicle shall be responsible for all of such damage.

(9) Vehicles equipped with a greater number of axles than provided in the table in subsection (3) of this section shall be legal if they do not exceed the maximum load upon any wheel or axle, the maximum load upon any group of two or more consecutive axles, and the total gross weight, or any of such weights as provided in subsections (2) and (3) of this section.

(10) Subsections (1) through (9) of this section shall not apply to a vehicle which has been issued a permit pursuant to section 60-6,299, self-propelled specialized mobile equipment with a fixed load when the requirements of subdivision (2)(i) of section 60-6,288 are met, or an emergency vehicle when the requirements of subdivision (1)(a)(v) of section 60-6,298 are met.

(11) Any two consecutive axles the centers of which are more than forty inches and not more than ninety-six inches apart, measured to the nearest inch between any two adjacent axles in the series, shall be defined as tandem axles, and the gross weight transmitted to the road surface through such series shall not exceed thirty-four thousand pounds. No axle of the series shall exceed the maximum weight permitted under this section for a single axle.

(12) Dummy axles shall be disregarded in determining the lawful weight of a vehicle or vehicle combination for operation on the highway. Dummy axle shall mean an axle attached to a vehicle or vehicle combination in a manner so that it does not articulate or substantially equalize the load and does not carry at least the lesser of eight thousand pounds or eight percent of the gross weight of the vehicle or vehicle combination.

(13) The maximum gross weight limit and the axle weight limit for any vehicle or combination of vehicles equipped with idle reduction technology may be increased by an amount necessary to compensate for the additional weight of the idle reduction technology as provided in 23 U.S.C. 127(a)(12), as such section existed on October 1, 2012 ~~July 18, 2008~~. The additional amount of weight allowed by this subsection shall not exceed five ~~four~~ hundred fifty pounds and shall not be construed to be in addition to the five-percent-in-excess-of-maximum-load provision of subdivision (1) of section 60-6,301.

(14) The maximum gross weight for any vehicle or combination of vehicles operated by an engine fueled primarily by natural gas may exceed the gross weight limitations provided in subsection (3) of this section, and as provided in 23 U.S.C. 127(s), as such section existed on January 1, 2018, in an amount that:

(a) Is equal to the difference, up to a maximum of two thousand pounds, between the weight of the natural gas tank and fueling system carried by such vehicle, and the weight of a comparable diesel tank and fueling system; and

(b) Does not exceed eighty-two thousand pounds on the National System of Interstate and Defense Highways.

Sec. 107. Section 60-6,298, Revised Statutes Supplement, 2017, is amended to read:

60-6,298 (1)(a) The Department of Transportation or the Nebraska State Patrol, with respect to highways under its jurisdiction including the National System of Interstate and Defense Highways, and local authorities, with respect to highways under their jurisdiction, may in their discretion upon application and good cause being shown therefor issue a special, continuing, or continuous permit in writing authorizing the applicant or his or her designee:

(i) To operate or move a vehicle, a combination of vehicles, or objects of a size or weight of vehicle or load exceeding the maximum specified by law when such permit is necessary:

(A) To further the national defense or the general welfare;

(B) To permit movement of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment; or

(C) Because of an emergency, an unusual circumstance, or a very special situation;

(ii) To operate vehicles, for a distance up to one hundred twenty miles, loaded up to fifteen percent greater than the maximum weight specified by law, or up to ten percent greater than the maximum length specified by law, or both, except that any combination with two or more cargo-carrying units, not including the truck-tractor, also known as a longer combination vehicle, may only operate for a distance up to seventy miles loaded up to fifteen percent greater than the maximum weight specified by law, or up to ten percent greater than the maximum length specified by law, or both, when carrying grain or other seasonally harvested products from the field where such grain or products are



harvested to storage, market, or stockpile in the field or from stockpile to market or factory when failure to move such grain or products in abundant quantities would cause an economic loss to the person or persons whose grain or products are being transported or when failure to move such grain or products in as large quantities as possible would not be in the best interests of the national defense or general welfare. The distance limitation may be waived for vehicles when carrying dry beans from the field where harvested to storage or market when dry beans are not normally stored, purchased, or used within the permittee's local area and must be transported more than one hundred twenty miles to an available marketing or storage destination. No permit shall authorize a weight greater than twenty thousand pounds on any single axle;

(iii) To transport an implement of husbandry which does not exceed twelve and one-half feet in width during daylight hours, except that the permit shall not allow transport on holidays;

(iv) To operate one or more recreational vehicles, as defined in section 71-4603, exceeding the maximum width specified by law if movement of the recreational vehicles is prior to retail sale and the recreational vehicles comply with subdivision (2)(k) of section 60-6,288; ~~or~~

(v) To operate an emergency vehicle for purposes of sale, demonstration, exhibit, or delivery, if the applicant or his or her designee is a manufacturer or sales agent of the emergency vehicle. No permit shall be issued for an emergency vehicle which weighs over sixty thousand pounds on the tandem axle; ~~or~~ -

(vi) To transport during daylight hours divisible loads of livestock forage in bale form which do not exceed twelve feet in width, except that the permit shall not allow transport on holidays.

(b) No permit shall be issued under subdivision (a)(i) of this subsection for a vehicle carrying a load unless such vehicle is loaded with an object which exceeds the size or weight limitations, which cannot be dismantled or reduced in size or weight without great difficulty, and which of necessity must be moved over the highways to reach its intended destination. No permit shall be required for the temporary movement on highways other than dustless-surfaced state highways and for necessary access to points on such highways during daylight hours of cost-saving equipment to be used in highway or other public construction or in agricultural land treatment when such temporary movement is necessary and for a reasonable distance.

(2) The application for any such permit shall specifically describe the vehicle, the load to be operated or moved, whenever possible the particular highways for which permit to operate is requested, and whether such permit is requested for a single trip or for continuous or continuing operation. The permit shall include a signed affirmation under oath that, for any load sixteen feet high or higher, the applicant has contacted any and all electric utilities that have high voltage conductors and infrastructure that cross over the roadway affected by the move and made arrangements with such electric utilities for the safe movement of the load under any high voltage conductors owned by such electric utilities.

(3) The department or local authority is authorized to issue or withhold such permit at its discretion or, if such permit is issued, to limit the number of days during which the permit is valid, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or to issue a continuous or continuing permit for use on all highways, including the National System of Interstate and Defense Highways. The permits are subject to reasonable conditions as to periodic renewal of such permit and as to operation or movement of such vehicles. The department or local authority may otherwise limit or prescribe conditions of operation of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces, or structures or undue danger to the public safety. The department or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(4) Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, carrier enforcement officer, or authorized agent of any authority granting such permit. Each such permit shall state the maximum weight permissible on a single axle or combination of axles and the total gross weight allowed. No person shall violate any of the terms or conditions of such special permit. In case of any violation, the permit shall be deemed automatically revoked and the penalty of the original limitations shall be applied unless:

(a) The violation consists solely of exceeding the size or weight specified by the permit, in which case only the penalty of the original size or weight limitation exceeded shall be applied; or

(b) The total gross load is within the maximum authorized by the permit, no axle is more than ten percent in excess of the maximum load for such axle or group of axles authorized by the permit, and such load can be shifted to meet the weight limitations of wheel and axle loads authorized by such permit. Such shift may be made without penalty if it is made at the state or commercial scale designated in the permit. The vehicle may travel from its point of origin to such designated scale without penalty, and a scale ticket from such scale, showing the vehicle to be properly loaded and within the gross and axle weights authorized by the permit, shall be reasonable evidence of compliance with the terms of the permit.

(5) The department or local authority issuing a permit as provided in this section may adopt and promulgate rules and regulations with respect to the

issuance of permits provided for in this section.

(6) The department shall make available applications for permits authorized pursuant to subdivisions (1)(a)(ii) and (1)(a)(iii) of this section in the office of each county treasurer. The department may make available applications for all other permits authorized by this section to the office of the county treasurer and may make available applications for all permits authorized by this section to any other location chosen by the department.

(7) The department or local authority issuing a permit may require a permit fee of not to exceed twenty-five dollars, except that:

(a) The fee for a continuous or continuing permit may not exceed twenty-five dollars for a ninety-day period, fifty dollars for a one-hundred-eighty-day period, or one hundred dollars for a one-year period; and

(b) The fee for permits issued pursuant to subdivision (1)(a)(ii) of this section shall be twenty-five dollars. Permits issued pursuant to such subdivision shall be valid for thirty days and shall be renewable four times for a total number of days not to exceed one hundred fifty days per calendar year.

A vehicle or combination of vehicles for which an application for a permit is requested pursuant to this section shall be registered under section 60-3,147 or 60-3,198 for the maximum gross vehicle weight that is permitted pursuant to section 60-6,294 before a permit shall be issued.

Sec. 108. Section 60-6,306, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,306 (1) Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under the Nebraska Rules of the Road except for special motorcycle regulations in the rules and except for those provisions of the rules which by their nature can have no application.

(2) For purposes of this section, motorcycle does not include an autocycle.

Sec. 109. Section 60-6,307, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,307 (1) Any person who operates a motorcycle shall ride only upon a permanent and regular seat attached to the motorcycle. A person operating a motorcycle shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

(2) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

(3) No person shall operate a motorcycle while carrying any package, bundle, or other article which prevents him or her from keeping both hands on the handlebars.

(4) No operator shall carry any person, nor shall any person ride, in a position that interferes with the operation or control of the motorcycle or the view of the operator.

(5) Any motorcycle which carries a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for such passenger.

(6) No person shall operate any motorcycle with handlebars more than fifteen inches above the mounting point of the handlebars.

(7) For purposes of this section, motorcycle does not include an autocycle.

Sec. 110. Section 60-6,308, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,308 (1) A motorcycle shall be entitled to full use of a traffic lane of any highway, and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane, except that motorcycles may be operated two abreast in a single lane.

(2) The operator of a motorcycle shall not overtake and pass in the same lane occupied by a vehicle being overtaken.

(3) No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

(4) Motorcycles shall not be operated more than two abreast in a single lane.

(5) Subsections (2) and (3) of this section shall not apply to peace officers in the performance of their official duties.

(6) No person who rides upon a motorcycle shall attach himself, herself, or the motorcycle to any other vehicle on a roadway.

(7) For purposes of this section, motorcycle does not include an autocycle.

Sec. 111. Section 60-6,313, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,313 (1) A moped shall be entitled to full use of a traffic lane of any highway with an authorized speed limit of forty-five miles per hour or less, and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane, except that mopeds and motorcycles may be operated two abreast in a single lane.

(2) No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles.

(3) Mopeds shall not be operated more than two abreast in a single lane.

(4) Any person who operates a moped on a roadway with an authorized speed limit of more than forty-five miles per hour shall ride as near to the right

side of the roadway as practicable and shall not ride more than single file.

(5) No person who rides upon a moped shall attach himself, herself, or the moped to any other vehicle on a roadway.

(6) Mopeds shall not be operated on the National System of Interstate and Defense Highways or on sidewalks.

(7) Notwithstanding the maximum speed limits in excess of twenty-five miles per hour established in section 60-6,186, no person shall operate any moped at a speed in excess of thirty miles per hour.

(8) For purposes of this section, motorcycle does not include an autocycle.

Sec. 112. Section 60-1401, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-1401 Sections 60-1401 to 60-1440 and sections 114 and 115 of this act shall be known and may be cited as the Motor Vehicle Industry Regulation Act.

Any amendments to the act shall apply to franchises subject to the act which are entered into, amended, altered, modified, renewed, or extended after the date of the amendments to the act except as otherwise specifically provided in the act.

All amendments to the act shall apply upon the issuance or renewal of a dealer's or manufacturer's license.

Sec. 113. Section 60-1401.02, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-1401.02 For purposes of the Motor Vehicle Industry Regulation Act, the definitions found in sections 60-1401.03 to 60-1401.40 and 60-1401.42 and section 114 of this act apply.

Sec. 114. Stop-sale order means a notification issued by a manufacturer, distributor, factory branch, or distributor branch to its franchised new motor vehicle dealers stating that certain used motor vehicles in inventory shall not be sold or leased, at either retail or wholesale, due to a federal safety recall for a defect or a noncompliance or due to a federal emissions recall.

Sec. 115. (1) A manufacturer, distributor, factory branch, or distributor branch shall compensate its new motor vehicle dealers for all labor and parts required by the manufacturer, distributor, factory branch, or distributor branch to perform recall repairs on used motor vehicles. Compensation for recall repairs shall be reasonable. If parts or a remedy are not reasonably available to perform a recall service or repair on a used motor vehicle held for sale by a new motor vehicle dealer authorized to sell and service new motor vehicles of the same line-make within thirty days after the initial notice of recall, and a stop-sale or do-not-drive order has been issued on the motor vehicle, the manufacturer, distributor, factory branch, or distributor branch shall compensate the new motor vehicle dealer at a prorated rate of at least one percent of the value of the used motor vehicle per month beginning on the date that is thirty days after the date on which the stop-sale or do-not-drive order was provided to the new motor vehicle dealer until the earlier of either of the following:

(a) The date the recall or remedy parts are made available; or

(b) The date the new motor vehicle dealer sells, trades, or otherwise disposes of the affected used motor vehicle.

(2) The value of a used motor vehicle shall be the average trade-in value for used motor vehicles as indicated in an independent third-party guide for the year, make, and model of the recalled used motor vehicle.

(3) This section applies only to used motor vehicles subject to safety or emissions recalls pursuant to and recalled in accordance with federal law and regulations adopted thereunder and if a stop-sale or do-not-drive order has been issued and repair parts or remedy remain unavailable for thirty days or longer.

(4) This section applies only to new motor vehicle dealers holding an affected used motor vehicle for sale:

(a)(i) In inventory at the time a stop-sale or do-not-drive order was issued; or

(ii) Which was taken in the used motor vehicle inventory of the new motor vehicle dealer as a consumer trade-in incident to the purchase of a new motor vehicle from the new motor vehicle dealer after the stop-sale or do-not-drive order was issued; and

(b) That is of a line-make which the new motor vehicle dealer is franchised to sell or on which the new motor vehicle dealer is authorized to perform recall repairs.

(5) Subject to the audit provisions of subsection (5) of section 60-1438, it shall be a violation of this section for a manufacturer, distributor, factory branch, or distributor branch to reduce the amount of compensation otherwise owed to an individual new motor vehicle dealer, whether through a chargeback, removal of the individual new motor vehicle dealer from an incentive program, or reduction in amount owed under an incentive program solely because the new motor vehicle dealer has submitted a claim for reimbursement under this section. This subsection does not apply to an action by a manufacturer, distributor, factory branch, or distributor branch that is applied uniformly among all new motor vehicle dealers of the same line-make in the state.

(6) Any reimbursement claim made by a new motor vehicle dealer pursuant to this section for recall remedies or repairs, or for compensation where no part or repair is reasonably available and the used motor vehicle is subject to a stop-sale or do-not-drive order, shall be subject to the same limitations and requirements as a warranty reimbursement claim made under section 60-1438. In

the alternative, a manufacturer, distributor, factory branch, or distributor branch may compensate its franchised new motor vehicle dealers under a national recall compensation program if the compensation under the program is equal to or greater than that provided under subsection (1) of this section; or the new motor vehicle dealer and the manufacturer, distributor, factory branch, or distributor branch otherwise agree.

(7) A manufacturer, distributor, factory branch, or distributor branch may direct the manner and method in which a new motor vehicle dealer demonstrates the inventory status of an affected used motor vehicle in order to determine eligibility for compensation under this section so long as the manner and method are not unduly burdensome and do not require information that is unduly burdensome to provide.

(8) Nothing in this section shall require a manufacturer, distributor, factory branch, or distributor branch to provide total compensation to a new motor vehicle dealer which would exceed the total average trade-in value of the affected used motor vehicle as originally determined under subsection (2) of this section.

(9) Any remedy provided to a new motor vehicle dealer under this section is exclusive and shall not be combined with any other state or federal recall compensation remedy.

Sec. 116. Section 60-1401.28, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-1401.28 Motorcycle means every motor vehicle, except a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground and for which evidence of title is required as a condition precedent to registration under the laws of this state. Motorcycle includes does not include an autocycle.

Sec. 117. Section 60-1401.42, Revised Statutes Cumulative Supplement, 2016, is amended to read:

60-1401.42 Autocycle means any motor vehicle (1) having a seat that does not require the operator to straddle or sit astride it, (2) designed to travel on three wheels in contact with the ground, (3) ~~in which the operator and passenger ride either side by side or in tandem in a seating area that is completely enclosed with a removable or fixed top and is equipped with manufacturer-installed air bags, a manufacturer-installed roll cage, and for each occupant a manufacturer-installed three-point safety belt system,~~ (4) having antilock brakes, (4) and (5) designed to be controlled with a steering wheel and pedals, and (5) in which the operator and passenger ride either side by side or in tandem in a seating area that is equipped with a manufacturer-installed three-point safety belt system for each occupant and that has a seating area that either (a) is completely enclosed and is equipped with manufacturer-installed airbags and a manufacturer-installed roll cage or (b) is not completely enclosed and is equipped with a manufacturer-installed rollover protection system.

Sec. 118. (1) It is the intent of the Legislature that the Department of Motor Vehicles maintain and further improve the Vehicle Title and Registration System which is the statewide system for the collection, storage, and transfer of data on vehicle titles and registrations as described in section 60-1505.

(2) The department shall provide for technological updates to electronic certificates of title. The Director of Motor Vehicles shall designate an implementation date for the updates which date is on or before January 1, 2021.

(3) The department shall provide for an electronic reporting system for salvage and junked motorboats and vehicles. The director shall designate an implementation date for the system which date is on or before January 1, 2021.

(4) The department shall provide for the use of identification numbers for trailers which do not have a certificate of title. The director shall designate an implementation date for such use which date is on or before January 1, 2021.

Sec. 119. Section 60-1507, Revised Statutes Supplement, 2017, is amended to read:

60-1507 (1) ~~The Beginning January 1, 2019,~~ the Department of Motor Vehicles shall develop an electronic dealer services system for implementation as provided in subsection (7) of this section. The Director of Motor Vehicles shall approve a licensed dealer as defined in sections 60-119.02 and 60-335.01 for participation in the system. A licensed dealer may voluntarily participate in the system and provide titling and registration services. A licensed dealer who chooses to participate may collect from a purchaser of a vehicle as defined in section 60-136, who also chooses to participate, all appropriate certificate of title fees, notation of lien fees, registration fees, motor vehicle taxes and fees, and sales taxes. All such fees and taxes collected shall be remitted to the appropriate county treasurer or the department as provided in the Motor Vehicle Certificate of Title Act, the Motor Vehicle Registration Act, and the Nebraska Revenue Act of 1967.

(2) In addition to the fees and taxes described in subsection (1) of this section, a participating licensed dealer may charge and collect a service fee not to exceed fifty dollars from a purchaser electing to use the electronic dealer services system.

(3) The department shall provide an approved participating licensed dealer with access to the electronic dealer services system by a method determined by the director. An approved licensed dealer who chooses to participate shall use the system to electronically submit title, registration, and lien information to the Vehicle Title and Registration System maintained by the department. License plates, registration certificates, and certificates of title shall be delivered as provided under the Motor Vehicle Certificate of Title Act and the

Motor Vehicle Registration Act.

(4) The director may remove a licensed dealer's authority to participate in the electronic dealer services system for any violation of the Motor Vehicle Certificate of Title Act, the Motor Vehicle Industry Regulation Act, the Motor Vehicle Registration Act, or the Nebraska Revenue Act of 1967, for failure to timely remit fees and taxes collected under this section, or for any other conduct the director deems to have or will have an adverse effect on the public or any governmental entity.

(5) An approved licensed dealer participating in the electronic dealer services system shall not release, disclose, use, or share personal or sensitive information contained in the records accessible through the electronic dealer services system as prohibited under the Uniform Motor Vehicle Records Disclosure Act, except that a licensed dealer may release, disclose, use, or share such personal or sensitive information when necessary to fulfill the requirements of the electronic dealer services system as approved by the department. An approved licensed dealer participating in the electronic dealer services system shall be responsible for ensuring that such licensed dealer's employees and agents comply with the Uniform Motor Vehicle Records Disclosure Act.

(6) The department may adopt and promulgate rules and regulations governing the eligibility for approval and removal of licensed dealers to participate in the electronic dealer services system, the procedures and requirements necessary to implement and maintain such system, and the procedures and requirements for approved licensed dealers participating in such system.

(7) The department shall implement the electronic dealer services system on a date to be determined by the director but not later than January 1, 2021.

Sec. 120. Section 69-2441, Reissue Revised Statutes of Nebraska, is amended to read:

69-2441 (1)(a) A permitholder may carry a concealed handgun anywhere in Nebraska, except any: Police, sheriff, or Nebraska State Patrol station or office; detention facility, prison, or jail; courtroom or building which contains a courtroom; polling place during a bona fide election; meeting of the governing body of a county, public school district, municipality, or other political subdivision; meeting of the Legislature or a committee of the Legislature; financial institution; professional or semiprofessional athletic event; building, grounds, vehicle, or sponsored activity or athletic event of any public, private, denominational, or parochial elementary, vocational, or secondary school, a private postsecondary career school as defined in section 85-1603, a community college, or a public or private college, junior college, or university; place of worship; hospital, emergency room, or trauma center; political rally or fundraiser; establishment having a license issued under the Nebraska Liquor Control Act that derives over one-half of its total income from the sale of alcoholic liquor; place where the possession or carrying of a firearm is prohibited by state or federal law; a place or premises where the person, persons, entity, or entities in control of the property or employer in control of the property has prohibited permitholders from carrying concealed handguns into or onto the place or premises; or into or onto any other place or premises where handguns are prohibited by state law.

(b) A financial institution may authorize its security personnel to carry concealed handguns in the financial institution while on duty so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act.

(c) A place of worship may authorize its security personnel to carry concealed handguns on its property so long as each member of the security personnel, as authorized, is in compliance with the Concealed Handgun Permit Act and possesses a permit to carry a concealed handgun issued pursuant to the act and written notice is given to the congregation and, if the property is leased, the carrying of concealed handguns on the property does not violate the terms of any real property lease agreement between the place of worship and the lessor.

(2) If a person, persons, entity, or entities in control of the property or an employer in control of the property prohibits a permitholder from carrying a concealed handgun into or onto the place or premises and such place or premises are open to the public, a permitholder does not violate this section unless the person, persons, entity, or entities in control of the property or employer in control of the property has posted conspicuous notice that carrying a concealed handgun is prohibited in or on the place or premises or has made a request, directly or through an authorized representative or management personnel, that the permitholder remove the concealed handgun from the place or premises.

(3) A permitholder carrying a concealed handgun in a vehicle or on his or her person while riding in or on a vehicle into or onto any parking area, which is open to the public, used by any location listed in subdivision (1)(a) of this section, does not violate this section if, prior to exiting the vehicle, the handgun is locked inside the glove box, trunk, or other compartment of the vehicle, a storage box securely attached to the vehicle, or, if the vehicle is a motorcycle, other than an autocycle, a hardened compartment securely attached to the motorcycle. This subsection does not apply to any parking area used by such location when the carrying of a concealed handgun into or onto such parking area is prohibited by federal law.

(4) An employer may prohibit employees or other persons who are

permitholders from carrying concealed handguns in vehicles owned by the employer.

(5) A permitholder shall not carry a concealed handgun while he or she is consuming alcohol or while the permitholder has remaining in his or her blood, urine, or breath any previously consumed alcohol or any controlled substance as defined in section 28-401. A permitholder does not violate this subsection if the controlled substance in his or her blood, urine, or breath was lawfully obtained and was taken in therapeutically prescribed amounts.

Sec. 121. Section 75-363, Revised Statutes Supplement, 2017, is amended to read:

75-363 (1) The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, as modified in this section, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, 2018 ~~2017~~, are adopted as Nebraska law.

(2) Except as otherwise provided in this section, the regulations shall be applicable to:

(a) All motor carriers, drivers, and vehicles to which the federal regulations apply; and

(b) All motor carriers transporting persons or property in intrastate commerce to include:

(i) All vehicles of such motor carriers with a gross vehicle weight rating, gross combination weight rating, gross vehicle weight, or gross combination weight over ten thousand pounds;

(ii) All vehicles of such motor carriers designed or used to transport more than eight passengers, including the driver, for compensation, or designed or used to transport more than fifteen passengers, including the driver, and not used to transport passengers for compensation;

(iii) All vehicles of such motor carriers transporting hazardous materials required to be placarded pursuant to section 75-364; and

(iv) All drivers of such motor carriers if the drivers are operating a commercial motor vehicle as defined in section 60-465 which requires a commercial driver's license.

(3) The Legislature hereby adopts, as modified in this section, the following parts of Title 49 of the Code of Federal Regulations:

(a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

(b) Part 385 - SAFETY FITNESS PROCEDURES;

(c) Part 386 - RULES OF PRACTICE FOR FMCSA PROCEEDINGS;

(d) Part 387 - MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS;

(e) Part 390 - FEDERAL MOTOR CARRIER SAFETY REGULATIONS; GENERAL;

(f) Part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS;

(g) Part 392 - DRIVING OF COMMERCIAL MOTOR VEHICLES;

(h) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION;

(i) Part 395 - HOURS OF SERVICE OF DRIVERS;

(j) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE;

(k) Part 397 - TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES; and

(l) Part 398 - TRANSPORTATION OF MIGRANT WORKERS.

(4) The provisions of subpart E - Physical Qualifications And Examinations of 49 C.F.R. part 391 - QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS shall not apply to any driver subject to this section who: (a) Operates a commercial motor vehicle exclusively in intrastate commerce; and (b) holds, or has held, a commercial driver's license issued by this state prior to July 30, 1996.

(5) The regulations adopted in subsection (3) of this section shall not apply to farm trucks registered pursuant to section 60-3,146 with a gross weight of sixteen tons or less. The following parts and sections of 49 C.F.R. chapter III shall not apply to drivers of farm trucks registered pursuant to section 60-3,146 and operated solely in intrastate commerce:

(a) All of part 391;

(b) Section 395.8 of part 395; and

(c) Section 396.11 of part 396.

(6) The following parts and subparts of 49 C.F.R. chapter III shall not apply to the operation of covered farm vehicles:

(a) Part 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING;

(b) Part 391, subpart E - Physical Qualifications and Examinations;

(c) Part 395 - HOURS OF SERVICE OF DRIVERS; and

(d) Part 396 - INSPECTION, REPAIR, AND MAINTENANCE.

(7) Part 393 - PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION and Part 396 - INSPECTION, REPAIR, AND MAINTENANCE shall not apply to fertilizer and agricultural chemical application and distribution equipment transported in units with a capacity of three thousand five hundred gallons or less.

(8) For purposes of this section, intrastate motor carriers shall not include any motor carrier or driver excepted from 49 C.F.R. chapter III by section 390.3(f) of part 390.

(9)(a) Part 395 - HOURS OF SERVICE OF DRIVERS shall apply to motor carriers and drivers who engage in intrastate commerce as defined in section 75-362, except that no motor carrier who engages in intrastate commerce shall permit or require any driver used by it to drive nor shall any driver drive:

(i) More than twelve hours following ten consecutive hours off duty; or

(ii) For any period after having been on duty sixteen hours following ten

consecutive hours off duty.

(b) No motor carrier who engages in intrastate commerce shall permit or require a driver of a commercial motor vehicle, regardless of the number of motor carriers using the driver's services, to drive, nor shall any driver of a commercial motor vehicle drive, for any period after:

(i) Having been on duty seventy hours in any seven consecutive days if the employing motor carrier does not operate every day of the week; or

(ii) Having been on duty eighty hours in any period of eight consecutive days if the employing motor carrier operates motor vehicles every day of the week.

(10) Part 395 - HOURS OF SERVICE OF DRIVERS, as adopted in subsections (3) and (9) of this section, shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes during planting and harvesting season when:

(a) The transportation of such agricultural commodities is from the source of the commodities to a location within a one-hundred-fifty-air-mile radius of the source of the commodities;

(b) The transportation of such farm supplies is from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used which is within a one-hundred-fifty-air-mile radius of the wholesale or retail distribution point; or

(c) The transportation of such farm supplies is from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies which is within a one-hundred-fifty-air-mile radius of the wholesale distribution point.

(11) 49 C.F.R. 390.21 - Marking of self-propelled CMVs and intermodal equipment shall not apply to farm trucks and farm truck-tractors registered pursuant to section 60-3,146 and operated solely in intrastate commerce.

(12) 49 C.F.R. 392.9a - Operating authority shall not apply to Nebraska motor carriers operating commercial motor vehicles solely in intrastate commerce.

(13) No motor carrier shall permit or require a driver of a commercial motor vehicle to violate, and no driver of a commercial motor vehicle shall violate, any out-of-service order.

Sec. 122. Section 75-364, Revised Statutes Supplement, 2017, is amended to read:

75-364 The parts, subparts, and sections of Title 49 of the Code of Federal Regulations listed below, or any other parts, subparts, and sections referred to by such parts, subparts, and sections, in existence and effective as of January 1, ~~2017~~ 2018, are adopted as part of Nebraska law and shall be applicable to all motor carriers whether engaged in interstate or intrastate commerce, drivers of such motor carriers, and vehicles of such motor carriers:

(1) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart F - Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers;

(2) Part 107 - HAZARDOUS MATERIALS PROGRAM PROCEDURES, subpart G - Registration of Persons Who Offer or Transport Hazardous Materials;

(3) Part 171 - GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS;

(4) Part 172 - HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS;

(5) Part 173 - SHIPPERS - GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS;

(6) Part 177 - CARRIAGE BY PUBLIC HIGHWAY;

(7) Part 178 - SPECIFICATIONS FOR PACKAGINGS; and

(8) Part 180 - CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGINGS.

Sec. 123. Section 75-366, Revised Statutes Supplement, 2017, is amended to read:

75-366 For the purpose of enforcing Chapter 75, article 3, any officer of the Nebraska State Patrol may, upon demand, inspect the accounts, records, and equipment of any motor carrier or shipper. Any officer of the Nebraska State Patrol shall have the authority to enforce the federal motor carrier safety regulations, as such regulations existed on January 1, ~~2017~~ 2018, and federal hazardous materials regulations, as such regulations existed on January 1, ~~2017~~ 2018, and is authorized to enter upon, inspect, and examine any and all lands, buildings, and equipment of any motor carrier, any shipper, and any other person subject to the federal Interstate Commerce Act, the federal Department of Transportation Act, and other related federal laws and to inspect and copy any and all accounts, books, records, memoranda, correspondence, and other documents of a motor carrier, a shipper, and any other person subject to Chapter 75, article 3, for the purposes of enforcing Chapter 75, article 3. To promote uniformity of enforcement, the carrier enforcement division of the Nebraska State Patrol shall cooperate and consult with the Public Service Commission and the Division of Motor Carrier Services.

Sec. 124. Section 75-369.03, Revised Statutes Supplement, 2017, is amended to read:

75-369.03 (1) The Superintendent of Law Enforcement and Public Safety may issue an order imposing a civil penalty against a motor carrier transporting persons or property in interstate commerce for a violation of sections 75-392 to 75-399 or against a motor carrier transporting persons or property in intrastate commerce for a violation or violations of section 75-363 or 75-364 based upon an inspection conducted pursuant to section 75-366 in an amount which shall not exceed eight hundred dollars for any single violation in any

proceeding or series of related proceedings against any person or motor carrier as defined in 49 C.F.R. ~~part~~ 390.5 as adopted in section 75-363.

(2) The superintendent shall issue an order imposing a civil penalty in an amount not to exceed fifteen thousand ~~seven hundred twenty-seven four hundred seventy-four~~ dollars against a motor carrier transporting persons or property in interstate commerce for a violation of subdivision (2)(e) of section 60-4,162 based upon a conviction of such a violation.

(3) The superintendent shall issue an order imposing a civil penalty against a driver operating a commercial motor vehicle, as defined in section 60-465, that requires a commercial driver's license or CLP-commercial learner's permit, in violation of an out-of-service order. The civil penalty shall be in an amount not less than ~~three thousand thirty-four two thousand nine hundred eighty-five~~ dollars for a first violation and not less than ~~six thousand sixty-eight five thousand nine hundred seventy~~ dollars for a second or subsequent violation.

(4) The superintendent shall issue an order imposing a civil penalty against a motor carrier who knowingly allows, requires, permits, or authorizes the operation of a commercial motor vehicle, as defined in section 60-465, that requires a commercial driver's license or CLP-commercial learner's permit, in violation of an out-of-service order. The civil penalty shall be not less than five thousand ~~four hundred seventy-nine three hundred ninety-one~~ dollars but not more than ~~thirty thousand three hundred thirty-seven twenty-nine thousand eight hundred forty-nine~~ dollars per violation.

(5) Upon the discovery of any violation by a motor carrier transporting persons or property in interstate commerce of section 75-307, 75-363, or 75-364 or sections 75-392 to 75-399 based upon an inspection conducted pursuant to section 75-366, the superintendent shall immediately refer such violation to the appropriate federal agency for disposition, and upon the discovery of any violation by a motor carrier transporting persons or property in intrastate commerce of section 75-307 based upon such inspection, the superintendent shall refer such violation to the Public Service Commission for disposition.

Sec. 125. Section 75-392, Revised Statutes Supplement, 2017, is amended to read:

75-392 For purposes of sections 75-392 to 75-399:

(1) Director means the Director of Motor Vehicles;

(2) Division means the Division of Motor Carrier Services of the Department of Motor Vehicles; and

(3) Unified carrier registration plan and agreement means the plan and agreement established and authorized pursuant to 49 U.S.C. 14504a, as such section existed on January 1, ~~2018~~ 2017.

Sec. 126. Section 75-393, Revised Statutes Supplement, 2017, is amended to read:

75-393 The director may participate in the unified carrier registration plan and agreement pursuant to the Unified Carrier Registration Act of 2005, 49 U.S.C. 13908, as the act existed on January 1, ~~2018~~ 2017, and may file on behalf of this state the plan required by such plan and agreement for enforcement of the act in this state.

Sec. 127. The Revisor of Statutes shall assign section 118 of this act to Chapter 60, article 15.

Sec. 128. Original sections 28-1204.04, 37-1280, 37-1285, 37-1293, 60-104, 60-119, 60-129, 60-133, 60-142.04, 60-142.05, 60-142.06, 60-174, 60-191, 60-309, 60-335, 60-348, 60-354, 60-378, 60-389, 60-3,185, 60-4,128, 60-4,130.04, 60-6,244, 60-6,254, 60-6,255, 60-6,263, 60-6,279, 60-6,306, 60-6,307, 60-6,308, 60-6,313, and 69-2441, Reissue Revised Statutes of Nebraska, sections 60-104.01, 60-124, 60-146, 60-148, 60-168.01, 60-169, 60-171, 60-173, 60-175, 60-309.01, 60-316, 60-340, 60-3,100, 60-3,113.02, 60-3,113.03, 60-3,143, 60-3,147, 60-3,148, 60-3,187, 60-3,190, 60-3,221, 60-3,228, 60-462, 60-463.02, 60-480, 60-484, 60-4,122, 60-4,123, 60-4,123.01, 60-4,124, 60-4,127, 60-4,131, 60-4,131.01, 60-4,132, 60-4,182, 60-601, 60-610.01, 60-639, 60-640, 60-6,226, 60-1401, 60-1401.02, 60-1401.28, and 60-1401.42, Revised Statutes Cumulative Supplement, 2016, sections 37-1285.01, 60-101, 60-102, 60-119.01, 60-149, 60-164, 60-164.01, 60-192, 60-301, 60-302, 60-336.01, 60-363, 60-386, 60-395, 60-3,104, 60-3,113.04, 60-3,193.01, 60-3,229, 60-462.01, 60-479.01, 60-4,147.02, 60-501, 60-628.01, 60-6,267, 60-6,294, 60-6,298, 60-1507, 75-363, 75-364, 75-366, 75-369.03, 75-392, and 75-393, Revised Statutes Supplement, 2017, section 37-1283, Revised Statutes Supplement, 2017, as amended by section 75, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 60-166, Revised Statutes Supplement, 2017, as amended by section 87, Legislative Bill 193, One Hundred Fifth Legislature, Second Session, 2018, and section 2, Legislative Bill 275, One Hundred Fifth Legislature, Second Session, 2018, are repealed.

Sec. 129. Since an emergency exists, this act takes effect when passed and approved according to law.





U.S. Department  
of Transportation

Federal Motor Carrier  
Safety Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

July 26, 2018

In Reply Refer To: MC-CR  
FY 2019 Pre-Award NSP

Mr. John Bolduc, Superintendent  
Nebraska State Patrol  
P.O. Box 94907  
1600 Highway 2  
Lincoln, NE 68509

Dear Mr. Bolduc:


We are in receipt of the Nebraska State Patrol's (NSP) Federal Motor Carrier Safety Administration (FMCSA) Title VI Program Compliance Plan. We have reviewed your FMCSA Title VI Program Compliance Plan and find that the Plan contains all elements stipulated in the FMCSA Title VI Program Compliance Plan Checklist. Therefore, FMCSA approves the NSP's Title VI Program Compliance Plan for Federal Fiscal Year (FY) 2019. We do request that the NSP notify FMCSA's Office of Civil Rights should it sub-award FMCSA funds and/or be the object of a Title VI Program compliance review conducted by another Federal agency. In this eventuality, we will coordinate with the NSP to ensure that the Title VI Program Compliance Plan is updated with the additional information.

On an annual basis, FMCSA's Office of Civil Rights will conduct compliance reviews of a representative sampling of FMCSA Grant Recipients. FMCSA has approximately 125 Recipients annually. If and/or when the NSP is chosen as one of the FMCSA Grant Recipients' Title VI Program that will be reviewed in a given year, the Office of Civil Rights will use the approved Title VI Program Compliance Plan as the basis for conducting the desk audit and will request additional documentation as deemed appropriate during the review.

In addition, a small number of Recipients who are selected for a Title VI Program compliance review will also be selected for an on-site visit which will include personnel interviews. We appreciate your future assistance in the event the NSP is chosen for a compliance review in a given year.

If at any time your Agency has Title VI Program-related questions, please do not hesitate to contact Mr. Lester Finkle, National Title VI Program Manager at (202) 366-4474 or [lester.finkle@dot.gov](mailto:lester.finkle@dot.gov).

Sincerely,

Handwritten signature of Lester D. Finkle II in cursive script.

*for* Kennie J. May, Sr.  
Director  
Office of Civil Rights

Cc: Daniel Doggett, Lieutenant, Nebraska State Patrol  
Elyse Mueller, Division Administrator, Nebraska Division Office  
Diane Podany, State Program Manager, Nebraska Division Office



September 20, 2018

Board of Directors  
Heavy Vehicle Electronic License Plate, Inc. (HELP)  
101 N. 1<sup>st</sup> Avenue, Suite 1900  
Phoenix, Arizona 85003

RE: Membership Account Expenditures

Board Members:

In evaluating expenditures of the membership account of HELP during the period July 1, 2017 through June 30, 2018 and on behalf of its membership, it has been determined the no member assessed funds were used for activities outside of public sector Board member expenditures. In addition, none of these funds were used for any type of lobbying expenditures from the membership account during the period July 1, 2017 through June 30, 2018.

For more information on the items above, please contact HELP for any additional information required.

Sincerely,

*Kimberlin Company, PLLC*

Kimberlin Company, PLLC  
Tempe, Arizona  
September 20, 2018

*Dmy Domachowski*



## ***CARRIER ENFORCEMENT DIVISION***

FISCAL YEAR 2004  
MCSAP PROGRAM EVALUATION  
MC-04-31-1



The following annual stats may vary to comparison with the Fiscal Year 2004 quarterly reports. The alterations are usually caused by data entry corrections and inspection report format changes.

The Nebraska State Patrol (NSP), Carrier Enforcement Division continues its efforts to reduce the number and severity of Commercial Motor Vehicle Accidents for the Fiscal Year (FY2004). To achieve these goals the NSP conducts enforcement activities concentrating on Vehicle Safety Defects, Driver Deficiencies, High Accident Corridors and Compliance Reviews to detect unsafe motor carrier practices. During FY2004, Carrier Enforcement Officers conducted 2,008 inspections (7% of the total) on commercial vehicles engaged in Intrastate Commerce and 25,001 inspections (93% of the total) on those engaged in Interstate Commerce. This document presents statistics derived from the Motor Carrier Safety Assistance Program (MCSAP) FY2004. Inspections are conducted in accordance with standards developed by the Commercial Vehicle Safety Alliance (CVSA). These standards establish national uniform inspection procedures and criteria for identifying violations of the Federal Motor Carrier Safety Regulations (FMCSR). Twenty four thousand, seven hundred, fifty eight or 92% of the FY2004 inspections were recorded on the Aspen computer system. Our efforts are examined in greater detail in the body of this report to determine the overall effectiveness of Nebraska's MCSAP Program.

**FY2004 INSPECTION STATS: (October 1, 2003 thru September 30, 2004)**

<b>TOTAL MCSAP INSPECTIONS</b>	27,009
<b>HAZARDOUS MATERIAL INSPECTIONS (All Levels)</b>	945
<b>NON FUNDED INSPECTIONS</b>	1,911
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	26,829
<i>Total Vehicle Inspections Conducted</i>	9,765
<i>Average Violations per Vehicle</i>	2.75
<b>VEHICLES PLACED OUT-OF-SERVICE</b>	3,928
<i>Total Vehicle Inspections Conducted</i>	9,765
<i>Vehicle Out-of-Service Ratio</i>	40%
<b>DRIVER PLACED OUT-OF-SERVICE</b>	3,195
<i>Total Driver Inspections Conducted</i>	26,817
<i>Drivers Out-of-Service Ratio</i>	12%
<b>TOTAL DRIVER VIOLATIONS DISCOVERED</b>	11,729
<i>Major Driver Violations - Hours of Service</i>	5,766
<i>Percent of Total Driver Violations - Hours of Service</i>	49%
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	26,829
<i>Major Vehicle Violations - Brake Violations</i>	9,247
<i>Percent of Total Vehicle Violations - Brakes</i>	35%
<b>TOTAL DRIVER OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	3,646
<i>Major Driver OOS Violations - Hours of Service</i>	2,885
<i>Percent of Total Driver OOS Violations - Hours of Service</i>	78%
<b>TOTAL VEHICLE OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	7,946
<i>Major Vehicle OOS Violations - Brake Violations</i>	3,530
<i>Percent of Total Vehicle OOS Violations - Brakes</i>	44%

## FY2004 INSPECTIONS

### TOTAL INSPECTIONS & % OF TOTAL INSPECTIONS

Level I	6,634	25%
Level II	2,939	11%
Level III	17,244	64%
Level IV	16	.06%
Level V (Terminal Inspections)	176	.07%
Grand Total of all Inspections	27,009	

*Non Funded Level III Inspections* 1,911

*HIGH ACCIDENT CORRIDOR INSPECTIONS – 3,783*  
(Level's 1-3)

## S A F E T Y N E T INSPECTION SYSTEM OUT-OF-SERVICE (OOS) DEFECT VERIFICATION REPORT October 1, 2003 through September 30, 2004

Levels	# of Inspections	Total Vehicles OOS Violations	Repaired at Scene (A) # (%)	Towed/Escorted to Service (B) # (%)	Other (D) # (%)	Unknown/Unverified (U) # (%)	Non-OOS Driver-OOS (N) # (%)
1	6,634	5,812	393 (7)	113 (2)	4,870 (84)	468 (8)	15,950 (73)
2	2,939	2,273	237 (10)	37 (2)	1,881 (83)	130 (6)	5,950 (72)
3	17,244	11	1 (9)	8 (73)	27 (245)	15 (136)	8,797 (99)
4	16	0	0 (0)	0 (0)	0 (0)	0 (0)	24 (100)
5	176	36	0 (0)	24 (67)	11 (31)	1 (3)	94 (72)
ALL	27,009	8,132	631 (8)	182 (2)	6,793 (84)	614 (8)	30,815 (79)



## MCSAP INSPECTIONS

### Fiscal Year 1989 – Fiscal Year 2004

Fiscal Year	Total Insp	HM Insp	Veh Viol	# Viol per Veh	Veh OOS	Veh OOS Viol	Veh OOS %	Dr OOS	Dr OOS %
FY1989	17,123	934	21,018	1	5,069	8,466	29.6	2,001	12%
FY1990	19,245	910	17,568	.9	4,360	6,852	23%	2,813	15%
FY1991	18,047	911	15,694	.9	3,689	5,619	20%	2,574	14%
FY1992	20,153	1,468	23,939	1	4,566	6,905	23%	3,035	15%
FY1993	20,291	1,905	24,106	1	4,157	6,313	29%	3,449	17%
FY1994	19,258	1,828	20,134	1	3,564	5,664	33%	3,101	16%
FY1995	22,476	1,678	17,787	2	3,233	5,309	32%	2,694	14%
FY1996	22,455	1,771	14,700	2	2,536	4,089	26%	2,795	15%
FY1997	14,682	1,239	12,875	1	2,033	3,349	30%	2,422	16%
FY1998	13,592	952	12,328	2	2,198	3,783	33%	1,859	14%
FY1999	15,229	768	18,020	2	2,712	5,037	36%	2,603	17%
FY2000	15,783	629	17,807	2	2,970	5,558	37%	2,349	15%
FY2001	14,241	849	19,766	3	3,350	5,911	43%	1,778	13%
FY2002	23,052	1,383	36,841	3	4,792	9,568	35%	2,045	9%
FY2003	23,428	978	24,368	3	3,577	7,083	39%	2,712	12%
FY2004	*27,009	945	26,829	3.0	3,928	7,946	40%	3,195	12%

**Total Compliance Reviews**

**Total Compliance Review Violations**

**10 -Interstate Compliance Reviews**

**8 -Violations Resulting in Enforcement**

**18 -Intrastate Compliance Reviews**

**8 -Violations Enforced**

\* Includes 9,074 Overtime Inspections

Overtime Inspections:      Level 1 -    611  
    Level 2 -    446  
    Level 3 -    8,017  
                  Total Overtime Inspections=    9,074

### MAINTENANCE OF EFFORT (MOE)

The Maintenance of Effort (MOE) for 2003 was determined to be \$27,900 based on 3,615 Level III inspections conducted by Nebraska State Patrol Troopers (non funded) during the years 1997, 1998, and 1999. The non MCSAP-Funded inspections in FY2004 totaled 1,911. This computes to an average of 955 Hours (2 inspections per hour). The average trooper salary for 2004 was \$27,547, 955 hours X \$27.547 = \$26,307. This is \$1,593 below the Maintenance of Effort requirement.

### DEFECT REPAIR VERIFICATION

To reduce the safety risk associated with the continued operation of both out-of-service drivers and vehicles, the on site verification procedure continued for FY2003. In addition to on site verification, Nebraska utilized reports generated from the SAFETYNET data base to ensure compliance with the Motor Carrier Safety Rules and Regulations. If verifications have not been received from motor carriers within 20 days, notifications are sent to those delinquent. After an additional 30 days, a second notification is distributed to those carriers that are still delinquent. These mailings create a great number of responses. Quarterly reports, generated to determine those carriers still not verified, are then sorted by State or Providence. These reports are routed to our State and Federal Motor Carrier Safety Administration (FMCSA). An average of 69% of Motor Carrier inspections are responding to Nebraska's defect verification procedures on all driver/vehicle violations.

MONTHS	1 <sup>ST</sup> MAILING	2 <sup>ND</sup> MAILING	#STILL DELINQUENT	% DELINQUENT
October	294	79	39	13%
November	259	79	35	14%
December	138	148	57	41%
January	205	58	28	14%
February	179	63	29	16%
March	296	90	49	17%
April	426	152	68	16%
May	372	115	59	16%
June	566	73	101	18%
July	550	450	297	54%
August	567	470	271	48%
September	455	Pending	295	65%
TOTALS	4,307	Pending	1,328	31%



**COMMERCIAL VEHICLE ENFORCEMENT (CVE) TEAM**  
**FY2004**

To increase enforcement activities and impact the Commercial Vehicle Accident Rate, the Commercial Vehicle Enforcement (CVE) Team continued in FY2004. The Carrier Enforcement Division's efforts include this program utilizing size/weight enforcement with safety inspections and traffic enforcement. Prior to implementation of the program, Officers were chosen for the team through a selection process. These Officers were then trained on Radar and Vascar procedures. The CVE Officers were assigned to the field in February 1997. Four Carrier Enforcement Officers are dedicated 100% of the time to these size/weight and traffic enforcement activities. During every routine contact, the Officer checks for size/weight/traffic and safety violations.

In FY2004 the Commercial Vehicle Enforcement Team (CVE) conducted a total of 2,088 inspections, with 1,739 designated to Traffic Enforcement. This total includes 364 Size and Weight (S&W) inspections and 363 that were also designated to both Traffic Enforcement and Size & Weight. Of the 1,967 drivers inspected by the CVE TEAM, 83 or 4% were placed out-of-service. Of the 1,134 vehicles inspected by the CVE TEAM, 429 or 38% were placed out-of-service. The CVE Team conducted 703 inspections in the High Accident Corridors.

**EVALUATION OF INSPECTION TOTALS BASED ON THE NUMBER OF  
AVAILABLE CARRIER ENFORCEMENT PERSONNEL  
FY2003 - FY2004**

During FY03, NSP Camp 48 graduated in July 2003 with 4 being assigned to Carrier Enforcement. Following the completion of their FTO period, these 4 began inspecting trucks during the 2nd quarter of FY04. Following the transfer of 5 to other Divisions and 4 being assigned to the New Entrant Program, three of these New Entrant positions were funded by the New Entrant Grant. One New Entrant Position was funded by the MCSAP Basic Grant (Transferred from Compliance Review Position), as requested by the Federal Motor Carrier Safety Administration. The Carrier Division ended FY03 with 54 troopers in the field, 10 positions vacant and 4 on military leave.

For FY04, the 4 CE Troopers on military leave returned at various times during the first quarter and 1 left on military leave during the 4th quarter. Camp 49 graduated January 2004 with 10 being assigned to fill the existing vacancies in the Carrier Enforcement Division. Following graduation and completion of their FTO period, these 10 new inspectors began inspecting trucks during the 4th quarter of FY04. 3 new positions were added to the New Entrant program with 3 troopers transferring from the Traffic Division to fill vacancies in Carrier Enforcement. There were 2 resignations and 2 retirements with 1 Carrier Trooper being promoted to sergeant during the fiscal year. The Carrier Division ended FY04 with 4 positions vacant and 1 on military leave, 61 troopers in the field, 1 assigned to Compliance Review and 6 assigned to the New Entrant program.

12,821 hours for In-service, new recruit, recall, etc.

**A) State Specific Objectives  
Objective #1A**

<b>Status Update:</b> Annual: October 1, 2003 - September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 1999			
<b>Evaluation:</b> Annual: October 1, 2003 - September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 1999			
<b>State Specification Objective:</b> There is an over representation of Commercial Motor Vehicle (CMV) accidents in ten Nebraska counties.					
<b>Performance Measure:</b> Focus on reducing the accident rates/numbers by 16 fewer accidents in the Top 10 CMV High Accident Counties.					
<b>Strategy (1) Enforcement</b> Activity (1.1) CMV Level I, II, and III inspections in High Accident Counties. (Portable operations only).					
<b><u>Fiscal Year 2003 (10/01/2002 to 09/30/2003)</u></b>					
<b><u>Corridor &amp; County Code</u></b>		<b><u>Level I</u></b>	<b><u>Level II</u></b>	<b><u>Level III Year to Date</u></b>	<b><u>Ratio</u></b>
1. Douglas County 055	514	238	96	=848	24%
2. Lancaster County 109	422	406	170	=998	28%
3. Sarpy County 153	205	138	110	=453	13%
4. Hall County 079	186	59	52	=297	8%
5. Dawson County 047	49	17	7	=73	2%
6. Lincoln County 111	25	23	48	=96	3%
7. Buffalo County 019	124	21	8	=153	4%
8. Platte County 141	105	96	262	=463	13%
9. Hamilton County 081	8	14	28	=50	1%
10. Cheyenne County 033	18	6	100	=124	4%
<b>Totals (levels 1, 2 and 3)</b>	<b>1,656</b>	<b>1,018</b>	<b>881</b>	<b>=3,555</b>	
<hr/>					
<b><u>Fiscal Year 2004 (10/01/2003 to 09/30/2004)</u></b>					
<b><u>Corridor &amp; County Code</u></b>		<b><u>Level I</u></b>	<b><u>Level II</u></b>	<b><u>Level III Year to Date</u></b>	<b><u>Ratio</u></b>
1. Douglas County 055	485	173	102	=760	20%
2. Lancaster County 109	433	661	304	=1,398	37%
3. Sarpy County 153	151	82	53	=286	8%
4. Hall County 079	173	51	71	=295	8%
5. Lincoln County 111	46	42	153	=241	6%
6. Buffalo County 019	64	30	85	=179	5%
7. Dawson County 047	46	15	13	=74	2%
8. Seward County 159	24	15	27	=66	2%
9. Keith County 101	25	2	9	=36	1%
10. Madison County 119	253	38	157	=448	12%
<b>Totals (levels 1, 2 and 3)</b>	<b>1,700</b>	<b>1,109</b>	<b>974</b>	<b>=3,783</b>	
<div>Total Accidents in High Accident Corridors <b>decreased by 44%</b> Total output of inspections <b>increased by 6%</b></div>					

Activity (1.2) Traffic Enforcement w/Level I, II, or III inspections in High Accident Counties.  
(Portable operations only).

		<b>Fiscal Year 2003 (10/01/2002 to 09/30/2003)</b>				
<b>Corridor &amp; County Code</b>		<b>Level I</b>	<b>Level II</b>	<b>Level III</b>	<b>Year to Date</b>	<b>Ratio</b>
1. Douglas County	055	56	57	54	=167	14%
2. Lancaster County	109	55	300	111	=466	40%
3. Sarpy County	153	15	57	76	=148	13%
4. Hall County	079	17	11	5	=33	3%
5. Dawson County	047	1	10	2	=13	1%
6. Lincoln County	111	0	1	3	=4	.3%
7. Buffalo County	019	6	13	5	=24	2%
8. Platte County	141	12	63	156	=231	20%
9. Hamilton County	081	0	3	8	=11	.9%
10. Cheyenne County	033	5	4	74	=83	7%
<b>Totals (levels 1, 2 and 3)</b>		<b>167</b>	<b>519</b>	<b>494</b>	<b>=1,180</b>	

**Fiscal Year 2004 (10/01/2003 to 09/30/2004)**

<b>Corridor &amp; County Code</b>		<b>Level I</b>	<b>Level II</b>	<b>Level III</b>	<b>Year to Date</b>	<b>Ratio</b>
1. Douglas County	055	65	71	64	=200	19%
2. Lancaster County	109	82	379	199	=660	62%
3. Sarpy County	153	10	23	38	=71	7%
4. Hall County	079	15	3	4	=22	2%
5. Lincoln County	111	1	1	14	=16	2%
6. Buffalo County	019	2	8	16	=26	2%
7. Dawson County	047	1	0	7	=8	.8%
8. Seward County	159	3	11	25	=39	4%
9. Keith County	101	1	1	6	=8	.8%
10. Madison County	119	8	4	5	=17	2%
<b>Totals (levels 1, 2 and 3)</b>		<b>188</b>	<b>501</b>	<b>378</b>	<b>=1,067</b>	

Total output of inspections **decreased by 10%**

Activity (1.3) MAPS selectives on carriers.

**FY2003 - 14 MAPS Selectives**

Inspections	908	
VOOS	401	or 44%
DOOS	34	or 4%
Violations	2,841	
Fines	\$70,970.00	

**FY2004 - 17 MAPS Selectives**

Inspections	932
VOOS	448 or 48%
DOOS	31 or 3%
Violations	3,376
Fines	\$64,185

**FY2003** Counties & Cities: Lincoln, Omaha, Hastings, Grand Island, Hall, Hamilton, Dawson, Dawson County, Buffalo County, Butler, Platte, Seward, Norfolk, Washington, Sarpy County, Columbus, Douglas, Dakota.

**FY2004** Counties & Cities: Lincoln, Omaha, Buffalo County, Seward County, Grand Island, Hastings, Keith, Cheyenne, Dawson, Scottsbluff, Columbus, Fremont, Sarpy County, South Sioux City, Norfolk, Hall County.

**Increased MAPS Selectives 21%**

**Inspections increased 3%, VOOS increased 12%, DOOS decreased 9%**

**Violations Found increased 19%, Fines Collected decreased 10%**

Activity (1.4) Conduct Compliance Review on High Risk Intrastate carriers.  
(Maintaining an average of 7 CR's per quarter, per officer or 28 CR's per year)

**FY2003 - 23 Intrastate Compliance Reviews**

**FY2004 - 18 Intrastate Compliance Reviews**

**Intrastate Compliance Reviews decreased 22%**

Activity (1.5) Incorporate Federal Motor Carrier Safety Administration's Compliance Review Enforcement Policy, concerning mandatory enforcement violations listed in Chapter 6, Volume 2 of the Field Operations Training Manual.

During Fiscal Year 2003, 11 Enforcement Cases were initiated.

During Fiscal Year 2004, 8 Enforcement Cases were initiated.

**Enforcement Cases decreased of 27%**



**Strategy (2) Education Regulatory Seminars**

**Activity (2.1) Conduct Industry Regulatory Education/Awareness Seminars.**

**Fiscal Year 2003 (10/01/2002 TO 09/30/2003)**

<b>From October 1, 2002 to December 31, 2002, 1 industry seminar was conducted.</b>	<b>Year to Date 1</b>
<b>Attendance: 11</b>	<b>Year to Date Attendance: 11</b>
<b>From January 1, 2003 to March 31, 2003, 4 industry seminars were conducted.</b>	<b>Year to Date 5</b>
<b>Attendance: 221</b>	<b>Year to Date Attendance: 232</b>
<b>From April 1, 2003 to June 30, 2003, 4 industry seminars were conducted.</b>	<b>Year to Date 9</b>
<b>Attendance: 764</b>	<b>Year to Date Attendance: 996</b>
<b>From July 1, 2003 to September 30, 2003, 3 industry seminars were conducted.</b>	<b>Year to Date 12</b>
<b>Attendance: 1,651</b>	<b>Year to Date Attendance: 2,647</b>

**Fiscal Year 2004 (10/01/2003 TO 09/30/2004)**

<b>From October 1, 2003 to December 31, 2003, 8 industry seminars were conducted.</b>	<b>Year to Date 8</b>
<b>Attendance: 314</b>	<b>Year to Date Attendance: 314</b>
<b>From January 1, 2004 to March 31, 2004, 20 industry seminars were conducted.</b>	<b>Year to Date 28</b>
<b>Attendance: 760</b>	<b>Year to Date Attendance: 1,074</b>
<b>From April 1, 2004 to June 30, 2004, 8 industry seminars were conducted.</b>	<b>Year to Date 36</b>
<b>Attendance: 1,176</b>	<b>Year to Date Attendance: 2,250</b>
<b>From July 1, 2004 to September 30, 2004, 3 industry seminars were conducted.</b>	<b>Year to Date 39</b>
<b>Attendance: 142</b>	<b>Year to Date Attendance: 2,392</b>

**There was a decrease of 10% in Attendance and increased over 200% in Industry seminars conducted for 2004, compared to 2003.**

**Activity (2.2) Target Industry Small Business groups for educational programs.**

**Fiscal Year 2003 (October 1, 2002 to September 30, 2003)**

<b>From October 1, 2001 to December 31, 2001, 2 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 2</b>
<b>Attendance 142</b>	<b>Year to Date Attendance 142</b>
<b>From January 1, 2002 to March 31, 2002, 9 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 11</b>
<b>Attendance 154</b>	<b>Year to Date Attendance 296</b>
<b>From April 1, 2002 to June 30, 2002, 3 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 14</b>
<b>Attendance 79</b>	<b>Year to Date Attendance 375</b>
<b>From July 1, 2002 to September 30, 2002, 5 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 19</b>
<b>Attendance 405</b>	<b>Year to Date Attendance 780</b>

**Fiscal Year 2004 (October 1, 2003 to September 30, 2004)**

<b>From October 1, 2003 to December 31, 2003, 5 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 5</b>
<b>Attendance 183</b>	<b>Year to Date Attendance 183</b>
<b>From January 1, 2004 to March 31, 2004, 9 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 14</b>
<b>Attendance 266</b>	<b>Year to Date Attendance 449</b>
<b>From April 1, 2004 to June 30, 2004, 6 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 20</b>
<b>Attendance 277</b>	<b>Year to Date Attendance 726</b>
<b>From July 1, 2004 to September 30, 2004, 7 Small Business programs were conducted.</b>	<b>Small Business Representatives with a Year to Date of 27</b>
<b>Attendance 197</b>	<b>Year to Date Attendance 923</b>

**During the Fiscal Year 2004, the Industry Small Business programs conducted, increased 42% compared to Fiscal Year 2003. Small Business Program attendance for Fiscal Year 2004 increased 18% compared to Fiscal Year 2003.**



## **MAPS TEAM**

### **Surprise Truck Inspection Results**

**September 16, 2004 – Columbus** – The Nebraska State Patrol, with assistance from the Columbus Police Department, conducted surprise commercial vehicle inspections. During the special enforcement effort, troopers from the MAPS TEAM conducted **22** inspections, discovered **107** violations, and took **12** vehicles out of service. In addition, 1 driver was taken out of service. Officers issued a total of **\$1,925.00** in fines.

**September 15, 2004 – Norfolk** – The Nebraska State Patrol, with assistance from the Norfolk Police Department, conducted surprise commercial vehicle inspections today, Wednesday, September 15, 2004, in Norfolk. The surprise inspections target commercial vehicles that might not travel outside the city or pass through weigh stations as part of their regular routes. During the special enforcement effort, the Metropolitan Aggressive and Preventive Selective (MAPS) Team conducted **80** inspections, discovered **293** violations, and took **38** vehicles out of service (not allowed to continue on the road). Vehicles are placed out of service for violations relating to bad brakes or tires, or other problems that pose immediate safety risks. In addition, two drivers were taken out of service (not allowed to continue driving) one for driving under suspension, the other for not having a commercial drivers license. Officers issued a total of **\$ 3,675.00** in fines.

“The MAPS Team ensures truck operators who rarely leave the city limits are maintaining their vehicles and abiding by safety regulations,” said Colonel Tom Nesbitt, Superintendent of the Nebraska State Patrol. “While most truck owners and operators share our concern for safety, we know some think they can ignore safety standards as long as they avoid the weigh stations. The MAPS Team extends our reach into cities and towns across the state.”

This was the tenth MAPS Team event of 2004. Inspections have also been conducted in Omaha (2), Lincoln, Grand Island, Columbus, Fremont, Scottsbluff/Gering, Sarpy County, and South Sioux City this year. More surprise inspections are planned throughout the summer in cities and towns across Nebraska.

The MAPS Team is funded largely by the Federal Motor Carrier Safety Administration. Troopers check for compliance with federal safety regulations and enforce laws pertaining to weight, size, registration, dyed fuel, and permits associated with commercial vehicles. The MAPS Team was implemented in 1998 and consists of 36 troopers from the Nebraska State Patrol Carrier Enforcement Division. An average 20-25 troopers work each MAPS event.

**September 14, 2004 – South Sioux City** – The Nebraska State Patrol, with assistance from the South Sioux City Police Department, conducted surprise commercial vehicle inspections. During the special enforcement effort, troopers from the MAPS TEAM conducted **66** inspections, discovered **171** violations, and took **19** vehicles out of service. Officers issued a total of **\$2,175.00** in fines.

**September 1, 2004 – Sarpy County** – The Nebraska State Patrol, with assistance from the Sarpy County Police Department, conducted surprise commercial vehicle inspections. During the special enforcement effort, the MAPS TEAM conducted **57** inspections, discovered **127** violations, and took **18** vehicles out of service. Officers issued a total of **\$2,600.00** in fines.

**August 11, 2004 – Fremont** – The Nebraska State Patrol, with assistance from the Fremont Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **61** inspections, discovered **226** violations, and took **31** vehicles out of service. Officers issued a total of **\$6,400.00** in fines.

**August 10, 2004 – Columbus** – The Nebraska State Patrol, with assistance from the Columbus Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **62** inspections, discovered **219** violations, and took **29** vehicles out of service. Officers issued a total of **\$2,425.00** in fines.

**June 30, 2004 – Scottsbluff/Gering** – The Nebraska State Patrol, with assistance from the Scottsbluff/Gering Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **65** inspections, discovered **231** violations, and took **32** vehicles out of service. Officers issued a total of **\$4,055.00** in fines.

**June 29, 2004 – Lincoln, Keith, Cheyenne, Dawson** – The Nebraska State Patrol, with assistance from the Lincoln, Keith, Cheyenne, and Dawson Departments conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **28** inspections, discovered **127** violations, and took **16** vehicles out of service. Officers issued a total of **\$3,050.00** in fines.

**June 3, 2004 – Hastings** – The Nebraska State Patrol, with assistance from the Hastings Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **26** inspections, discovered **119** violations, and took **16** vehicles out of service. In addition, 1 driver was taken out of service (not allowed to continue driving). Officers issued a total of **\$1,950.00** in fines.

## **MAPS TEAM Surprise Truck Inspection Results**

### **Continued**

**June 2, 2004 – Grand Island** – The Nebraska State Patrol, with assistance from the Grand Island Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **95** inspections, discovered **373** violations, and took **55** vehicles out of service. Officers issued a total of **\$6,955.00** in fines.

**June 1, 2004 – Seward County** – The Nebraska State Patrol, with assistance from the Seward County Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **116** inspections, discovered **114** violations, and took **61** vehicles out of service. In addition, **4** drivers were taken out of service (not allowed to continue driving). Officers issued a total of **\$3,955.00** in fines.

**June 1, 2004 – Buffalo County** – The Nebraska State Patrol, with assistance from the Buffalo County Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **24** inspections, discovered **87** violations, and took **19** vehicles out of service. In addition, **1** driver was taken out of service (not allowed to continue driving). Officers issued a total of **\$1,375.00** in fines.

**May 19, 2004 – Omaha** – The Nebraska State Patrol, with assistance from the Omaha Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **116** inspections, discovered **452** violations, and took **61** vehicles out of service. In addition, **4** drivers were taken out of service (not allowed to continue driving). Officers issued a total of **\$8,155.00** in fines.

**April 28, 2004 – Lincoln, NE** – The Nebraska State Patrol, with assistance from the Lincoln Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **119** inspections, discovered **440** violations, and took **53** vehicles out of service. In addition, **6** drivers were taken out of service (not allowed to continue driving). Officers issued a total of **\$9,270.00** in fines.

**April 7, 2004 – Lincoln, NE** – The Nebraska State Patrol, with assistance from the Lincoln Police Department conducted surprise commercial vehicle inspection. During the special enforcement effort, the MAPS TEAM conducted **93** inspections, discovered **290** violations, and took **35** vehicles out of service. In addition, **5** drivers were taken out of service (not allowed to continue driving). Officers issued a total of **\$6,220.00** in fines.



## A) State Specific Objectives Objective #1C

<b>Status Update:</b> Annual: October 1, 2003 - September 30, 2004	<b>CVSP Year: 2004</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2003 - September 30, 2004	<b>CVSP Year: 2004</b> Year Objective Initiated: 2003
<b>State Specification Objective #1C:</b> Eliminate incompatibilities regarding the following two issues: (1) State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4) and requires approval by the Nebraska State Patrol. No system is in place at this time. (2) Incompatible variance allows 17-year olds to obtain Class B and Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f).	
<b>Strategy (1)</b> Review Department of Agriculture manual and video.	
<b>Activity (1.1)</b> Conduct meetings to discuss incompatibilities identified. If deemed necessary submit legislative proposals to eliminate two incompatibilities.	
<b>First Quarter (October 1, 2003 to December 31, 2003)</b> Reviewed current language and have proposed a new language for submittal of revision, for the 2005 Legislative Session.	
<b>Second Quarter (January 1, 2004 to March 31, 2004)</b> Drafted Legislative Language for the 2005 Legislative Session.	
<b>Third Quarter (April 1, 2004 to June 30, 2004)</b> NSP has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation, to adopt Part 107 Subpart F – Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Tester, Design Certifying Engineers, and Part 107 Subpart G – Registration of person who offers or Transports Hazardous Materials.	
<b>Fourth Quarter (July 1, 2004 to September 30, 2004)</b> The first is a variance which allows an agricultural operations exception for hazardous material training. The State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4). This variance allows instruction which is required by the State's Pesticide Act. This is usually conducted by county extension agents to be sufficient in instructing persons involved with agricultural operations. This is sufficient in instructing persons involved with agricultural operations of the requirements of the hazardous materials regulations. Although the statute stipulates that the Nebraska State Patrol would have to approve the training to meet the requirements of 49 CFR, it appears the State Patrol does not have a system in place to do so.	
NSP has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation, to adopt Part 107 Subpart F – Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers and Part 107 Subpart G – Registration of persons who offer or Transports Hazardous Materials.	
<b>Activity (1.2)</b> Monitor the variance which allows 17-year olds to obtain Class B and Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f).	
<b>First Quarter (October 1, 2003 to December 31, 2003)</b> Draft Legislation submitted by Department of Motor Vehicles to Governor's Policy Research Office and to revise statute 60-4, 143, to eliminate any Commercial Drivers Licenses on Learners Permit (LPC) issued to any person who has not attained 18 years of age.	
<b>Second Quarter (January 1, 2004 to March 31, 2004)</b> No activity during this time period	
<b>Third Quarter (April 1, 2004 to June 30, 2004)</b> Nebraska introduced LB863 in the 2004 Legislature. One component of the Bill was to prohibit individuals from under the age of 18 from obtaining a CDL or LPC. Unfortunately, the Bill did not pass. It will be introduced on the 2005 Legislative Session.	
<b>Fourth Quarter (July 1, 2004 to September 30, 2004)</b> No activity during this time period.	

**A) State Specific Objectives  
Objective #1D**

<b>Status Update:</b> Annual: October 1, 2003 - September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2003 - September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2003
<b>State Specification Objective #1D:</b> Improve the quality (timeliness) of all CMV accident data which is collected and reported through SAFETYNET.		
<b>Strategy (1)</b> Target timeliness of accident data.		
<b>Activity (1.1)</b> Work closely with Department of Roads to reduce accident data uploads from 297 days to 90 days.		
<b>First Quarter –</b>		
<b><u>Timeliness of Uploads – Accident Data</u></b>		
<b><u>Nebraska</u></b>	<b><u>National</u></b>	
10/1/02 – 9/30/03 Accident Upload – 75 Days	Accident Upload – 92 Days	
10/1/03 – 12/31/03 Accident Upload – 72 Days	Accident Upload – 34 Days	
<b>Second Quarter –</b>		
10/1/02 – 9/30/03 Accident Upload – 78 Days	Accident Upload – 58 Days	
10/1/03 – 12/31/03 Accident Upload – 77 Days	Accident Upload – 114 Days	
<b>Third Quarter –</b>		
The NSP continues to work closely with Nebraska Department of Roads, Accident Records Division. The State realizes there needs to be an improvement of safety data, including the timeliness and accuracy of accident data. The State experience is lower than national average of Non-match Accident Data 5.98% compared to 12.72% Nationally: the State experience is higher than National average on accident uploads. Nebraska accident upload is 66 days, Nationally upload is 62 days 10/1/03-6/30/04.		
The State intends to improve our accident reporting by conducting a “Comprehensive Accident Data Collection for Commercial Motor Vehicle Training Course” sponsored by the FMCSA. This training will be conducted in the fall of 2004 and targeted for the local police and sheriff departments throughout the State. Special emphasis will be those local agencies within the Commercial Vehicle High Accident counties.		
<b>Fourth Quarter –</b>		
10/1/02 – 9/30/03 Accident Upload – 74 Days	Accident Upload – 136 Days	
10/1/03 – 9/30/04 Accident Upload – 63 Days	Accident Upload – 78 Days	



**Strategy (2) Enforcement - Hazardous Material and Motor Coach inspections.**

**Activity (2.1) Conduct Level I-IV Hazardous Material inspections.**

<u>Fiscal Year 2003 (10/01/2002 TO 09/30/2003)</u>						
<u>Update:</u>	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
Level I	892	91%	37	4%	244	28%
Level II	58	6%	4	7%	6	11%
Level III	18	2%	0	0%	0	0%
Level IV	10	1%	0	0%	0	0%
Totals	978		41	4%	250	26%

<u>Fiscal Year 2004 (10/01/2003 TO 09/30/2004)</u>						
<u>Update:</u>	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
Level I	853	91%	49	6%	214	25%
Level II	19	2%	5	26%	10	53%
Level III	71	8%	6	9%	0	0%
Level IV	0	0%	0	0%	0	0%
Totals	943		60	6%	224	26%

Hazardous Material inspections statewide **decreased 4%**.  
DOOS Ratio **increased 46%** - VOOS Ratio **decreased 10%**

**Activity (2.2) Conduct Level I-IV Hazardous Material Cargo Tank inspections. (Level I Only)**

<u>Fiscal Year 2003 (10/01/2002 TO 09/30/2003)</u>						
<u>Update:</u>	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
Level I	434	100%	17	4%	106	24%
Level II	0	0%	0	0%	0	0%
Level III	0	0%	0	0%	0	0%
Level IV	0	0%	0	0%	0	0%
Totals	434		17	4%	106	24%

<u>Fiscal Year 2004 (10/01/2003 TO 09/30/2004)</u>						
<u>Update:</u>	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
Level I	391	100%	20	5%	94	24%
Level II	0	0%	0	0%	0	0%
Level III	0	0%	0	0%	0	0%
Level IV	0	0%	0	0%	0	0%
Totals	391		20	5%	94	24%

Hazardous Material Cargo Tank inspections statewide **decreased 10%**.  
DOOS Ratio **increased 18%** - VOOS Ratio **decreased 11%**

**Activity (2.3) Conduct Motor Coach inspections.**

<b>FY2003</b> - 172 inspections	Vehicle Out of Service 22	Ratio 13%
<b>FY2004</b> - 170 inspections	Vehicle Out of Service 25	Ratio 23%

Motor Coach inspections statewide **decreased 1%**.  
VOOS Ratio **increased 14%**

**Strategy (3) Enforcement - Intrastate operations.**

**Activity (3.1) Issue Intrastate DOT numbers to intrastate carriers. (Increase by 5%)**

**FY2003** - 731 New Intrastate US DOT Numbers issued  
**FY2004** - 762 New Intrastate US DOT Numbers issued

Intrastate DOT numbers to intrastate carriers **increased 4%**

**Strategy (4) Education**

**Activity (4.1) Conduct three Industry Seminars focusing on Driver/Vehicle inspection procedures.**

**FY2003** - 12 Industry Seminars were requested Attendance 2,647  
**FY2004** - 31 Industry Seminars were requested Attendance 2,136

Industry Seminars **Increased over 100%** with Attendance **deceased 19%**

\*\*\*Please find attachment, SAFETYNET 2000, MCSAP Quarterly Report inspection activities in the following 3 pages.



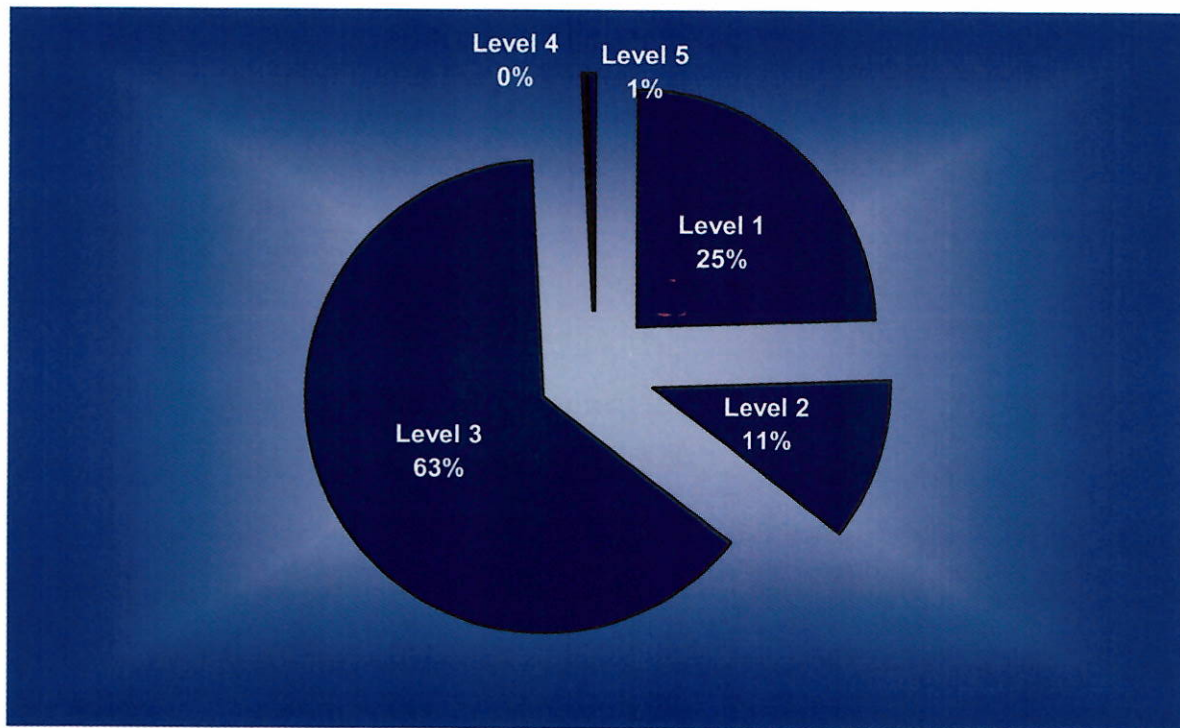
**SAFETYNET 2000**  
**Inspection MCSAP Annual Report**  
*Fiscal Year 2004 – October 1, 2003 thru September 30, 2004*

Inspections	Non-Hazardous Material Vehicles			Hazardous Material Vehicles			Motor-coach		
<b>Level 1</b>	<b>5,776</b>			<b>851</b>			<b>7</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	2,425	5,386	42%	214	419	25%	2	7	29%
<i>Driver OOS / OOS Violations / OOS %</i>	450	494	8%	49	67	6%	0	0	0%
<i>Other Violations</i>	14,261			1,151			9		
<b>Level 2</b>	<b>2,914</b>			<b>19</b>			<b>6</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	1,248	2,241	43%	10	25	53%	3	7	50%
<i>Driver OOS / OOS Violations / OOS %</i>	298	337	10%	5	8	26%	1	2	17%
<i>Other Violations</i>	5,573			27			19		
<b>Level 3</b>	<b>17,163</b>			<b>75</b>			<b>6</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	9	11	.05%	0	0	0.00%	0	0	0.00%
<i>Driver OOS / OOS Violations / OOS %</i>	2,386	2,727	14%	6	7	8%	0	0	0.00%
<i>Other Violations</i>	6,081			22			0		
<b>Level 4</b>	<b>16</b>			<b>0</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0.00%	0	0	0.00%	0	0	0.00%
<i>Driver OOS / OOS Violations / OOS %</i>	2	2	13%	0	0	0.00%	0	0	0.00%
<i>Other Violations</i>	22			0			0		
<b>Level 5</b>	<b>25</b>			<b>0</b>			<b>151</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	6	7	24%	0	0	0.00%	20	29	13%
<i>Other Violations</i>	32			0			62		
<b>Level 6</b>	<b>0</b>			<b>0</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0.00%	0	0	0.00%	0	0	0.00%
<i>Driver OOS / OOS Violations / OOS %</i>	0	0	0.00%	0	0	0.00%	0	0	0.00%
<i>Other Violations</i>	0			0			0		
<b>Total Inspections</b>	<b>25,894</b>			<b>945</b>			<b>170</b>		

**SAFETYNET 2000**  
**Inspection MCSAP Annual Report**  
*Fiscal Year 2004 – October 1, 2003 thru September 30, 2003*

Total Number of Intrastate Carrier Driver / Vehicle Inspections:	2,008
Total Number of Interstate Carrier Driver / Vehicle Inspections:	<u>25,001</u>
Total:	27,009

	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6	TOTAL
<i>Total Inspections</i>	6,634	2,939	17,244	16	176	0	27,009
<i>Off Peak Inspections</i>	1,579	874	9,441	10	12	0	11,916
<i>Percentage Off Peak</i>	24%	30%	55%	63%	7%	0%	44%





### Violations by Type

<b>Driver</b>	<b>Trucks</b>		<b>Motor-Coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<i>Medical Certificate / Other Related</i>	650	4	1	0
<b>* False Record of Duty Status</b>	<b>592</b>	<b>566</b>	<b>0</b>	<b>0</b>
<b>* NO RODS/RODS not Current</b>	<b>3,125</b>	<b>905</b>	<b>1</b>	<b>1</b>
<b>* 10/15 &amp; 14 15 Hours</b>	<b>1,098</b>	<b>990</b>	<b>0</b>	<b>0</b>
<b>* 15/20 Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* 60/70/80 Hours</b>	<b>435</b>	<b>421</b>	<b>0</b>	<b>0</b>
<b>* All Other Hours-of-Service</b>	<b>516</b>	<b>2</b>	<b>1</b>	<b>0</b>
<i>Disqualified Drivers</i>	145	140	0	0
<i>Drugs</i>	23	23	0	0
<i>Alcohol</i>	67	64	0	0
<i>Seat Belt</i>	94	0	0	0
<i>Traffic Enforcement</i>	5	0	0	0
<i>Radar Detectors</i>	456	0	1	0
<i>All Other Driver Violations</i>	1,355	512	2	1
<i>Failure to Obey Traffic Control Device</i>	271	0	0	0
<i>Following too Close</i>	16	0	0	0
<i>Improper Lane Change</i>	18	0	0	0
<i>Improper Passing</i>	10	0	0	0
<i>Reckless Driving</i>	6	0	0	0
<i>Speeding</i>	1,668	0	0	0
<i>Improper Turns</i>	15	0	0	0
<i>Size and Weight</i>	1,136	17	0	0
<i>Failure to Yield Right of Way</i>	22	0	0	0
<b>* State/Local Hours of Service</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Driver Violations</b>	<b>11,723</b>	<b>3,644</b>	<b>6</b>	<b>2</b>
<b>*Total of Major Hours of Service Viol's</b>	<b>5,766</b>	<b>2,884</b>	<b>2</b>	<b>1</b>
<b>Vehicle</b>	<b>Trucks</b>		<b>Motor-coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<b>* Brakes, Out of Adjustment</b>	<b>3,269</b>	<b>806</b>	<b>11</b>	<b>2</b>
<b>* Brakes, All Others</b>	<b>5,947</b>	<b>2,707</b>	<b>20</b>	<b>15</b>
<i>Coupling Devices</i>	142	55	0	0
<i>Fuel Systems</i>	80	31	0	0
<i>Frames</i>	138	42	0	0
<i>Lighting</i>	5,216	2,049	18	3
<i>Steering Mechanism</i>	75	25	0	0
<i>Suspension</i>	410	202	1	1
<i>Tires</i>	1,699	672	1	1
<i>Wheels, Studs, Clamps, Etc.</i>	302	91	0	0
<i>Load Securement</i>	1,252	1,009	0	0
<i>Windshield</i>	277	3	2	0
<i>Exhaust Discharge</i>	106	6	2	2
<i>Emergency Equipment</i>	2,476	0	25	0
<i>Periodic Inspection</i>	2,325	0	6	0
<i>All Other Vehicle Defects</i>	2,986	205	43	19
<b>Total Vehicle Violations</b>	<b>26,700</b>	<b>7,903</b>	<b>129</b>	<b>43</b>
<b>* Total of Major Brake Violations</b>	<b>9,216</b>	<b>3,513</b>	<b>31</b>	<b>17</b>
<b>Hazardous Materials</b>	<b>Trucks</b>			
	<b>Total</b>	<b>OOS Violations</b>		
<i>Shipping Paper</i>	137	53		
<i>Improper Placarding</i>	136	49		
<i>Accept. Shipment Improperly Mark</i>	14	10		
<i>Improper Blocking / Bracing</i>	39	37		
<i>No Retest &amp; Inspection (Cargo tank)</i>	12	1		
<i>No Remote Shutoff Control</i>	8	0		
<i>Use of Non-Specification Control</i>	9	7		
<i>Emergency Response</i>	35	0		
<i>All Other Hazardous Mat Violations</i>	87	27		
<b>Total Hazardous Material Violations</b>	<b>477</b>	<b>184</b>		
<b>Grand Total of all Violations</b>	<b>38,900</b>	<b>11,731</b>	<b>135</b>	<b>45</b>

## B) National Program Elements ii) Compliance Reviews

<b>Status Update:</b> Annual: October 1, 2003- September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2000
<b>Evaluation:</b> Annual: October 1, 2003 - September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2000
<b>National Program Objective:</b> Improve the Safety Compliance and Performance of Commercial Motor Carrier operations. <b>Performance Measure:</b> <div style="display: flex; justify-content: space-between;"> <div>Number of Reviews Conducted</div> <div>Percent of Carriers Rated Sat/Unsat/conditional</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Violations per Review Performed</div> <div>Overall CMV Accident statistics</div> </div>		
<b>Strategy (1)</b> Enforcement Intrastate High Risk carriers. (Based on accidents and OOS rates) <b>Activity (1.1)</b> Identify Intrastate High Risk carriers. (Based on accidents, OOS rates, and complaints)  <b>FY2003</b> - 40 Motor Carriers identified - Intrastate <b>FY2004</b> - 21 Motor Carriers identified - Intrastate Intrastate High Risk carriers, (Based on accidents Out of Service rates and complaints) <b>decreased 47%</b>		
<b>Activity (1.2)</b> Conduct intrastate reviews with Capri software. This Activity (1.2) was met under (A) State Specific Objective, Objective #1A, <b>Strategy (1)</b> , Activity (1.4). Also met under (A) State Objective, Objective #1B, <b>Strategy (1)</b> , Activity (1.4).		
<b>Activity (1.3)</b> Continue to utilize Capri software on intrastate motor carriers. <b>FY2003</b> - 23 Intrastate Compliance Reviews conducted on Capri software with 9 acute violations and 832 critical violations <b>FY2004</b> - 18 Intrastate Compliance Reviews conducted on Capri software with 6 acute violations and 408 critical violations. Intrastate Compliance Reviews <b>decreased 22%</b> ; all were conducted with Capri Software. Acute Violations <b>decreased 33%</b> - Critical Violations <b>decreased 51%</b>		
<b>Strategy (2)</b> Enforcement - Target Interstate reviews on motor carriers with SAFESTAT type A & B scores. <b>Activity (2.1)</b> Conduct Interstate Compliance Reviews on A & B motor carriers.  <b>FY2003</b> - 5 Interstate Compliance Reviews were assigned by FMCSA. <b>FY2004</b> - 10 Interstate Compliance Reviews were assigned by FMCSA. <b>increased 100%</b>		
<b>Activity (2.2)</b> Conduct Interstate Compliance Reviews with Capri software.  <b>FY2003</b> - 5 Interstate Compliance Reviews were assigned by FMCSA and completed. <b>FY2004</b> - 10 Interstate Compliance Reviews were assigned by FMCSA and completed. <b>increased 100%</b>		
<b>Strategy (3)</b> Enforcement Intrastate High Risk carriers' complaints and enforcement follow-ups. <b>Activity (3.1)</b> Utilize the complaint and enforcement follow-up criteria as listed in the FMCSA Field Operation Training Manual to the extent applicable to state government functions.  <b>FY2003</b> - 18 Intrastate complaints were received on Nebraska Intrastate carriers. <b>FY2004</b> - 15 Intrastate complaints were received on Nebraska Intrastate carriers. <b>decreased 17%</b>		
<b>Activity (3.2)</b> Verify complaints are non-frivolous and identify High Risk carriers. <b>FY2003</b> - 16 complaints was received in writing and was found to be frivolous. <b>FY2004</b> - 14 complaints was received in writing and was found to be frivolous. <b>decreased 13%</b>		
<b>Activity (3.3)</b> Utilize the Intrastate US DOT numbering system to correctly identify problem intrastate carriers. This Activity (3.3) was met under (B) National Program Elements, i) Driver/Vehicles, <b>Strategy (3)</b> , Activity (3.1).		
<b>Strategy (4)</b> Stay current with FMCSA Policy & Procedures received. <b>Activity (4.1)</b> Attend FMCSA In-Service Training.  <b>FY2004</b> - From October 1, 2003 to December 31, 2003, Hours of Service Training with the Nebraska Federal office was conducted.  From January 1, 2004 to September 30, 2004, meetings with Federal Motor Carrier Safety Administration office to review regulations and Compliance Reviews were conducted February 12, 2004 and March 23, 2004.  From April 1, 2004 to June 30, 2004, meetings with Federal Motor Carrier Safety Administration office, April 23, 2004, also reviewed policy thru phone conversations.  From July 1, 2004 to September 30, 2004, Two Carrier Troopers attended Compliance Review Training with Diane Podany at Federal Motor Carrier Safety Administration office in Lincoln.		







**Strategy (1) Industry "Regulatory Seminars" Activity (1.1) Conduct Industry Regulatory Education/Awareness Seminars.**

**Fiscal Year 2004 (10/01/2003 to 09/30/2004) By quarters**

**FIRST QUARTER ( 10/01/2003 thru 12/31/2003 )**

<b><u>Date &amp; Information Programs</u></b>	<b><u>Location</u></b>	<b><u>Attendance</u></b>
1. 10/06/03 Grand Island Central Catholic – No Zone	Grand Island	23
2. 10/15/03 Hulcher Rail Services – over wght/dimensional permits/L1 inspections NP		8
3. 10/16/03 NE Trucking Association – New Hours of Service	Lincoln	125
4. 10/16/03 Scottsbluff Co. Law Enforce. Officer – Green CMV Accident forms & safety issues dealing with commercial traffic	Scottsbluff	22
5. 10/17/03 NE Trucking Association – Convoy Program for Truckers	Grand Island	17
6. 10/21-24 H.O.S & Load Securement updates – New Hours of Service/Load Sec Regs GI		84
7. 10/25/03 Affiliated Foods – New Hours of Service	Norfolk	75
8. 10/28/03 NE Trucking Association – New Hours of Service	Gering	53
9. 10/30/03 Cornhusker Motor Lines – New Hours of Service	Omaha	42
10. 11/5/03 Grand Island City Utilities – CDL/Hours of Service	Grand Island	23
11. 11/5/03 NSP/North Platte – New Hours of Service	North Platte	5
12. 11/6/03 NSP/North Platte – New Hours of Service	North Platte	10
13. 11/12/03 Grand Island City Utilities – CDL/Hours of Service	Grand Island	15
14. 11/12/03 NSP/North Platte – New Hours of Service	North Platte	6
15. 11/13/03 NSP/North Platte – New Hours of Service	North Platte	6
16. 11/14/03 Grosch Irrigation – Load Securement	Columbus	62
17. 11/14/03 Convoy Program – Nebraska Trucking Convoy	Grand Island	6
18. 11/18/03 NE Trucking Association – New Hours of Service	Grand Island	125
19. 11/19/03 NE Trucking Association – New Hours of Service	Norfolk	95
20. 11/19/03 Camp 49 – CMV Alcohol Regulations Class	Grand Island	11
21. 11/20/03 NSP Troop E – New Hours of Service	Scottsbluff	16
22. 11/26/03 NSP Troop E – New Hours of Service	Scottsbluff	17
23. 11/26/03 Lyman Richey – CDL & HOS	Omaha	3
24. 12/2/03 NE Trucking Association – New Hours of Service	Omaha	59
25. 12/4/03 NSP Troop D – New Hours of Service	North Platte	16
26. 12/12/03 NLETC – CMV Accident report form class	Grand Island	38
27. 12/12/03 Daws Inc – New Hours & Load Securement	Milford	33
28. 12/17/03 NSP Troop A. Hdq – New Hours of Service	Lincoln	16
29. 12/20/03 Ryder Truck Rental – New Hours of Service	Grand Island	12

**29 Program      1,023 Attendance   29 Year to Date Programs   1,023 Year to Date Attendance**

**SECOND QUARTER ( 01/01/2004 thru 03/31/2004 )**

<u>Date &amp; Information Programs</u>		<u>Location</u>	<u>Attendance</u>
1.	1/14/04 NE Land Improvement, New Load Securement Regulations, Sgt. Linton/Trp Pollard	GI	65
2.	1/20/04 NSP Troop C, New H.O.S. Training, Sgt. Linton/Trp Pollard	GI	5
3.	1/21/04 NSP Troop C, New H.O.S. Training, Sgt. Linton/Trp Pollard	GI	20
4.	1/22/04 NSP Troop C, New H.O.S. Training, Sgt. Linton/Trp Pollard	GI	18
5.	1/24/04 Graber Trucking, New H.O.S. Program, Sgt. Linton	Ewing	35
6.	1/24/04 New H.O.S. Program, Sgt Bruner/ Trp Pollard	Norfolk	52
7.	1/27/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Omaha	8
8.	1/28/04 Winnebago, Truck Laws & Enforcement Sgt. Linton/Sgt. Schmidt	Winnebago	6
9.	1/28/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Fremont	33
10.	2/2/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Cozad	14
11.	2/3/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Sidney	7
12.	2/4/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Scottsbluff	9
13.	2/5/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	North Platte	31
14.	2/9/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Norfolk	85
15.	2/10/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Columbus	79
16.	2/10/04 Johnson Brock Seniors, Search & Seizure, Trp Bruggeman	NE City	18
17.	2/10/04 Optimist Club, NSP Duties & CE Duties, Trp Bruggeman	NE City	16
18.	2/11/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	S. Sioux	2
19.	2/11/04 NSP Troop B, New H.O.S. Training, Sgt. Linton/Trp Pollard	Norfolk	45
20.	2/16/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	GI	21
21.	2/17/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Hastings	61
22.	2/17/04 No-Zone Program, No-Zone for Drivers Ed, Sgt. Linton/Trp Astrones	GI	23
23.	2/18/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Kearney	37
24.	2/19/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Lexington	52
25.	2/24/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Burwell	95
26.	2/25/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Lincoln	95
27.	2/27/04 Cooperative Meeting, H.O.S. FMCSA Reg's & State Laws for CMV's	Imperial	56
28.	2/28/04 NonStock Coop, FMCSA Regulations & H.O.S., Sgt. Linton	GI	17
29.	3/2/04 NE Land Improvement Contractors, Load Secure for Heavy Equip & H.O.S.	Norfolk	57
30.	3/3/04 Troop C & D, ISO, Safety Chain, Trl Brakes & Safet Hoop up, Sgt. Goforth	NP	10
31.	3/4/04 Independent Lumber Contractors, Load Secure for Lumber & H.O.S., DOT#Linton	Omaha	18
32.	3/9/04 GI Builders & Contractors, Town Mtg Presentation, Sgt. Linton/Trp Blankship	GI	28
33.	3/16/04 U.P.R.R. Load Securement & H.O.S., Sgt. Linton/Bruner/Trp Pollard	Columbus	32
34.	3/18/04 S.E.C.C., CMV Class & MCSAP, Sgt. Linton	Lincoln	18
35.	3/18/04 Town Hall Meeting, State & Federal Laws, Sgt. Linton/Doug Donscheski	Oxford	52
36.	3/23/04 Plumbers Assn, Load Securement & H.O.S., Sgt. Goforth	Kearney	21
37.	3/25/04 S.E.C.C., Board Meeting, Sgt. Linton	Hastings	5
38.	3/29/04 VICA, Inspection Program MCSAP, Sgt. Linton	Hastings	?
<b>38 Program</b>		<b>1,246 Attendance</b>	<b>67 Year to Date Programs</b>
			<b>2,269 Year to Date Attendance</b>



### THIRD QUARTER ( 04/01/2004 thru 06/30/2004 )

<u>Date &amp; Information Programs</u>		<u>Location</u>	<u>Attendance</u>
1.	4-14-04 MCSAP Regs, CDL, & CE Laws – Omaha Ground Keepers Sgt. Brokaw	Omaha	23
2.	4-21-04 New HOS, Load Securement SE Regs – Union Pacific - Trp Copp	Kimball	21
3.	4-21-04 Hours of Service - Lincoln Solid Waste Management Assoc. – Sgt. Brokaw	Lincoln	16
4.	4-28-04 Seat Belts/Alcohol & Drugs – 5 School Safety Fair – Sgt. Brokaw	Chester	170
5.	5-03-04 Nebr. Truck Regs/MCSAP – Madison Co. Roads Dept – Sgt. Bruner Trp Pollard	Columbus	30
6.	5-08-04 Seat Belts/MCSAP/CDL – Rollover Demo & MCSAP Trailer – Sgt. Linton/Trp Pollard	Hebron	110
7.	5/10-14-04 Hazmat Certification – Basic HM Training – Sgt. Wagner	Grand Island	27
8.	5-18-04 Load Securement Regs/MCSAP – Omaha Bobcat – Sgt. Wagner	Omaha	75
9.	5-25-04 CE Duties/MCSAP Program – NSP Retirees – Sgt. Linton	Grand Island	38
10.	6-03-04 Truck Registrations – Co Treasures – Sgt. Goforth	Kearney	23
11.	6-04-04 Roll-over demo /MCSAP Trl – Super Saver – Sgt. Linton	Grand Island	44
12.	6-05-04 Roll-over demo /MCSAP Trl – Super Saver – Sgt. Linton	Hebron	105
13.	6-09-04 CE Duties / NE Truck Laws/MCSAP – SECC Truck Class – Sgt. Linton	Lincoln	32
14.	6/11-12-04 MCSAP/Log Books/Weigh in Motion/Drug & Alcohol Goggles – Sgt. Linton	Grand Island	560
15.	6/14-25-04 FMCSA Cargo Tank Training – Cargo Tank Training – Sgt. Wagner	Grand Island	22
16.	6/14-18-04 CE Duties / MCSAP Program – Girls Jr. Law – Sgt. Linton	Grand Island	20
17.	6-17-04 CE Duties / MCSAP Safety Regs – Tour Groups – Trp Hatcher	Scottsbluff	20
18.	6/21-25-04 CE Duties/MCSAP Program – Boys Jr. Law – Sgt. Linton	Grand Island	32
19.	6/17-18-04 Load Securement Regs/MCSAP – Southern Power District – Sgt. Linton/Trp Pollard	GI	95
20.	6-23-04 Load Securement Regs/MCSAP – Lincoln Home Builders – Sgt. Brokaw	Lincoln	49
21.	6/24-25-04 Roll Over Demo / MCSAP Trailer – Bosselmans Truck Big Rigs Truck Show Sgt. Linton/Sgt. Reins/Trp Petty/Trp Pollard	Grand Island	300
22.	6-30-04 Load Securement – Lincoln Drywall – Sgt. Linton Sgt. Brokaw	Lincoln	5
22 Program		1,817 Attendance	89 Year to Date Programs
			4,086 Year to Date Attendance

### FOURTH QUARTER ( 07/01/2004 thru 09/30/2004 )

<u>Date &amp; Information Programs</u>		<u>Location</u>	<u>Attendance</u>
1.	7/01 UPPR, H.O.S. Land Securement – Sgt. Linton	Fairbury	35
2.	7/13 American Home Builders, DOT #, Trl Brakes/Load Securement, CEO Pollard, Sgt. Bruner-Norfolk		25
3.	7/16 McCoy Trucking, Road Rage/MCSAP – Sgt. Linton	Grand Island	2
4.	7/29 NLETC, CDL/CMV Accident form – Sgt. Linton, Trooper Pollard	Grand Island	34
5.	8/04 NE Farm Business Inc., CDL & Safety Regulation – Sgt Brokaw	Lincoln	20
6.	8/16 Kuwanis, CE Duties/Weight in Motion/MCSAP – Sgt. Linton	Grand Island	10
7.	8/25 Dawson Power, MCSAP/Weight/State Law – Sgt. Linton/Trooper Pollard	Lexington	67
8.	8/27-09/06 NE State Fair, MCSAP/State Law/Weight/Recruitment – Sgt Linton/Pollard	Lincoln	1500
9.	9/14/16 Husker Harvest, MCSAP/State Law/Weight/Recruitment – Sgt Linton/Pollard	Grand Island	1800
10.	9/14 OPPD, Size & Weight, CDL, Safety – Sgt. Brokaw	Elkhorn	40
11.	9/15 Kinghorn Gardens, MCSAP Regulations- Sgt. Brokaw	Omaha	20
12.	9/18 NE Truck Convoys for Special Olympics, MCSAP/Truck Acc & Safety – Sgt Linton & Bruner/Pollard	GI	150
13.	9/23 SECC Truck drivers class, MCSAP/Weight/Permits/Truck Info – Sgt. Linton	Lincoln	35
14.	9/30 NE Rural Electric, MCSAP/Weight/State Law – Sgt. Linton	Kearney	85
14 Program		3,823 Attendance	103 Year to Date Programs
			7,909 Year to Date Attendance

There was an increase of 63% in Attendance and an increase of over 200% in Industry Seminars conducted for 2004 compared to 2003.

Activity (1.2) Target Industry Small Business Groups for Educational programs.

During the Fiscal Year 2003, 19 Small Business programs were conducted.

During the Fiscal Year 2004, 38 Small Business programs were conducted.

FY2004 increased by 100%

Strategy (2) Educational material distributed.

Activity (2.1) Distribute Nebraska Truck Information Guide Booklets.

During the Fiscal Year 2003, 2,414 Nebraska Truck Information Guide books were distributed.

During the Fiscal Year 2004, 7,863 Nebraska Truck Information Guide books were distributed.

FY2004 increased over 200%

Activity (2.2) Post Nebraska Truck Information Guide Booklet updates on the NSP web site.

**Fiscal Year 2004 (10/01/2003 to 09/30/2004) By quarters**

**CASE 1: First Quarter**

The NSP website took 2,015,780 hits from 10/01/2003 to 12/31/2003. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be 21,911 hits per day or 15 hits per minute.

This is up from 17,077 for the 07/01/2003 – 09/30/2003 period last quarter. An increase of 28.3%.

**CASE 2:**

There were 82,621 hits from 10/01/2003 to 12/31/2003 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be 898 visits per day or about 4 visits every 3 minutes.

This is up from 688 for the 07/01/2003 – 09/31/2003 period last quarter. An increase of 30.5%

FYI: The Amber Alert Page, where the actual Alert is posted, was visited 3,557 times. That's down from 6,398 times last quarter. A decrease 44.4%

**CASE 1: Second Quarter**

The NSP website took 2,214,899 hits from 10/01/04 to 03/31/2004. This is total requests for any web page within the website. This averages out to be 24,340 hits per day or 17 hits per minute.

This is up from 21,911 for the 10/01/2003 – 12/31/2004 period last quarter. An increase of 11.1%

**CASE 2:**

There were 82,942 hits from 01/01/2004 to 03/31/2004 on the website's 2 main welcome pages. This averages out to be 911 visits per day or about 4 visit every 3 minutes.

This is up from 898 for the 10/01/2003 – 12/31/2003 period last quarter. An increase of 1.4%.

FYI: The Amber Alert Page, where the actual Alert is posted, was visited 9,630 times. That's down from 3,557 times last quarter. A decrease 170.7%

**CASE 1: Third Quarter**

The NSP website took 2,018,194 hits from 04/01/2004 to 06/30/2004. This averages out to be 22,178 hits per day or 17 hits per minute.

This is up from 24,340 for the 01/01/2004 – 3/31/2004 period last quarter. An increase of 8.9%.

**CASE 2:**

There were 82,942 hits from 04/01/2004 to 06/30/2004 on the website's 2 main welcome pages. This averages out to be 911 visits per day or about 6 visit every 10 minutes.

This is up from 911 for the 01/01/2004 – 03/31/2004 period last quarter. An increase of 10%.

FYI: The Amber Alert Page, where the actual Alert is posted, was visited 4,098 times. That's down from 9,630 times last quarter. A decrease 57.4%

**CASE 1: Fourth Quarter**

The NSP website took 2,270,353 hits from 07/01/2004 to 09/30/2004. This averages out to be 24,678 hits per day or 17 hits per minute.

This is up from 22,178 for the 04/01/2004 – 06/30/2004 period last quarter. An increase of 11.27%

**CASE 2:**

There were 78,016 hits from 07/01/2004 to 09/30/2004 on the website's 2 main welcome pages. This averages out to be 848 visits per day or about 6 visitors every 10 minutes.

This is up from 820 for the 04/01/2004 – 06/30/2004 period last quarter. An increase of 3.4%.

FYI: The Amber Alert Page, where the actual Alert is posted, was visited 9,074 times. That's up from 4,098 times last quarter. An increase 121.4%.

**Strategy (3) Educational General Public.**

Activity (3.1) Conduct "CMV Safety" campaign events.

**First Quarter** (October 1, 2003 to December 31, 2003)

No activity during this time period.

**Second Quarter** (January 1, 2004 to March 31, 2004)

Conducted 20 Town Hall meetings with and attendance of 760.

**Third Quarter** (April 1, 2004 to June 30, 2004)

Conducted 5 Commercial Motor Vehicle Campaign events.

**Fourth Quarter** (July 1, 2004 to September 30, 2004)

Worked with the Nebraska Trucking Association, with the No-Zone Exhibit Demonstration during the Nebraska State Fair.

Activity (3.2) Distribute promotional "CMV Safety" material to attendees of the Nebraska State Fair.

**First Quarter** (October 1, 2003 to December 31, 2003)

No activity during this time period

**Second Quarter** (January 1, 2004 to March 31, 2004)

No activity during this time period.

**Third Quarter** (April 1, 2004 to June 30, 2004)

No activity during this time period.

**Fourth Quarter** (July 1, 2004 to September 30, 2004)

Distributed 500 Pens, 2,000 Calendars, 1,500 Sun Glass Holders, and 700 Calculators displaying No-Zone information.

**B) National Program Elements  
v) Data Collection and Reporting**

<b>Status Update:</b> Annual: October 1, 2003 – September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2000
<b>Evaluation:</b> Annual: October 1, 2003 – September 30, 2004		<b>CVSP Year: 2004</b> Year Objective Initiated: 2000
<b>National Program Objective:</b> Improve the quality (accuracy & timeliness) of all MCSAP related data which is collected and reported through SAFETYNET. <b>Performance Measure:</b> Monitor the accuracy and timeliness of all MCSAP data. Reduce the average inspection uploads from 11 days to 7 days and reduce accident data uploads from 297 days to 90 days.		
<b>Strategy (1)</b> Target accuracy and timeliness of data <b>Activity (1.1)</b> Monitor officer's accuracy in data entry and timeliness in uploading Laptop inspections.		
<b>Timeliness of State Inspection Uploads</b>		
<b>10/01/2002 – 09/30/2003</b>		
<u>Nebraska Inspection Entry</u>	<u>Entry Upload</u>	<u>Inspection Upload</u>
5	0	5
<b>10/01/2003 – 09/30/2004</b>		
<u>Inspection Entry</u>	<u>Entry Upload</u>	<u>Inspection Upload</u>
4	0	4
Difference (Current – Last) = -2		
<b>Timeliness of State Accident Uploads</b>		
<b>10/01/2002 – 09/30/2003</b>		
<u>Nebraska Accident Entry</u>	<u>Entry Upload</u>	<u>Accident Upload</u>
74	1	74
<b>10/01/2003 – 09/30/2004</b>		
<u>Accident Entry</u>	<u>Entry Upload</u>	<u>Accident Upload</u>
63	0	63
Difference (Current – Last) = -12		
<b>Total Number and Percent of Non-Match Inspections</b>		
<b>10/01/2002 – 09/30/2003</b>		
<u>Nebraska Inspection Count</u>	<u>Non-Match Count</u>	<u>Non-Match Inspection %</u>
24,863	339	1.36
<b>10/01/2003 – 09/30/2004</b>		
<u>Inspection Count</u>	<u>Non-Match Count</u>	<u>Non-Match Inspection %</u>
26,864	274	1.02
Difference (Current – Last%) = -0.34		
<b>Total Number and Percent of Non-Match Accidents</b>		
<b>10/01/2002 – 09/30/2003</b>		
<u>Nebraska Accident Count</u>	<u>Non-Match Count</u>	<u>Non-Match Accident %</u>
983	63	6.41
<b>10/01/2003 – 09/30/2004</b>		
<u>Accident Count</u>	<u>Non-Match Count</u>	<u>Non-Match Accident %</u>
784	56	7.14
Difference (Current – Last%) = 0.73		

Activity (1.2) Maintain the upkeep of equipment involved in the Laptop process.  
Fiscal Year 2004 (10/01/2003 to 09/30/2004) By quarters

**First Quarter (October 1, 2003 to December 31, 2003)**

This quarter showed only one (1) laptop and one (1) Aspen Inspection desktop computer that required warranty repair by the manufacturer. The older Canon BJC-80 printers have been replaced by the newer Canon BJC-85's and Canon i70 printers, both using USB printing connectivity. All computers are checked quarterly for defragging and hard drive errors, viruses, and other problems that may arise.

**Second Quarter (January 1, 2004 to March 31, 2004)**

Due to budget restraints, the replacement of the Dell-C-800 laptops, the laptops have been postponed until the dollar amount becomes available. The warranties on 30 high-use laptops have expired and the decision has been made not to allocate the \$13,000.00 to renew them for two years, since they need replacing. Laptops that break and can not be replaced will force the officers to utilize paper inspections, which in turn may affect the timeliness of inspection uploads.

**Third Quarter (April 1, 2004 to June 30, 2004)**

The MCSAP IT personnel keep all laptops current with critical O/S upgrades, Virus Scan DAT files, patches, and FMCSA software upgrades as they become available. All of the Aspen laptops are over 3.2 years old due to the budget renewal delay and a few had display, hard drive, or mother-board failures. Some laptops required breakdown to keep others operational.

New laptops are ordered and should be in the field by the end of next quarter. The new Dell laptops have Blue Tooth wireless installed and will be printing to Canon i80 battery equipped Blue Tooth printers, which will enable vehicle installation without cables. Broadband connectivity is replacing the modem dial-up for portable units where it is available. In some remote regions, it is not an advantageous time management for the portable units to drive long distances simply to have broadband connectivity; therefore, the change over to broadband is very slow.

Nebraska does not have any statewide wireless or CDPD systems. The new Dell laptops also have built-in 802.11 a/b/g wireless for future connectivity to statewide wireless. Adding wireless POC systems for the I-80 Waverly scales and the Lincoln office is in the planning stage. This would allow any portable unit in the vicinity to upload inspections instantly instead of waiting until the end of the shift.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

The primary function of the Carrier Enforcement IT Division is to provide its officers with the best hardware, software, & support possible. Nebraska Carrier Enforcement is in the process of replacing all laptops, portable printers, and handheld paper scanners. Twelve have been recently issued, with the remaining being issued on a daily basis as Officers schedules allow. The exchange of equipment takes place in the Lincoln Carrier Enforcement office for accountability, and for the short training & familiarization given on the new equipment.

The new Dell D-600 laptops have been well received by the Officers, as have the new Canon i80 portable printers using Blue Tooth wireless technology. The DocuPen handheld scanners have been less well accepted since they have a difficult time picking up faint pencil lines on the log books, but overall do an excellent job of scanning and storing the log book pages for downloading to the CPU at a later time.

The new laptops and printers are manufactured with a light colored, more reflective material which greatly protects the systems when exposed to bright sunlight while in the vehicles.



Activity (1.3) Upload inspections as processed.  
Fiscal Year 2004 (10/01/2003 to 09/30/2004) By quarters

**First Quarter (October 1, 2003 to December 31, 2003)**

Aspen Electronic inspections are down-loaded from SAFETY mailbox to our Safetynet program twice daily, searched and resolved, scanned for errors, then uploaded to MCMIS every work day. It is impossible to measure the exact amount of time involved due to the Safetynet report. Timeliness only checks the difference of time between the input date and the last date it was uploaded, not the first date it was uploaded.

**Second Quarter (January 1, 2004 to March 31, 2004)**

Inspections are uploaded at the end of each work day. Nebraska's timeliness reports indicate a seven (7) day average for inspections to be uploaded: well within FMCSA's timeline.

**Third Quarter (April 1, 2004 to June 30, 2004)**

Nebraska uploads inspections daily except holidays and weekends. The Local Safetynet System incorporates three basic types of inspections; Carrier Enforcement Electronic, Carrier Enforcement paper (data entry), and Nebraska State Patrol Traffic Troopers paper level three. The average time from inspection date to MCMIS upload is:

A.	Electronic	2.4 Days
B.	CE Paper	20.5 Days
C.	NSP Paper	22.6 Days
D.	Overall Avg.	13.3 Days

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

The average inspection upload time for all paper and electronic inspections fell from twelve days the previous quarter to eight days this quarter. This statistic is from comparing the inspection date to the upload date in the Safetynet database. 12,796 inspections were uploaded this quarter.

Activity (1.4) Work closely with Department of Roads to reduce accident data uploads from 297 days to 90 days.

**First Quarter (October 1, 2003 to December 31, 2003)**

The Department of Roads is now able to get accident data to Carrier Enforcement normally within a 90 day period. They are uploaded to Carrier Enforcement weekly and after search & resolve has been run, the accident reports are uploaded the same day.

**Second Quarter (January 1, 2004 to March 31, 2004)**

The accident data is uploaded weekly, every Wednesday, after receiving the data files from the Department of Roads. The average time from investigation to upload is about 64 days. The system seems to be working quite well, with the exception of the match and non-match criteria which will never be resolved until the investigating officer has access to the ISS database, or Safersys.org while on site.

**Third Quarter (April 1, 2004 to June 30, 2004)**

The Nebraska Department of Roads automatically generates accident data for Safetynet and e-mails the data weekly to the IT Division at Carrier Enforcement Headquarters where the data is integrated, edit checks, searched & resolved, and uploaded to MCMIS the same day. The time from accident date to MCMIS upload date reduced the average to 54 days.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

The average accident upload time decreased to 12 days for the period. Nebraska integrates accident data from Department of Roads every Wednesday and the process is working very well. The IT personnel have started sending corrections back to the Dept of Roads for Motor Carriers improperly identified by the reporting officer. Once the Dept of Roads changes our copy of the database, the report will always have the correct match, and will not have to be resolved in the future when changes are made to the report by Dept of Roads. Extensive on-line searches are done using DMV records and FMCSA records to provide the closest possible match.

**Strategy (2) Education**

**Activity (2.1) Conduct Aspen Training with hands-on instruction to all new officers.**

**First Quarter (October 1, 2003 to December 31, 2003)**

No activity during this time period

**Second Quarter (January 1, 2004 to March 31, 2004)**

Instructed 10 Carrier Troopers on Aspen, during this quarter.

**Third Quarter (April 1, 2004 to June 30, 2004)**

No activity during this time period

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

No activity during this time period

**Activity (2.2) Provide Training on ISS/Safestat scoring scheme to all officers.**

**First Quarter (October 1, 2003 to December 31, 2003)**

No activity during this time period

**Second Quarter (January 1, 2004 to March 31, 2004)**

Instructed 10 Carrier Troopers on ISS and Safestat, during this quarter.

**Third Quarter (April 1, 2004 to June 30, 2004)**

No activity during this time period

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

No activity during this time period

**Activity (2.3) Work with Field Systems Group and Volpe Center on program problems.**

**Fiscal Year 2004 (10/01/2003 to 09/30/2004) By quarters**

**First Quarter (October 1, 2003 to December 31, 2003)**

The Carrier Enforcement Office continues to work closely with the Volpe Center Tech Support Staff, especially on the account management and UAS userids and passwords. New versions of Capri, that had a few bugs, were sent out to the State users. This caused many problems with the local IT division and also with the C/R staff. Getting the new version installed, only to have it accident on-site 300 miles from the office is not advantageous to anyone involved.

**Second Quarter (January 1, 2004 to March 31, 2004)**

The Nebraska State Patrol continues to work with and utilize the Safetynet Tech Support systems which include the Volpe Center, FSG's and programmers. When any error is found in the FMCSA software, a call log is generated at the Volpe Center. Nebraska has asked the programmers to slow down and test their fixes and new versions of software since many changes had been taking place in a very short period.

**Third Quarter (April 1, 2004 to June 30, 2004)**

Nebraska reports MCMIS, Safetynet, and software bugs in the various roadside & investigative applications. Nebraska utilizes the Volpe Center's expertise resolving errors in data and applications and the MCMIS/Safer account management section on a continuous basis.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

The IT Division works closely with the Volpe Tech Support Center on any of the various program problems. The officers have learned to call tech support when problems arise with FMCSA issued userids & passwords, which has help cut down the help calls received in the Lincoln office. The Nebraska IT Division has assisted the Volpe Center in the discovery of software errors and works with them to get them corrected.

**Strategy (3)** Update computer equipment as needed to remain current with the continually changing MCSAP Information Systems

**Activity (3.1)** Update 5 desktop and 1 workstation computers as needed for Carrier Enforcement MCSAP staff.

**First Quarter (October 1, 2003 to December 31, 2003)**

The MCSAP staff has continued to upgrade their computers on either a 3 or 4 year rotational basis, depending on many factors such as work load, needs assessment, and budget constraints. The new Dell SX/GX 270 computers with their small or ultra-small profile have been working extremely well for the staff. The small CPU footprint, coupled with the flat panel monitor, takes up much less space and opens up the desk for better organization. It also gets the CPU off the floor so it stays cleaner internally.

**Second Quarter (January 1, 2004 to March 31, 2004)**

The Carrier Enforcement Division purchased one (1) desktop computer at each of the main scale sites in Eastern Nebraska; i.e., Waverly Eastbound and Westbound, Nebraska City, Fremont, Hebron, and the Scale Technician. Due to lack of funds, MCSAP has not upgraded any computers this fiscal year.

**Third Quarter (April 1, 2004 to June 30, 2004)**

All computers, both MCSAP and Carrier laptops and desktops are kept up-to-date with all changes to FMCSA software, PC\*miler, McRegis III, Windows 2000 & XP updates and critical security patches.

The MCSAP Program has been able to maintain an equipment replacement schedule of between three to four years, depending on the quality, location, and use of the equipment. The MCSAP replaces laptops at the early end of the spectrum due to end of warranty, harsh environment, and heavy usage. Due to the budget renewal delay, the Dell-C-600 & C-800 laptops warranties expired and forced some stripping of parts to keep others operational. Replacement laptops and printers are on order. New Dell SX-270 low profile desktop computers are replacing the old IBM NetVista desktops at weigh stations. A new Dell server will replace the old Dell 4400 after a severe accident took the entire Carrier Enforcement Division and Safetynet server down for a week. The new server will incorporate more memory and vastly greater processor and bus speed. The server will be connected to the primary MCSAP computers through a gigabit switch and NIC's which will create high speed database access to the Safetynet database. This new equipment will drastically reduce the server response time to complex queries in the Oracle database, and overall Safetynet database management.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

Purchased, installed, and setup on (1) new workstation for the new Compliance Review and Safety Audit Staff Assistant.

**Activity (3.2)** Update Laptop computers as needed for Portable Units.

**First Quarter (October 1, 2003 to December 31, 2003)**

The IT Division tries to ensure that laptops/desktop inspection computer applications are updated within 1 month of dissemination, and critical O/S upgrades are done at least once per quarter, depending on their priority. This quarter, the list included Capri, Aspen, ISS, PIQ, MCREGIS, Nebraska Criminal & Traffic Law, many critical Microsoft O/S updates & Service Packs.

**Second Quarter (January 1, 2004 to March 31, 2004)**

Three (3) new Dell switches have been installed in Carrier Enforcement; two (2) at the Waverly scales and one (1) at the Lincoln office. One Dell D-800 laptop was purchased by Carrier connectivity for future wireless installations at scale sites.

**Third Quarter (April 1, 2004 to June 30, 2004)**

All laptops are current with all FMCSA, MCREGIS, PC\*miler, Nebraska Criminal & Traffic Laws, VIN Assistance, and other software updates.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

Purchased and installed a new Windows 2003 server for the Safetynet Oracle databases, separating them from the other applications and print servers. This enables the IT personnel to take one system off line to update or repair without interrupting all the other users or applications.

**Activity (3.3) Update support equipment as needed for Information Systems.**

**First Quarter (October 1, 2003 to December 31, 2003)**

The Carrier Enforcement Division purchased 3 new Dell switches for the Waverly I-80 scales and the Lincoln Office, replacing the old 3 Com switches which are no longer supported nor can be upgraded. They have been programmed and are awaiting arrival of the fiber patch cables for installation. Extended warranties were purchased for the MCSAP primary server, and the Waverly I-80 server to ensure parts replacements would be available for two additional years. This should maximize the life span of both servers.

Two florescent workbench lights were added for increased visibility when working on systems requiring internal access to computers and peripherals.

Waverly I-80 Westbound Scale, North Platte I-80 Westbound Scale, Norfolk office, and Lincoln office have added Link Sys Gateway/Routers to the network for high speed connectivity for the MCSAP portable units using Aspen inspection laptops. The only weigh station without high speed connectivity is the Nebraska City Scales. It continues to use dial-up which connects between 19.2k to 28.8k.

**Second Quarter (January 1, 2004 to March 31, 2004)**

No activity during this time period.

**Third Quarter (April 1, 2004 to June 30, 2004)**

Installed new Dell Ethernet switches at the Waverly I-80 scale sites and the Lincoln Carrier Enforcement office. Upgraded the Fremont and Hebron scales private ISP wireless systems to 512 kbps.

Nebraska City is still without high-speed internet service. At the present time there are no vendors in the immediate area. Due to the location of the scale building, standard phone lines are the only solution until a wireless vendor establishes a network. The scale location is too far away from the phone company stations to install DSL or T-1. The connectivity rate on this dial-up system is normally between 19k & 26k, making MCMIS connections nearly impossible due to the obvious delays in data flow. With the installation of a new Weigh In Motion at this site, it makes broadband connectivity even more important to the daily operations.

The portable scale units will be issuing the new DocuPen portable, battery operated scanners for imaging logbooks and other paperwork as required by an inspection. They will replace the obsolete HP CapShare 920 scanners. The DocuPen is capable of holding up to 100 pages and it connects to the laptop via a miniature USB cable.

**Fourth Quarter (July 1, 2004 to September 30, 2004)**

Information Systems (IT) personnel have upgraded to new workstations and gigabit Ethernet to the Safetynet server. This, coupled with the new server speed has eliminated much of the 'wait' time when running complex queries and reports, or optimizing the database.



## ***CARRIER ENFORCEMENT DIVISION***

FISCAL YEAR 2005  
MCSAP PROGRAM EVALUATION  
MC-05-03-1





The following annual stats may vary to comparison with the Fiscal Year (FY) 2005 quarterly reports. The alterations are usually caused by data entry corrections and inspection report format changes.

The Nebraska State Patrol (NSP), Carrier Enforcement Division continues its efforts to reduce the number and severity of Commercial Motor Vehicle Accidents for (FY2005). To achieve these goals the NSP conducts enforcement activities concentrating on Vehicle Safety Defects, Driver Deficiencies, High Accident Corridors and Compliance Reviews to detect unsafe motor carrier practices. During FY2005, Carrier Enforcement Troopers conducted 2,385 inspections (9% of the total) on commercial vehicles engaged in Intrastate Commerce and 25,647 inspections (92% of the total) on those engaged in Interstate Commerce.

This document presents statistics derived from the Motor Carrier Safety Assistance Program (MCSAP) FY2005. Inspections are conducted in accordance with standards developed by the Commercial Vehicle Safety Alliance (CVSA). These standards establish national uniform inspection procedures and criteria for identifying violations of the Federal Motor Carrier Safety Regulations (FMCSR). Twenty six thousand, three hundred, sixty three or 94% of the FY2005 inspections were recorded on the Aspen computer system. Our efforts are examined in greater detail in the body of this report to determine the overall effectiveness of Nebraska's MCSAP Program.

**FY2005 INSPECTION STATS: (October 1, 2004 thru September 30, 2005)**

<b>TOTAL MCSAP INSPECTIONS</b>	28,032
<b>HAZARDOUS MATERIAL INSPECTIONS (All Levels)</b>	1,092
<b>NON FUNDED INSPECTIONS (Traffic Trooper)</b>	5,334
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	27,541
<i>Total Vehicle Inspections Conducted</i>	11,026
<i>Average Violations per Vehicle</i>	2.5
<b>VEHICLES PLACED OUT-OF-SERVICE</b>	4,075
<i>Total Vehicle Inspections Conducted</i>	11,026
<i>Vehicle Out-of-Service Ratio</i>	37%
<b>DRIVER PLACED OUT-OF-SERVICE</b>	3,265
<i>Total Driver Inspections Conducted</i>	27,815
<i>Drivers Out-of-Service Ratio</i>	12%
<b>TOTAL DRIVER VIOLATIONS DISCOVERED</b>	13,434
<i>Major Driver Violations - Hours of Service</i>	6,368
<i>Percent of Total Driver Violations - Hours of Service</i>	47%
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	27,541
<i>Major Vehicle Violations - Brake Violations</i>	8,436
<i>Percent of Total Vehicle Violations - Brakes</i>	31%
<b>TOTAL DRIVER OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	3,859
<i>Major Driver OOS Violations - Hours of Service</i>	3,097
<i>Percent of Total Driver OOS Violations - Hours of Service</i>	80%
<b>TOTAL VEHICLE OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	7,775
<i>Major Vehicle OOS Violations - Brake Violations</i>	3,215
<i>Percent of Total Vehicle OOS Violations - Brakes</i>	41%

## FY2005 INSPECTIONS

### TOTAL INSPECTIONS & % OF TOTAL INSPECTIONS

Level I	7,312	26%
Level II	3,465	12%
Level III	17,006	61%
Level IV	30	.1%
Level V (Terminal Inspections)	217	.8%
Level VI	<u>2</u>	.01%
Grand Total of all Inspections	28,032	

*High Accident Counties (HAC) Inspections – 4,572 / 16%*  
(Level's 1-3)

#### Fiscal Year 2005 High Accident Counties

Ranking		County FIPS Code
1.	Douglas	055
2.	Lancaster	109
3.	Sarpy	153
4.	Hall	079
5.	Lincoln	111
6.	Seward	159
7.	Dawson	047
8.	Cass	025
9.	York	185
10.	Buffalo	019

## S A F E T Y N E T INSPECTION SYSTEM

### OUT-OF-SERVICE (OOS) DEFECT VERIFICATION REPORT

October 1, 2004 through September 30, 2005

Levels	# of Inspections	Total Vehicles OOS Violations	Repaired at Scene (A) # (%)	Towed/Escorted to Service (B) # (%)	Other (D) # (%)	Unknown/Unverified (U) # (%)	Non-OOS Driver-OOS (N) # (%)
1	7,312	5,534	313 (6)	168 (3)	4,995 (90)	85 (2)	16,273 (75)
2	3,465	2,332	199 (9)	41 (2)	2,093 (90)	24 (1)	7,018 (75)
3	17,006	23	2 (9)	16 (70)	33 (143)	9 (39)	9,952 (99)
4	30	0	0 (0)	0 (0)	0 (0)	0 (0)	46 (100)
5	217	36	6 (17)	20 (56)	3 (8)	7 (19)	118 (77)
6	2	0	0 (0)	0 (0)	0 (0)	0 (0)	10 (100)
ALL	28,032	7,925	520 (7)	245 (3)	7,124 (90)	125 (2)	33,417 (81)

## MCSAP INSPECTIONS

### Fiscal Year 1989 – Fiscal Year 2005

Fiscal Year	Total Insp	HM Insp	Veh Viol	# Viol per Veh	Veh OOS	Veh OOS Viol	Veh OOS %	Dr OOS	Dr OOS %
FY1989	17,123	934	21,018	1	5,069	8,466	29.6	2,001	12%
FY1990	19,245	910	17,568	.9	4,360	6,852	23%	2,813	15%
FY1991	18,047	911	15,694	.9	3,689	5,619	20%	2,574	14%
FY1992	20,153	1,468	23,939	1	4,566	6,905	23%	3,035	15%
FY1993	20,291	1,905	24,106	1	4,157	6,313	29%	3,449	17%
FY1994	19,258	1,828	20,134	1	3,564	5,664	33%	3,101	16%
FY1995	22,476	1,678	17,787	2	3,233	5,309	32%	2,694	14%
FY1996	22,455	1,771	14,700	2	2,536	4,089	26%	2,795	15%
FY1997	14,682	1,239	12,875	1	2,033	3,349	30%	2,422	16%
FY1998	13,592	952	12,328	2	2,198	3,783	33%	1,859	14%
FY1999	15,229	768	18,020	2	2,712	5,037	36%	2,603	17%
FY2000	15,783	629	17,807	2	2,970	5,558	37%	2,349	15%
FY2001	14,241	849	19,766	3	3,350	5,911	43%	1,778	13%
FY2002	23,052	1,383	36,841	3	4,792	9,568	35%	2,045	9%
FY2003	23,428	978	24,368	3	3,577	7,083	39%	2,712	12%
FY2004	27,009	945	26,829	3	3,928	7,946	40%	3,195	12%
FY2005	28,032	1,092	27,541	3	4,075	7,775	37%	3,265	12%

#### Total Compliance Reviews

16 -Interstate Compliance Reviews (page 16, activity 2.2)

#### Total Compliance Review Violations

14 -Intrastate Compliance Reviews (page 16, activity 1.3)

7- Acute Violations

523 – Critical Violations

#### Overtime Inspections:

Level 1 - 1,465

Level 2 - 488

Level 3 - 7,388

Level 4 - 30

**Total Overtime Inspections = 9,371**

#### OT Ratio from 28,032 – CMV Inspections

5%

2%

26%

.1%

**33%**



### MAINTENANCE OF EFFORT (MOE)

The average level of expenditures for Fiscal Year 1997, 1998, and 1999 is \$8,061.71, which is not funded by FMCSA, but are eligible. NSP troopers conduct Level III inspections, these inspections are not funded by FMCSA. With LB470 going into effect Level 3 inspections will be identified as Trooper (Traffic Division) inspections here after.

Formula: Average Trooper Salary	1997	\$2,569.64 monthly
	1998	\$2,559.71 monthly
	1999	<u>\$2,932.36 monthly</u>
	Total	\$8,061.71

The three-year total of \$8,061.71 averaged \$2,687.24 per month, in which 12 months equaled \$32,246.88 per year. There are 2,088 working hours in a year's time. \$32,247 divided by 2,088 hours equals \$15.44 per hour. Average Trooper Traffic Division inspections per year = 4,143 divided by an average of two inspections per hour = 2,071.50 hours X \$15.44 per hour = \$31,983.96. **Our MOE is \$31,983.96.** In FY2005 the average Traffic Trooper salary was \$29.45 per hour. Traffic troopers conducted 5,334 non-funded inspections at an average rate of 2 inspections per hour. This equals 2,667 hours X \$29.45 per hour. The non-funded MCSAP inspections in FY2005 totaled \$78,543. This exceeds the requirement of the MOE.

### DEFECT REPAIR VERIFICATION PROGRAM

To reduce the safety risk associated with the continued operation of OOS drivers and vehicles, the on site verification procedure continued for FY2005. In addition to on site verification, Nebraska utilized reports generated from the SAFETYNET data base to ensure compliance with the Motor Carrier Safety Rules and Regulations. If verifications have not been received from motor carriers within 20 days, notifications are sent to those delinquent. After an additional 30 days, a second notification is distributed to those carriers that are still delinquent. These mailings create a great number of responses. Quarterly reports, generated to determine those carriers still not verified, then are sorted by State or Providence. These reports are routed to our State and Federal Motor Carrier Safety Administration (FMCSA). An average of 80% of Motor Carrier inspections are responding to Nebraska's defect verification procedures on all driver/vehicle violations.

<b>MONTHS</b>	<b>1<sup>ST</sup> MAILING</b>	<b>2<sup>ND</sup> MAILING</b>	<b>#STILL DELINQUENT</b>	<b>% DELINQUENT</b>
<b>October</b>	315	158	63	20%
<b>November</b>	335	116	45	13%
<b>December</b>	350	125	48	14%
<b>January</b>	365	71	24	7%
<b>February</b>	241	69	41	17%
<b>March</b>	310	275	62	20%
<b>April</b>	353	178	63	18%
<b>May</b>	460	143	35	8%
<b>June</b>	571	176	91	16%
<b>July</b>	570	203	101	18%
<b>August</b>	527	216	146	28%
<b>September</b>	523	Pending	207	40%
<b>TOTALS</b>	<b>4,920</b>	<b>Pending</b>	<b>926</b>	<b>19%</b>

**COMMERCIAL VEHICLE ENFORCEMENT (CVE) TEAM**  
**FY2005**

To increase enforcement activities and impact the Commercial Vehicle Accident Rate, the Commercial Vehicle Enforcement (CVE) Team continued in FY2005. The Carrier Enforcement Division's efforts include this program utilizing size/weight enforcement with safety inspections and traffic enforcement. Prior to implementation of the program, Troopers were chosen for the team through a selection process. These troopers were then trained on Radar and Vascar procedures. The CVE Troopers were assigned to the field in February 1997. Four Carrier Enforcement Troopers are dedicated 100% of the time to these size/weight and traffic enforcement activities. During every routine contact, the Trooper checks for size/weight/traffic and safety violations.

In FY2005 the Commercial Vehicle Enforcement Team (CVE) conducted a total of **2,976** inspections, with **2,899** designated to Traffic Enforcement. This total includes **667** Size and Weight (S&W) inspections and **667** that were also designated to both Traffic Enforcement and Size & Weight. Of the **2,917** drivers inspected by the CVE TEAM, **165** or **6%** were placed OOS. Of the **1,298** vehicles inspected by the CVE TEAM, **486** or **37%** were placed OOS. The CVE Team conducted **1,281** inspections in the HAC.

### A) State Specific Objectives / Objective 1A

Status Update:

Annual: October 1, 2004 - September 30, 2005

CVSP Fiscal Year (FY): 2005

Year Objective Initiated: 1999

Evaluation:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Problem Statement:

There is an over representation of Commercial Motor Vehicle (CMV) accidents in ten Nebraska counties.

Objective:

Focus on reducing the accident rates/numbers by 16 less accidents in the Top 10 CMV HAC.

Performance Measure:

Monitor the accident rates / numbers in the Top 10 CMV HAC.

Strategy (1)

Enforcement{HAC change every FY due to focusing on counties with High Accident status}

Activity (1.1)

CMV Level I, II, and III inspections in HAC (Portable operations only)

FY 2004 (10/01/03 to 09/30/04)

HAC	County(CO)	Level (L) I	L II	L III	YTD	Ratio
1. Douglas	055	485	173	102	=760	20%
2. Lancaster	109	433	661	304	=1,398	37%
3. Sarpy	153	151	82	53	=286	8%
4. Hall	079	173	51	71	=295	8%
5. Lincoln	111	46	42	153	=241	6%
6. Buffalo	019	64	30	85	=179	5%
7. Dawson	047	46	15	13	=74	2%
8. Seward	159	24	15	27	=66	2%
9. Keith	101	25	2	9	=36	1%
10. Madison	119	253	38	157	=448	12%
Totals		1,700	1,109	974	=3,783	

FY 2005 (10/01/04 to 09/30/05)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	552	227	129	=908	20%
2. Lancaster	109	590	703	369	=1,662	36%
3. Sarpy	153	247	114	80	=441	10%
4. Hall	079	140	49	28	=217	5%
5. Lincoln	111	63	71	408	=542	12%
6. Seward	159	25	3	22	=50	1%
7. Dawson	047	51	27	99	=177	4%
8. Cass	025	65	51	86	=202	4%
9. York	185	25	21	20	=66	1%
10. Buffalo	019	132	28	147	=307	7%
Totals		1,890	1,294	1,388	4,572	

Activity (1.2)

Traffic Enforcement with Level I, II, or III inspections in HAC. (Portable operations only)

FY 2004 (10/01/03 to 09/30/04)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	65	71	64	=200	19%
2. Lancaster	109	82	379	199	=660	62%
3. Sarpy	153	10	23	38	=71	7%
4. Hall	079	15	3	4	=22	2%
5. Lincoln	111	1	1	14	=16	2%
6. Buffalo	019	2	8	16	=26	2%
7. Dawson	047	1	0	7	=8	.8%
8. Seward	159	3	11	25	=39	4%
9. Keith	101	1	1	6	=8	.8%
10. Madison	119	8	4	5	=17	2%
Totals		188	501	378	=1,067	

FY 2005 (10/01/04 to 09/30/05)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	55	78	73	206	14%
2. Lancaster	109	64	363	192	619	41%
3. Sarpy	153	21	17	23	61	4%
4. Hall	079	10	1	4	15	1%
5. Lincoln	111	19	43	317	379	25%
6. Seward	159	1	3	18	22	2%
7. Dawson	047	6	9	67	82	5%
8. Cass	025	2	13	21	36	2%
9. York	185	2	11	13	26	2%
10. Buffalo	019	10	1	57	68	5%
Totals		190	539	785	1,514	

**A) State Specific Objectives / Objective 1A  
Continued**

**Activity (1.3) MAPS selectives on carriers**

**FY2004 - 17 MAPS Selectives**

Inspections	932		
VOOS	448	or	48%
DOOS	31	or	3%
Violations	3,376	or	3.6
Fines	\$64,185.00		

**FY2005 - 23 MAPS Selectives**

Inspections	1,055		
VOOS	467	or	44%
DOOS	52	or	5%
Violations	3,798	or	3.6
Fines	\$96,725.00		

**FY04 Counties & Cities:** Lincoln, Omaha, Buffalo County, Seward County, Grand Island, Hastings, Keith, Cheyenne, Dawson, Scottsbluff, Columbus, Fremont, Sarpy County, South Sioux City, Norfolk, Hall County.

**FY05 Counties & Cities:** Douglas, Lancaster, Sarpy, Hall, Adams, Seward, Buffalo, Dawson, Platte, Keith, Deuel, Cheyenne, Lincoln, Scottsbluff, Butler, Colfax, Madison, Dodge, Dakota.

MAPS Selectives increased 35%, Inspections increased 13%, VOOS increased 4%, DOOS increased 68%  
Violations Found increased 13%, Fines Collected increased 51%

**Operation Firecracker**

On July 14, 2005 Nebraska participated in Operation Firecracker with Iowa, Kansas, & Missouri., which resulted in the below inspections and violations.

Agency	Location	# of Officers	# of Level 1 Insp	# of VOOS	VOOS Ratio	# of DOOS	DOOS Ratio
IOWA	I-29 NB	5	38	18	47.4%	8	21.1%
KANSAS	I-35	9	53	12	22.6%	9	17.0%
MISSOURI	I-29 SB	6	23	7	30.4%	2	8.7%
NEBRASKA	Hwy. 2	8	37	22	59.5%	2	5.4%
DAWSON Port of Entry	Hwy 75 NB	0	0	0	#DIV/0!	0	#DIV/0!
DAWSON Port of Entry	Hwy 75 SB	0	0	0	#DIV/0!	0	#DIV/0!
<b>Total</b>		<b>28</b>	<b>151</b>	<b>59</b>	<b>39.1%</b>	<b>21</b>	<b>13.9%</b>

**Activity (1.4) Concentrate on Intrastate CMV L1, 2 & 3 inspection in HAC**

<b>FY04</b>	<b><u>Inspections</u></b>	<b><u>DROOS</u></b>	<b><u>%</u></b>	<b><u>VOOS</u></b>	<b><u>%</u></b>
L1	557	42	8%	367	66%
L2	486	31	6%	299	62%
L3	64	6	9%	0	0%
<b>Totals</b>	<b>1,107</b>	<b>79</b>	<b>7%</b>	<b>666</b>	<b>64%</b>

<b>FY05</b>	<b><u>Inspections</u></b>	<b><u>DROOS</u></b>	<b><u>%</u></b>	<b><u>VOOS</u></b>	<b><u>%</u></b>
L1	686	44	6%	424	62%
L2	535	54	10%	331	62%
L3	124	17	14%	0	0%
<b>Totals</b>	<b>1,345</b>	<b>115</b>	<b>9%</b>	<b>755</b>	<b>62%</b>

Intrastate CMV L1, 2, & 3 inspection in HAC increase 22%, DROOS increased 46%, VOOS increased 13% compared to FY2004

**Strategy (2) Education Regulatory Seminars**

**Activity (2.1) Conduct Industry Regulatory Education / Awareness Seminars**

**FY04** Programs - 103 Attendance - 7,909 **FY05** Programs - 95 Attendance - 8,922

There was a decreased 8% in Industry Seminars and a increased 13% in Attendance conducted for 2005, compared to 2004

**Activity (2.2) Target Industry Small Business groups for educational programs**

**FY04** Programs - 23 Attendance - 840 **FY05** Programs - 44 Attendance - 1,586

During the FY05, the Industry Small Business Programs conducted increased 91%, compared to FY04 and Program Attendance increased 89% compared to FY04

### A) State Specific Objectives / Objective 1B

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<p><b>Problem Statement:</b> During the Nebraska Division Office evaluation of the State's compatibility with Part 350, two incompatibilities were identified in 2002. The first is a variance which allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4). This variance allows instruction which is required by the State's Pesticide Act and usually conducted by county extension agents to be sufficient in instructing persons involved with agricultural operations of the requirements of the hazardous material regulations. Although the statute stipulates that the Nebraska State Patrol would have to approve the training to meet the requirements of 49 CFR, it appears the State Patrol does not have a system in place to do so. The second incompatible variance allows 17-year-olds to obtain Class B and Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f). This incompatibility has been discussed with the Department of Motor Vehicles, and a letter requesting a plan of action to correct this incompatibility was sent on April 17, 2002. We believe this incompatibility will be corrected in a timely manner.</p> <p><b>Objective:</b> Eliminate incompatibilities as listed above.</p> <p><b>Performance Measure:</b> After confirming with RSPA; it is the State's understanding that instruction by the Department of Agriculture required pursuant to the Pesticide Act is sufficient to meet the regulatory hazardous materials training requirements for farmers. Meanwhile, Carrier Enforcement will review Department of Agriculture's instruction to confirm its applicability and also attempt to obtain in the 2005 Legislation Session, by removing the statutory requirement for the formal approval of this instruction by the Division.</p>	
<p><b>Strategy (1)</b> Conduct meetings to discuss incompatibilities identified. If deemed necessary submit legislative proposals to eliminate two incompatibilities.</p>	
<p><b>Activity (1.1)</b> The first is a variance which allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4). This variance allows instruction which is required by the State's Pesticide Act and usually conducted by county extension agents to be sufficient in instructing person involved with agricultural operations of the requirement county extension agents to be sufficient in instructing person involved with agricultural operations of the requirements of the hazardous materials regulations. Although the statute stipulates that the Nebraska State Patrol would have to approve the training to meet the requirements of 49 CFR, it appears the State Patrol does not have a system in place to do so.</p>	
<p style="text-align: center;"><b>FY2004 (October 1, 2003 thru September 30, 2004)</b></p> <p><b>1<sup>st</sup> Quarter</b> - Reviewed current language and have proposed a new language for submittal of revision, for the 2005 Legislative Session.</p> <p><b>2<sup>nd</sup> Quarter</b> - Drafted Legislative language for the 2005 Legislative Session.</p> <p><b>3<sup>rd</sup> Quarter</b> - NSP has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation, to adopt Part 107 Subpart F - registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers and Part 107 Subpart G - Registration of person s who offers or transport hazardous materials.</p> <p><b>4<sup>th</sup> Quarter</b> - No activity at this time</p>	
<p style="text-align: center;"><b>FY2005 (October 1, 2004 thru September 30, 2005)</b></p> <p><b>1<sup>st</sup> Quarter</b> - No activity at this time</p> <p><b>2<sup>nd</sup> Quarter</b> - This incompatibility is one that allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient in the requirement of 49 CFR 173.5 (b)(4). This variance allows instruction required by the State's Pesticide Act, usually conducted by the county extension agents, to be sufficient in instructing persons involved with agricultural operations, for the requirements dealing with Hazardous Material Regulations. Although the statute stipulates that the NSP would have to approve the training to meet the requirements of 49 CFR, it appears that the State Patrol does not have a system in place to do so.</p> <p>In responded to this incompatibility for the months of January, February, and March 2005, the Patrol has not developed a system to approve the training in the State's Pesticide Act. The NSP does not plan to develop a system to approve this training at this time. The NSP had requested a change in the State Statute 75-364, to eliminate this provision for training in the 2005 legislative session. However, the NSP was not allowed by the Governor's Office, to make this change or any changes other than the effective date on the statute. In the future we will try to get this incompatibility corrected. Until the Governor's Office is on board with this, we will not be able to make any changes.</p> <p><b>3<sup>rd</sup> Quarter</b> - No activity at this time</p> <p><b>4<sup>th</sup> Quarter</b> - Submitted a legislative proposal to remove the above variance on July 1, 2005, for the January 2006 Legislative Session.</p>	



**A) State Specific Objectives / Objective 1B**  
**Continued**

**Activity (1.2)** Monitor the variance which allows 17-year-olds to obtain Class B & Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f).

**FY2004 (October 1, 2003 thru September 30, 2004)**

**1<sup>st</sup> Quarter** – A Draft was submitted to legislation by Department of Motor Vehicles for the Governor's Policy Research Office to revise statute 60-4, 143. This would be to eliminate any commercial drivers' licenses on Learners Permit (LPC) issued to any person who has not attained 18 years of age.

**2<sup>nd</sup> Quarter** – No activity at this time

**3<sup>rd</sup> Quarter** – Nebraska introduced LB863 in the 2004 Legislature. One component of the Bill was to prohibit individuals under the age of 18, from obtaining a CDL or LPC. Unfortunately, the Bill did not pass. It will be introduced on the 2005 Legislative Session.

**4<sup>th</sup> Quarter** – No activity at this time

**FY2005 (October 1, 2004 thru September 30, 2005)**

**1<sup>st</sup> Quarter** – DMV has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation. This legislative will be introduced in the 2005 session.

**2<sup>nd</sup> Quarter** – During 2005 Legislature LB76 amended State Statute 60-4, 143 to read as follows: (1) no commercial driver's license or LPC/Learners permit shall under any circumstances be issued to any person who has not attained the age of eighteen years old. Therefore, this would eliminate the State's incompatibility of Part 350 regarding this issue.

**3<sup>rd</sup> Quarter** – Effective March 23, 2005 amended NE Statute 60-4, 143 to prohibit the issue of a CDL or CDL Learner's Permit to anyone under the age of 18.

**4<sup>th</sup> Quarter** – Completed March 23, 2005 in Legislative Bill 76 amended Nebraska statute 60-4, 143 which is no longer a variance.

**A) State Specific Objectives / Objective 1C**

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<p><b>Program Statement:</b> In order to accurately target High Risk carriers, current and accurate data is needed. Commercial Motor Vehicle Accident Data must be current and accurate. This data is essential to both the individual stats and the National MCSAP Program. The timely and accurate data will provide information to identify and focus on unsafe motor carriers. This will assist with resource allocation decisions and measure progress in achieving goals of accident reduction.</p> <p><b>Objective:</b> Maintain the quality (timeliness) of all CMV accident data which is collected and reported through SAFETYNET. October 1, 2002 thru February 28, 2003 accident uploads averaged 64 days. (National Average was 52 days for the same time period)</p> <p><b>Performance Measure:</b> Monitor the timeliness of all accident data. Maintain the average uploads were 64 days.</p>	
<p><b>Strategy (1)</b> Target timeliness of accident data</p> <p><b>Activity (1.1)</b> Work closely with Department of Roads to maintain accident data uploads to 64 days.</p>	
<p align="center"><b>FY2004 (October 1, 2003 thru September 30, 2004)</b></p>	
<p><b>1<sup>st</sup> Quarter</b> – Nebraska; 10/01/2003 thru 12/31/2003 Accident Upload was 72 days. National; Accident Upload was 34 days.</p>	
<p><b>2<sup>nd</sup> Quarter</b> – Nebraska; 10/01/2003 thru 3/31/2004 Accident Upload was 77 days. National; Accident Upload was 114 days.</p>	
<p><b>3<sup>rd</sup> Quarter</b> – The NSP continues to work closely with the Nebraska Department of Roads (DOR), Accident Records Division. The state realizes there needs to be an improvement of safety data, including the timeliness and accuracy of accident data. The state experience is lower than national average of Non-Match Accident Data 5.98% compared to 12.72% Nationally; the state experience is higher than national average on accident uploads. Nebraska accident upload is 66 days, Nationally upload is 62 day 10/1/03 thru 6/30/04. The state intends to improve the accident reporting by conducting a "Comprehensive Accident Data Collection for Commercial Motor Vehicle Training Course" sponsored by the FMCSA. This training will be conducted in the fall of 2004 and targeted for the local police and sheriff departments throughout the state. Special emphasis will be those local agencies within the Commercial Vehicle High Accident Counties.</p>	
<p><b>4<sup>th</sup> Quarter</b> - Nebraska; 10/01/2003 thru 7/31/2004 Accident Upload was 74 days. National; Accident Upload was 136 days.</p>	
<p align="center"><b>FY2005 (October 1, 2004 thru September 30, 2005)</b></p>	
<p><b>1<sup>st</sup> Quarter</b> – There was an increase from 64 days upload to 73 days. NSP has discussed the increase on timeliness with Department of Roads. DOR will try to improve the timeliness process and will continue to enter all CMV accidents first, before entering Non-Accident CMV.</p>	
<p><b>2<sup>nd</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 79 days.</p>	
<p><b>3<sup>rd</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 42 days.</p>	
<p><b>4<sup>th</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 63 days.</p>	

**B) National Program Elements**  
**i) Driver / Vehicle Inspections**

Status Update:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Evaluation:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Problem Statement:

Experience, data, and a number of studies have shown that maintaining a strong enforcement presence in the form of roadside inspections, is a primary force in ensuring that Commercial Motor Vehicles and Drivers operate safely on the nation's highways. Inspections are the foundation of the MCSAP Program and ensure that unsafe vehicles and drivers are dealt with appropriately. They provide data which helps identify new carriers and carriers that have unsafe operating practices. This process is important to minimize the risks attendant to the transportation of hazardous materials and passengers. Inspections can be instrumental in identifying national problems, such as fatigued drivers or specific mechanical violations which seem to occur nationally.

Objective:

Improve the safety compliance and performance of commercial drivers and vehicles.

Performance Measure:

Monitor the number of inspections conducted (by level and type) and rate of OOS by level and type. Monitor the overall CMV Accident statistics.

Strategy (1)

Enforcement - Driver / Vehicle Inspections.

Activity (1.1)

Conduct CMV Level I-IV inspections statewide. (Fixed Facilities)

FY 04 (10/01/03 to 09/30/04)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	2,670	16%	279	11%	770	29%
L 2	817	5%	137	17%	277	34%
L 3	12,770	79%	1,997	16%	6	.05%
L 4	1	.01%	0	0%	0	0%
Total	16,258		2,413	15%	1,053	30%

FY 05 (10/01/04 TO 09/30/05)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	2,541	17%	199	8%	624	25%
L 2	1,013	7%	187	19%	283	28%
L 3	11,702	77%	1,919	16%	12	.10%
L 4	0	0%	0	0%	0	0%
Total	15,256		2,305	15%	919	26%

Fixed Facilities inspections decreased 6%

DOOS Ratio decreased 5% - VOOS Ratio decreased 13%

Activity (1.2)

Conduct CMV Level I-IV inspections statewide. (Portable Units)

FY 04 (10/01/03 to 09/30/04)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	3,964	38%	220	6%	1,871	47%
L 2	2,122	20%	167	8%	984	46%
L 3	4,479	42%	395	9%	3	.07%
L 4	15	.14%	2	13%	0	0%
Total	10,580		784	7%	2,858	47%

FY 05 (10/01/04 TO 09/30/05)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	4,771	38%	259	5%	1,980	42%
L 2	2,452	20%	218	9%	1,143	47%
L 3	5,304	42%	479	9%	10	.2%
L 4	30	.2%	4	13%	0	0%
Total	12,557		960	8%	3,133	43%

CMV Level I-IV inspections statewide (Portable Units) increased 19%.

DOOS Ratio increased 23% - VOOS Ratio increased 10%

**B) National Program Elements / i) Driver / Vehicle Inspections**  
**Continued**

Activity (1.3) Metropolitan Aggressive and Preventive Selectives (MAPS) inspections on carriers.

This Activity (1.3) was met under (A) State Specific Objectives, Objective #1A, Strategy (1), Activity (1.3) page 3

**Strategy (2) Enforcement - Hazardous Material and Motor Coach inspections.**

Activity (2.1) Conduct Level I-IV Hazardous Material inspections.

**FY 04 (10/01/03 to 09/30/04)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	853	91%	49	6%	214	25%
L 2	19	2%	5	26%	10	53%
L 3	71	8%	6	9%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	943		60	6%	224	26%

**FY 05 (10/01/04 TO 09/30/05)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	1,013	94%	35	4%	226	22%
L 2	18	2%	3	17%	7	39%
L 3	51	5%	2	4%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	1,082		40	4%	233	23%

Hazardous Material inspections statewide increased 15%.  
DOOS Ratio decreased 33% - VOOS Ratio increased 4%

Activity (2.2) Conduct Level I-IV Hazardous Material Cargo Tank inspections. (Level 1 Only)

**FY 04 (10/01/03 to 09/30/04)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	390	99%	20	5%	94	24%
L 2	2	.5%	0	0%	0	0%
L 3	4	1%	1	25%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	396		21	5%	94	24%

**FY 05 (10/01/04 TO 09/30/05)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	495	95%	14	3%	103	21%
L 2	9	2%	1	11%	3	33%
L 3	15	3%	0	0%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	519		15	3%	106	21%

HM Cargo Tank inspections statewide increased 31% DOOS Ratio decreased 29% - VOOS Ratio increased 13%

Activity (2.3) Conduct Motor Coach inspections.

**FY04** - 170 inspections

Vehicle Out of Service 25

Ratio 15%

**FY05** - 197 inspections

Vehicle Out of Service 22

Ratio 11%

Motor Coach inspections statewide increased 16% VOOS Ratio decreased 12%

**Strategy (3) Enforcement - Intrastate Operations.**

Activity (3.1) Issue Intrastate DOT numbers to intrastate carriers.

**FY04** - 762 New Intrastate US DOT Numbers issued

**FY05** - 869 New Intrastate US DOT Numbers issued

Intrastate DOT numbers to intrastate carriers increased 14%

**Strategy (4) Education**

Activity (4.1) Conduct three Industry Seminars focusing on Driver/Vehicle inspection procedures.

This Activity (4.1) was met under (B) National Program Element, (iv) Public Education & Awareness, Strategy (1), Activity (1.1), page 18.

\*\*\*Please find attachment, SAFETYNET 2000, MCSAP Quarterly Report inspection activities in the following 3 pages.



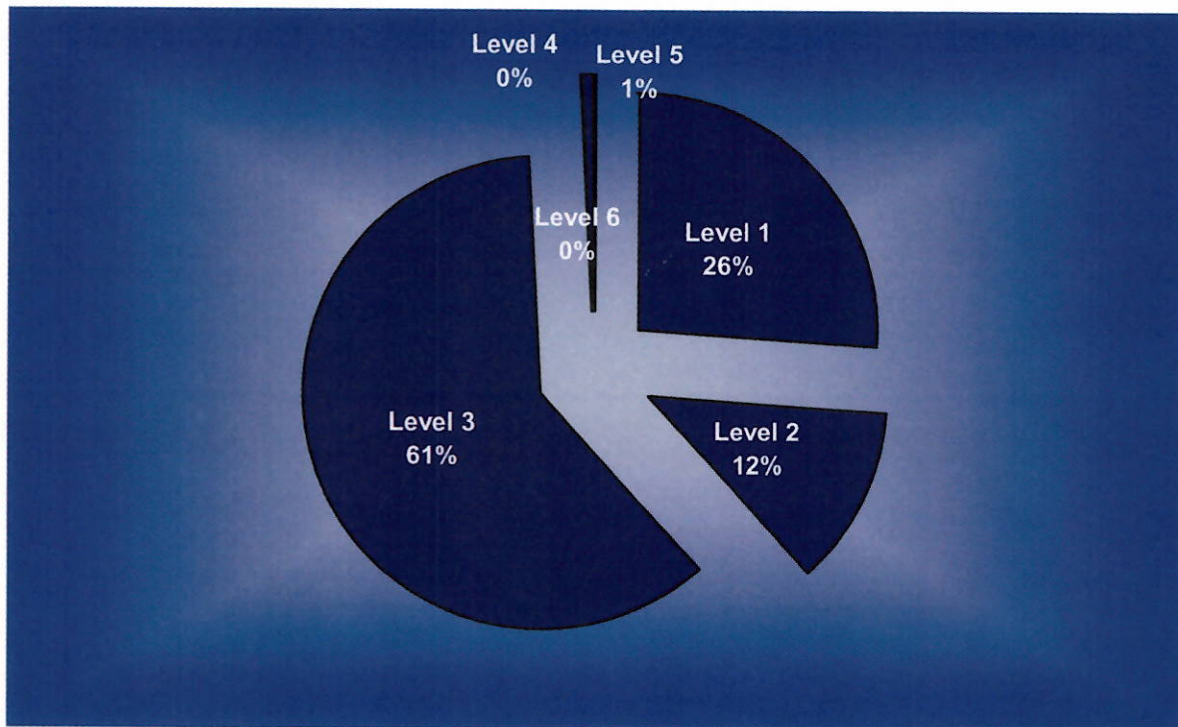
**SAFETYNET**  
**Inspection MCSAP Annual Report**  
FY05 – October 1, 2004 thru September 30, 2005

Inspections	Non-Hazardous Material Vehicles			Hazardous Material Vehicles			Motor-coach		
<b>Level 1</b>	<b>6,287</b>			<b>1,013</b>			<b>12</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	2,376	5,142	38%	226	389	22%	2	3	17%
<i>Driver OOS / OOS Violations / OOS %</i>	421	472	7%	35	40	4%	2	2	17%
<i>Other Violations</i>	14,368			1,406			12		
<b>Level 2</b>	<b>3,443</b>			<b>18</b>			<b>4</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	1,440	2,340	41%	7	9	39%	1	6	25%
<i>Driver OOS / OOS Violations / OOS %</i>	402	466	12%	3	4	17%	0	0	0%
<i>Other Violations</i>	6,528			33			12		
<b>Level 3</b>	<b>16,949</b>			<b>51</b>			<b>6</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	2,396	2,848	14%	2	3	4%	0	0	0%
<i>Other Violations</i>	7,110			26			2		
<b>Level 4</b>	<b>30</b>			<b>0</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	4	6	13%	0	0	0%	0	0	0%
<i>Other Violations</i>	40			0			0		
<b>Level 5</b>	<b>34</b>			<b>8</b>			<b>175</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	3	9	9%	1	1	13%	19	26	11%
<i>Other Violations</i>	41			12			65		
<b>Level 6</b>	<b>0</b>			<b>2</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Other Violations</i>	0			10			0		
<b>Total Inspections</b>	<b>26,743</b>			<b>1,092</b>			<b>197</b>		

**SAFETYNET**  
**Inspection MCSAP Annual Report**  
*Fiscal Year 2005 – October 1, 2004 thru September 30, 2005*

Total Number of Intrastate Carrier Driver / Vehicle Inspections: 2,385  
 Total Number of Interstate Carrier Driver / Vehicle Inspections: 25,647  
 Total: 28,032

	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6	TOTAL
Total Inspections	7,312	3,465	17,006	30	217	2	28,032
Off Peak Inspections	1,752	1,133	9,037	19	5	1	11,946
Percentage Off Peak	24%	33%	53%	63%	2%	50%	43%





### Violations by Type

<b>Driver</b>	<b>Trucks</b>		<b>Motor-Coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<i>Medical Certificate</i>	783	10	2	0
<b>* False Record of Duty Status</b>	<b>571</b>	<b>561</b>	<b>0</b>	<b>0</b>
<b>* NO RODS/RODS not Current</b>	<b>3,210</b>	<b>906</b>	<b>2</b>	<b>2</b>
<b>* 10/15 &amp; 14 15 Hours</b>	<b>1,293</b>	<b>1,238</b>	<b>0</b>	<b>0</b>
<b>* 15/20 Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* 60/70/80 Hours</b>	<b>389</b>	<b>386</b>	<b>0</b>	<b>0</b>
<b>* All Other Hours-of-Service</b>	<b>901</b>	<b>4</b>	<b>0</b>	<b>0</b>
<i>Disqualified Drivers</i>	154	153	0	0
<i>Drugs</i>	21	19	0	0
<i>Alcohol</i>	64	61	0	0
<i>Seat Belt</i>	124	0	0	0
<i>Traffic Enforcement</i>	2	0	0	0
<i>Radar Detectors</i>	285	0	0	0
<i>All Other Driver Violations</i>	2,003	514	1	0
<i>Failure to Obey Traffic Control Device</i>	134	0	0	0
<i>Following too Close</i>	23	0	0	0
<i>Improper Lane Change</i>	8	0	0	0
<i>Improper Passing</i>	6	0	0	0
<i>Reckless Driving</i>	0	0	0	0
<i>Speeding</i>	1,754	0	1	0
<i>Improper Turns</i>	12	0	0	0
<i>Size and Weight</i>	1,677	5	0	0
<i>Failure to Yield Right of Way</i>	12	0	0	0
<b>* State/Local Hours of Service</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Driver Violations</b>	<b>13,428</b>	<b>3,857</b>	<b>6</b>	<b>2</b>
<b>*Total of Major Hours of Service Viol's</b>	<b>6,366</b>	<b>3095</b>	<b>2</b>	<b>2</b>
<b>Vehicle</b>	<b>Trucks</b>		<b>Motor-Coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<b>* Brakes, Out of Adjustment</b>	<b>3,003</b>	<b>800</b>	<b>20</b>	<b>7</b>
<b>* Brakes, All Others</b>	<b>5,406</b>	<b>2,405</b>	<b>7</b>	<b>3</b>
<i>Coupling Devices</i>	150	71	0	0
<i>Fuel Systems</i>	85	43	0	0
<i>Frames</i>	135	32	0	0
<i>Lighting</i>	5,209	2,035	34	7
<i>Steering Mechanism</i>	40	22	0	0
<i>Suspension</i>	399	187	4	2
<i>Tires</i>	1,947	892	7	5
<i>Wheels, Studs, Clamps, Etc.</i>	217	62	0	0
<i>Load Securement</i>	1,228	989	0	0
<i>Windshield</i>	367	2	2	0
<i>Exhaust Discharge</i>	85	6	2	1
<i>Emergency Equipment</i>	2,889	1	17	0
<i>Periodic Inspection</i>	2,931	0	7	0
<i>All Other Vehicle Defects</i>	3,328	193	22	10
<b>Total Vehicle Violations</b>	<b>27,419</b>	<b>7,740</b>	<b>122</b>	<b>35</b>
<b>* Total of Major Brake Violations</b>	<b>8,409</b>	<b>3,205</b>	<b>27</b>	<b>10</b>
<b>Hazardous Materials</b>	<b>Trucks</b>			
	<b>Total</b>	<b>OOS Violations</b>		
<i>Shipping Paper</i>	123	45		
<i>Improper Placarding</i>	121	31		
<i>Accept. Shipment Improperly Mark</i>	11	1		
<i>Improper Blocking / Bracing</i>	41	38		
<i>No Retest &amp; Inspection (Cargo Tank)</i>	16	1		
<i>No Remote Shutoff Control</i>	8	0		
<i>Use of Non-Specification Control</i>	14	7		
<i>Emergency Response</i>	33	0		
<i>All Other Hazardous Material Violations</i>	89	9		
<b>Total Hazardous Material Violations</b>	<b>456</b>	<b>132</b>		
<b>Grand Total of all Violations</b>	<b>41,303</b>	<b>11,729</b>	<b>128</b>	<b>37</b>

### **B) National Program Elements ii) Compliance Reviews**

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2000
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2000
<b>Problem Statement:</b> Compliance Reviews (CR's) have shown to be very effective in identifying those areas which a motor carrier is experiencing difficulties that negatively impact CMV safety and bringing about change in the carriers' behavior. A well-balanced Motor Carrier Safety Administrative Program (MCSAP) includes compliance reviews. These reviews assess compliance with the regulations, inform carriers of the regulations, bring them into compliance, and compare a carrier's safety experience to other similar carriers.	
<b>Objective:</b> Improve the Safety Compliance and Performance of Commercial Motor Carrier Operations.	
<b>Performance Measure:</b>	Number of Reviews Conducted Percent of Carriers Rated Sat/Unsat/conditional Violations per Review Performed Overall CMV Accident statistics
<b>Strategy (1)</b> Enforcement Intrastate High Risk carriers. (Based on accidents and OOS rates) <b>Activity (1.1)</b> Identify Intrastate High Risk carriers. (Based on accidents, OOS rates, and complaints) <b>FY04</b> - 21 Motor Carriers identified – Intrastate <b>FY05</b> - 21 Motor Carriers identified – Intrastate Intrastate High Risk carriers, (Based on accidents Out of Service rates and complaints) maintained the same % rate.	
<b>Activity (1.2)</b> Conduct intrastate compliance reviews with Capri software. This Activity (1.2) was met under (A) State Specific Objective, Objective #1A, Strategy (1), Activity (1.4).	
<b>Activity (1.3)</b> Continue to utilize Capri software on intrastate motor carriers. <b>FY04</b> - 18 Intrastate Compliance Reviews conducted on Capri software with 6 acute violations and 408 critical violations. <b>FY05</b> - 14 Intrastate Compliance Reviews conducted on Capri software with 7 acute violations and 523 critical violations. Intrastate Compliance Reviews decreased 22%; all were conducted with Capri Software. Acute Violations increased 17% - Critical Violations increased 28%	
<b>Strategy (2)</b> Enforcement - Target Interstate reviews on motor carriers with SAFESTAT type A & B scores. <b>Activity (2.1)</b> Conduct Interstate Compliance Reviews on A & B motor carriers. <b>FY04</b> – 10 Interstate Compliance Reviews were assigned by FMCSA. <b>FY05</b> – 12 Interstate Compliance Reviews were assigned by FMCSA. increased 20%	
<b>Activity (2.2)</b> Conduct Interstate Compliance Reviews with Capri software. <b>FY04</b> – 10 Interstate Compliance Reviews were assigned by FMCSA and completed. <b>FY05</b> – 16 Interstate Compliance Reviews were assigned by FMCSA and completed. increased 60%	
<b>Strategy (3)</b> Enforcement Intrastate High Risk carriers' complaints and enforcement follow-ups. <b>Activity (3.1)</b> Utilize the complaint and enforcement follow-up criteria as listed in the FMCSA Field Operation Training Manual to the extent applicable to state government functions. <b>FY04</b> – 15 Intrastate complaints were received on Nebraska Intrastate carriers. <b>FY05</b> – 12 Intrastate complaints were received on Nebraska Intrastate carriers. decreased 20%	
<b>Activity (3.2)</b> Verify complaints are non-frivolous and identify High Risk carriers. <b>FY04</b> - 14 complaints was received in writing and was found to be frivolous. <b>FY05</b> - 10 complaints was received in writing and was found to be frivolous. decreased 29%	
<b>Activity (3.3)</b> Utilize the Intrastate US DOT numbering system to correctly identify problem intrastate carriers. This Activity (3.3) was met under (B) National Program Elements, i) Driver/Vehicles, Strategy (3), Activity (3.1).	
<b>Strategy (4)</b> Stay current with FMCSA Policy & Procedures received. <b>Activity (4.1)</b> Attend FMCSA In-Service Training. <b>FY05 From October 1, 2004 to December 31, 2004</b> - Federal Motor Carrier Safety Administration did not provide any in-service training at this time. Updates were provided thru a safety meeting November 16, 2004 plus information by e-mail and phone conversations was given. <b>From January 1, 2005 to September 30, 2005</b> - Five NSP personnel attended the Hazardous Material Permit Training January 13 <sup>th</sup> and 14 <sup>th</sup> . Conducted meetings with Diane Podany on February 2, 2005 and with Diane & Steve from FMCSA on March 22, 2005 also were held. <b>From April 1, 2005 to June 30, 2005</b> - Conducted a meeting with FMCSA to review compliance reviews for April & May at the workshop in WY. on April, 2005. <b>From July 1, 2005 to September 30, 2005</b> - No In-Service Training by FMCSA was scheduled; however on July 8, officers attended the Hazardous Material Safety Permit and Security Training.	







**B) National Program Element, iv) Public Education & Awareness  
Continued**

( 01/01/2005 thru 03/31/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
1/12/05 NE Turf-grass Association, Size/Weight, CDL & MCSAP, Sgt. Brokaw	Lincoln	40
1/19/05 Cornhusker Public Power, Size/Weight, CDL & MCSAP, Sgt's Linton/Bruner & Trp Pollard	Columbus	67
1/25/05 Husker Feed Grain & Soy Bean Growers Conference, Sgt Brokaw	Lincoln	35
1/25/05 Husker Feed Grain & Soy Bean Growers Conference, Sgt Brokaw	Lincoln	35
1/27/05 Moen Steel, Size/Weight, CDL & MCSAP Reg. Load Securement, Sgt Linton, Inv Tumbleson	Omaha	35
1/27/05 Moen Steel, Recordkeeping Requirements for MCSAP, Sgt Linton, Inv Tumbleson	Omaha	3
1/28/05 K2 Construction, CDL & Load Securement Regulations, Sgt Brokaw	Lincoln	32
2/04/05 Dept of Roads, CDL & Load Securement Weight, Sgt's Linton & Riens	Geneva	45
2/07/05 Lower Platte South NRD, Sgt Brokaw	Lincoln	4
2/09/05 GI Central Catholic, No-Zone Program, Sgt Linton	Grand Island	23
2/9/05 Troop C, L3 MCSAP Inspections Training, Sgt Linton	Grand Island	16
2/15/05 Custer Public Power, CDL Changes, Fed. Safety Guideline – Equipment, Sgt Goforth	North Platte	28
2/16/05 Municipal Electric Departments, CDL, Load Securement, MCSAP, Sgt Brokaw	Lincoln	27
2/17/05 Troop D, L3 MCSAP Inspections Training, Sgt Goforth	NP	18
2/21/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	York	17
2/22/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Albion	3
2/23/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	O'Neill	18
2/23/05 Municipal Electric Departments, CDL Securement, MCSAP, Sgt. Linton, Donscheski	Kearney	31
2/24/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Wayne	51
2/28/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Auburn	44
3/01/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Beatrice	15
3/02/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Holdrege	50
3/03/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	McCook	120
3/07/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Broken Bow	31
3/08/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Kimball	55
3/09/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Chadron	22
3/09/05 Hdq., L3 MCSAP Inspections Training, Sgt's Goforth & Brokaw	Lincoln	20
3/10/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Valentine	45
3/16/05 Troop A, L3 MCSAP Inspections Training, Sgt's Linton/Bruner & Troop Pollard	Omaha	27
3/17/05 Propane Gas Assoc Driver Training, CDL, Hazmat & MCSAP Process, Sgt. Linton	Lincoln	14
3/17/05 SECC, NE Truck Laws, Fuel Permits, Reciprocity, MCSAP Process, Sgt. Linton	Lincoln	24
3/23/05 Job Fair at LCCC, Recruitment, Sgt Linton	Cheyenne, WY	6
3/24/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Ord	11
3/30/05 Troop B, L3 MCSAP Inspection Training, Sgt Goforth	Norfolk	37
<b>Program 34</b>	<b>Attendance 1,048</b>	<b>Year to Date Programs 52</b>
		<b>Year to Date Attendance 1,979</b>



## B) National Program Element, iv) Public Education & Awareness

### Continued

( 04/01/2005 thru 06/30/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
4/01/05 Truck Inspections Competition for College Students, VICA, Sgt's Linton & Bruner Trp	Stary Columbus	42
4/06/05 CMV Accident Form, NLETC, Sgt Linton	NLETC	43
4/11/05 Safety Loading & CDL, DOR, Sgt. Linton	York	55
4/13/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton , Donscheski	Grand Island	40
4/15/05 Pre-trip Inspections, Load Securement & CDL Disqualifications, OPPD, Sgt Brokaw	Elkhorn	92
4/19/05 Recruitment/Safety/CMV Operations & MCSAP, Touch A Truck, Trooper Koubek	North Platte	300
4/20/05 Safe Loading & CDL, DOR, Sgt Linton	St Paul	45
4/23/05 Roll-Over Demo & No-Zone Seatbelts, Nuckolls Co Health Fair, Sgt Linton	Superior	46
4/25/05 Safe Loading & CDL, DOR, Sgt Linton	Grand Island	55
5/05/05 Safe Loading & CDL, UPRR, Sgt Linton	Fairbury	52
5/07/05 CDL Requirements & CDL Disqualifications, Sgt Brokaw	Lincoln	15
5/07/05 Safety Regs, State Laws for Race Car Haulers, Speedway Motors, Sgt's Bruner & Brokaw	Lincoln	150
5/11/05 L3 Inspection Updates, NSP, Sgt. Linton	Grand Island	23
5/13/05 HM & Material of Trade / Towing Requirement, Sgt Brokaw	Omaha	45
5/16/05 Safe Loading & CDL, DOR, Sgt Linton	Hastings	62
5/18/05 Safe Loading & CDL, City of Columbus, Sgt's Linton & Bruner	Columbus	21
5/18/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton , Donscheski	Columbus	105
5/20/05 NE Laws that Pertain to Wreckers, NE Wreckers, Sgt Linton	Grand Island	55
6/09/05 NE Truck Laws & MCSAP, SECC Class, Sgt Linton	Lincoln	32
6/13/05 No-Zone / CE Duties, Girls Jr. Law, Sgt Linton	Grand Island	32
6/15/05 Annual Inspections, Bossellmans, Sgt Linton	Grand Island	7
6/16/05 CDL Disqualification & HM Regulations, Sgt Brokaw	Council Bluffs	115
6/16/05 Trailers & Towing Requirement for Nebraska, St Brokaw	Omaha	65
6/20/05 No-Zone / CE Duties, Boys Jr. Law, Sgt Linton	Grand Island	32
<b>Program 24</b>	<b>Attendance 1,529</b>	<b>Year to Date Programs 76</b>
		<b>Year to Date Attendance 3,508</b>

( 07/01/2005 thru 09/30/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
7/14/05 International Brotherhood of Electrical Workers, CDL Disqualification, Sgt Brokaw	Lincoln	37
7/25/05 T & I Irrigation , Load Securement, Sgt Linton	Hastings	7
7/29-30/05 Garfield County Fair, Seat Belts, MCSAP, CE Laws, CDL, Sgt Linton	Burwell	450
8/02/05 NLETC, Crash Causation Study, NE CMV Accident Form, Sgt Linton	Grand Island	35
8/10/05 CE Functions, CE Duties, MCSAP Scales, Sgt Linton	Grand Island	35
8/17/05 Natural Gas Operators, CDL, Trailers, & Securement, Sgt Brokaw	Hastings	27
8/22-23/05 CMV Stops & Operations – CMV Stops & Operations for Law Enforcement, Roadway	Grand Island	34
8/22 & 9/05/05 NE State Fair – NE Trucks Law, MCSAP Recruitment, Sgt Linton & CEO Officers	Lincoln	2500
8/30/05 NE Farm Business – L1 Inspections, Sgt Bruner & CEO Pollard	York	47
9/14-15/05 Husker Harvest Days – Fuel, Sear Belts, CDL, MCSAP, NE Laws for Trucks, Sgt's Linton & Bruner, GI	Grand Island	1500
9/13/05 Hon Graham Gunn from Australia, NE Truck Reg & Enforcement Guidelines, Sgt Linton	Grand Island	2
9/13/05 NE Sheriffs & LPD, Crash Causation Study Class, Ken Hackman	Grand Island	8
9/13/05 NE Sheriffs & LPD, NPPD, Load Securement, Trailers & Towing, Sgt Linton	Doniphan	37
9/14/05 NE Sheriffs & LPD, Crash Causation Study Class, Ken Hackman	Grand Island	11
9/15-16/05 Red, White, Blue Truck Show, NE Truck Regulations, MCSAP, No-Zone, Seat Belts		
CMV Accident Prevention, Sgt's Linton & Bruner	Grand Island	250
9/21/05 Profession Insurance Agents – NE Regulations & Requirements for Farm Trucks, Sgt Brokaw	Columbus	78
9/22/05 SECC, NE Truck Regulation & MCSP, Sgt Linton	Lincoln	35
9/24/05 Convoy 2005, MCSAP, Seat Belts, CMV Safety, Sgt's Linton & Bruner, CEO Bish	Grand Island	300
9/24/05 NE Land Improvement Contractors, Load Securement, NE Permits, Dyed Fuel, Sgt Linton	Hastings	21
<b>Program 19</b>	<b>Attendance 5,414</b>	<b>Year to Date Programs 95</b>
		<b>Year to Date Attendance 8,922</b>

There was an increase of 13% in Attendance and an increase of 7% in Industry Seminars conducted for 2005 compared to 2004.

Activity (1.2) Target Industry Small Business Groups for Educational Programs.

**FY04** - 23 Small Business programs were conducted. Attendance - 840

**FY05** - 44 Small Business programs were conducted. Attendance - 1,486

FY2005, Small Business Programs increased by 91% - Attendance increased by 77%

**B) National Program Element, iv) Public Education & Awareness**  
**Continued**

**Strategy (2)** Educational material distributed.

**Activity (2.1)** Distribute Nebraska Truck Information Guide Booklets.

**FY04** - 7,863 Nebraska Truck Information Guide books were distributed.

**FY05** - 9,150 Nebraska Truck Information Guide books were distributed.

**FY2005 increased by 16%**

**Activity (2.2)** Post Nebraska Truck Information Guide Booklet updates on the NSP Website.

**Fiscal Year 2005 (By quarters)**  
**(10/01/2004 thru December 31, 2004)**

**CASE 1:**

The NSP website took **2,698,987** hits from 10/01/2004 to 12/31/2004. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **29,337** hits per day or **17 to 20** hits per minute.

This is up from **24,678** for the 07/01/2004 - 09/30/2004 period last quarter. An increase of **18.88%**.

**CASE 2:**

There were **89,892** hits from 10/01/2004 to 12/31/2004 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **977** visits per day or about **7** visits every **10** minutes.

This is up from **848** for the 07/01/2004 - 09/31/2004 period last quarter. An increase of **15.2%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **4,834** times. That's decrease from **9,074** times last quarter. A decrease **46.73%**

**(January 1, 2005 thru March 31, 2005)**

**CASE 1:**

The NSP website took **3,724,594** hits from 01/01/2004 to 03/31/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **41,384** hits per day or **29** hits per minute.

This is up from **29,337** for the 10/01/2004 - 12/31/2004 period last quarter. An increase of **41.06%**.

**CASE 2:**

There were **112,418** hits from 01/01/2005 to 03/31/2005 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **1,249** visits per day or about **8.7** visits every **10** minutes.

This is up from **977** hits per day for the 10/01/2004 - 12/31/2004 period last quarter. An increase of **27.82%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **7,106** times. That's increase from **4,834** times last quarter. A increase **47%**

**(April 1, 2005 thru June 30, 2005)**

**CASE 1:**

The NSP website took **5,952,510** hits from 04/01/2005 to 06/30/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **65,412** hits per day or **45** hits per minute.

This is up from **41,384** for the 01/01/2005 - 03/31/2005 period last quarter. An increase of **58.06%**.

**CASE 2:**

There were **151,101** hits from 04/01/2005 to 06/30/2005 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **1,249** visits per day or about **12** visits every **10** minutes.

This is up from **1,249** for the 01/01/2005 - 03/31/2005 period last quarter. An increase of **32.9%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **6,176** times. That's increase from **7,106** times last quarter. A decrease **13.08%**

**(July 1, 2005 thru September 30, 2005)**

**CASE 1:**

The NSP website took **5,752,377** hits from 07/01/2005 to 09/30/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **63,915** hits per day or **49** hits per minute.

Nebraska State Patrol has changed the records hits format for the Nebraska State Patrol Website.

**B)National Program Element, iv) Public Education & Awareness  
Continued**

**Activity (2.3)** Increase safety belt usage among CMV drivers by activity participating in education and outreach activities, by dissemination of education material during special events, promoting safety belt use.

**Fiscal Year 2005 (By quarters)**

Below are the breakdown stats for Click it or Ticket brochures that were distributed at the various seminars and educational programs, by quarters.

	<u><b>Click it or Ticket brochures</b></u>
(October 1, 2004 to December 31, 2004)	1,296
(January 1, 2005 to March 31, 2005)	1,175
(April 1, 2005 to June 30, 2005)	no activity at this time
(July 1, 2005 to September 30, 2005)	no activity at this time

**Strategy (3)** Educational General Public.

**Activity (3.1)** Conduct "CMV Safety" campaign events.

**Fiscal Year 2005 (By quarters)**

(October 1, 2004 to December 31, 2004)

The Nebraska State Patrol hosted the Commercial Vehicle Accident Reporting (CVARS) Training Class on November 30, 2004. Thirty Two officers from various law enforcement agencies from the State of Nebraska attended this training. November 30, 2004, Program – FMCSA Accident Forms Class was conducted by NISR/ Ken Hackman at the Nebraska Training Academy in Grand Island, NE.

(January 1, 2005 to March 31, 2005)

Sergeant Linton conducted a CMV Safety Campaign for Grand Island Central Catholic, No-Zone Program in Grand Island, Nebraska.

(April 1, 2005 to June 30, 2005)

Trooper Koubek conducted a Safety Campaign MSCAP and CMV Operation in North Platte on 4-19-2005. In addition, conducted a Rollover Demo and No-Zone, Seat Belt at the Nuckolls County Health Fair on 4-23-2005.

(July 1, 2005 to September 30, 2005)

Sergeant Linton displayed the MCSAP Trailer at the Garfield County Fair on 8-2-2005. On September 14-15, 2005, Sergeant Linton displayed the MCSAP Trailer at the Husker Harvest Days in Grand Island.

**Activity (3.2)** Distribute promotional "CMV Safety" material to attendees of the Nebraska State Fair.

**Fiscal Year 2005 (By quarters)**

(October 1, 2004 to December 31, 2004)

No activity for the State Fair at this time. However, the following promotional items – 500 No-Zone pens, 500 translucent No-Zone pens, 1,000 No-Zone press-n-stick calendars, were distributed at the various seminars and educational programs for the first quarter in Fiscal Year (FY) 2005.

(January 1, 2005 to March 31, 2005)

No activity at this time

(April 1, 2005 to June 30, 2005)

No activity at this time

(July 1, 2005 to September 30, 2005)

During the Nebraska State Fair, 500 No-Zone key chains, 1000 No-Zone calendars, and 200 sun glass holders were distributed.

## B) National Program Elements / v) Data Collection and Reporting

Status Update:  
Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005  
Year Objective Initiated: 2000

Evaluation:  
Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005  
Year Objective Initiated: 2000

**Problem Statement:** In order to accurately target High Risk carriers, current, and accurate data is needed. CMV inspection and accident data must be current and accurate. This data is essential to both the individual states' and the National MCSAP Program. The timely and accurate data will provide information to identify and focus on unsafe motor carriers. This provides resource allocation decisions and measure progress in achieving goals of accident reduction.

**Objective:** Improve the quality (accuracy & timeliness) of all MCSAP related data which is collected and reported through SAFETYNET.

**Performance Measure:** Monitor the accuracy and timeliness of all MCSAP data. Reduce the average inspection uploads to 7 days and reduce accident data uploads to 90 days.

**Strategy (1)** Target accuracy and timeliness of data

**Activity (1.1)** Monitor officer's accuracy in data entry and timeliness in uploading laptop inspections.

**Fiscal Year 2005 (By quarters) / (October 1, 2004 to December 31, 2004)**

**Timeliness of Uploads – Inspection Data 10/01/2004 – 11/30/2004**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 6 days	Inspection Upload – 8 days

**Non-Match Inspections**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 1.8%	Inspection Upload – N/A

**Timeliness of Uploads – Accident Data 10/01/2004 – 11/30/2004**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 73 days	Inspection Upload – 34 days

**Non-Match Inspections**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 0.0%	Inspection Upload – N/A

**(January 1, 2005 to March 31, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	1.98 days
b. Average for Carrier Enforcement Paper Reports	10.52 days
c. Average for Nebraska State Patrol Traffic Paper Reports	16.52 days
d. Overall Average for ALL Reports	14.86 days
e. The average from MCMIS Report generated shows a 7 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 79 days
b. This indicates an increase in the time for about 3 days from last period.	

**(April 1, 2005 to June 30, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	1.7 days
b. Average for Carrier Enforcement Paper Reports	10.1 days
c. Average for Nebraska State Patrol Traffic Paper Reports	23 days
d. Overall Average for ALL Reports	13.2 days
e. The average from MCMIS Report generated shows a 7 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 42 days
b. This indicates an increase in the time for about 40 days from last period.	

**(July 1, 2005 to September 30, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	2.15 days
b. Average for Carrier Enforcement Paper Reports	8.16 days
c. Average for Nebraska State Patrol Traffic Paper Reports	17.62 days
d. Overall Average for ALL Reports	4.42 days
e. The average from MCMIS Report generated shows a 5 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 32 days
b. This indicates an increase in the time for about 32 days from last period.	



**B) National Program Elements / v) Data Collection and Reporting**  
**Continued**

**Activity (1.2) Maintain the upkeep of equipment involved in the Laptop process.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

The Nebraska State Patrol / Carrier Enforcement Division has just finished issuing thirty (30) new Dell D-600 laptops with Canon i-80 printers to the portable units and designated sergeants. The ability to print using wireless Bluetooth configuration has proven to be an excellent asset to the officers. The Canon i-80 printer battery, coupled with Bluetooth, enables cable-less printer usage in all work environments. The Dell manufactured / vehicle lighter adapters have also reduced the radio interference that was caused by the 300 watt power inverters. Twelve (12) new Dell desktop computers (which are used for roadside inspections) were installed at the various fixed scale sites, replacing the old desktops. The newest versions of the roadside inspection software, McRegis III, Nebraska Criminal & Traffic Law, and other applications are being utilized at all portable and fixed sites.

**(January 1, 2005 to March 31, 2005)**

The new D-600 Dell laptops have been fully deployed and updated with all the latest FMCSA applications.

**(April 1, 2005 to June 30, 2005)**

The portable inspection computer equipment has been maintained in excellent working condition. Upgrades are continuously being conducted by dropping their systems off to the IT Office when in Lincoln. IT Division visits remote sites and main weight stations throughout the State. The critical files from Microsoft are primary. The various software applications from FMCSA, which are the Dell drivers and virus scan data files, are upgraded, and then the hard drive is defragged.

**(July 1, 2005 to September 30, 2005)**

All laptop equipment is still fairly new and is in excellent working condition. All upgrades and updates to the O/S are integrated or applied as soon as possible. All new FMCSA software is being installed at the Hebron old scale for the two S/A C/R investigators who use it for their primary office. It has already shown excellent speed in transferring large files and speeding up the investigative reporting process for the NSP/Carrier Enforcement Division.

**Activity (1.3) Upload inspections as processed, within 7 days for electronic reports and within 21 days for paper reports.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

Nebraska strives to maintain a minimal amount of time for uploading inspections. A portion of inspections are completed on paper, which increases our upload time to 6 days, well within the 30 day time frame.

**(January 1, 2005 to March 31, 2005)**

Nebraska is well within proposed limits as shown by paragraph 1.1 for inspection uploads.

**(April 1, 2005 to June 30, 2005)**

Uploaded all inspections as processed (see Act 1.1 above)

**(July 1, 2005 to September 30, 2005)**

During this period only 4% of the inspections by the Carrier Enforcement Division were done on paper. (537 vs. 11,291 electronic)

**Activity (1.4) Work closely with Department of Roads to reduce accident data uploads in 64 days.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

There was an increase from 64 days upload to 73 days. ITS have discussed the increase on Timeliness with Department of Roads. DOR have assured us they will try to improve the timeliness process. DOT will continue to keep up on all Commercial Motor Vehicle accidents first before entering Non-Accident Commercial Motor Vehicles.

**(January 1, 2005 to March 31, 2005)**

Nebraska is losing ground on accident data uploads; slipping from 76 to 79 days.

**(April 1, 2005 to June 30, 2005)**

See Activity 1.1 above for details.

**(July 1, 2005 to September 30, 2005)**

Department of Roads has revised their procedures to ensure that the CMV accidents get top priority in data entry, which gets the data files to us much faster. This quarter the average time dropped all the way down to 32 days.

**B) National Program Elements / v) Data Collection and Reporting**  
**Continued**

**Strategy (2) Education**

**Activity (2.1) Conduct Aspen Training with hands-on instruction to all new officers.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

No activity during the first quarter, due to no new officers hired at this time.

**(January 1, 2005 to March 31, 2005)**

No activity at this time.

**(April 1, 2005 to June 30, 2005)**

No activity at this time.

**(July 1, 2005 to September 30, 2005)**

No activity at this time.

**Activity (2.2) Provide Training on ISS/Safestat scoring scheme to all officers.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

No activity during the first quarter, due to no new officers hired at this time.

**(January 1, 2005 to March 31, 2005)**

No activity at this time.

**(April 1, 2005 to June 30, 2005)**

No activity at this time

**(July 1, 2005 to September 30, 2005)**

No activity at this time.

**Activity (2.3) Work with Field Systems Group and Volpe Center on program problems.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

Nebraska works closely with the Volpe Center and Field Systems Groups. This consist of reporting errors on all roadside enforcement, and Safetynet applications by utilizing the Federal Motor Carrier Safety Administration website for problems and solution. This quarter ITS utilized the Volpe Center about 20 times for various problems.

**(January 1, 2005 to March 31, 2005)**

Nebraska State Patrol, Carrier Enforcement IT Personnel work closely with the Volpe Center on any errors or bugs found in any of the FMCSA applications. This is done by either opening a trouble call on their website, phoning in the problem or sending an e-mail if not urgent. Nebraska worked hard with the Volpe Center to find out why some Capri users could upload and others could not. The problem was solved by the Volpe Center after about weeks of e-mailing files back and forth with them.

**(April 1, 2005 to June 30, 2005)**

ITS had 3-4 contacts quarterly with the Volpe Center for tech support on new issues in the new Safetynet or Censes databases.

**(July 1, 2005 to September 30, 2005)**

NSP volunteered to beta test Aspen, ISS, PIQ, Safetynet 3.1, CAPRI, PROVU, CASERITE, UFA, and the new VPN/UAS combination – check password. The vehicle inspection software was tested extensively at the Waverly I-80 scales on 8 workstations. Safetynet 3.1 was tested on 9 workstations in the Lincoln office, and Capri was tested on 1 laptop. The findings were helpful to the programmers at the Volpe Center in making minor adjustments to their communications modules. Major adjustments like the routing of inspections and missing questions in Capri. ITS felt it was very worth while to be involved in the Beta Test Program with the Volpe Center because it gave NE a real incite to the new changes and how they would affect NSP.

## **B) National Program Elements / v) Data Collection and Reporting (Continued)**

**Strategy (3)** Update computer equipment as needed to remain current with the continually changing MCSAP Information Systems

**Activity (3.1)** Update 5 desktop and 1 workstation computers as needed for Carrier Enforcement MCSAP Staff.

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

Nebraska Carrier Enforcement installed a new server which is dedicated to Safetynet only. This separated the servers; Safetynet Server, Application Server (for Lotus notes, MS-Office, McRegis III, PC Miler, and all other applications), and a Print Server. MCSAP Staff continues to utilize excellent, well maintained, and up to date computer systems.

**(January 1, 2004 to March 31, 2004)**

Nebraska continues to replace MCSAP & Carrier Enforcement computers on a 3-4 year schedule. The least used desktops are held for 4 years, where the greatest used desktops get replaced at 3 years. This is a continuing process with 11 Carrier Enforcement desktops due after July 2005, and 3 MCSAP staff desktops being replace between April and May, 2005.

**(April 1, 2004 to June 30, 2004)**

Updated 5 desktops and 1 workstation computer as needed for Carrier Enforcement MCSAP Staff. New desktops were purchased for the Data Records Technician, MCSAP Administrative Assistant, and Hazmat Coordinator. Two of the old Dell workstations were sent out to the field to replace the very old Dell GX1p desktops, at two of the small scales at Hebron and Waverly Rt6. The GX1p's were over 5.5 years old and the workstations are just over 4 years old. These are not extensively used systems so the IT Division attempts to extend the cost of ownership by using the better, older replaced computers far past their warranty expirations, and as long as they will continue to run the software.

**(July 1, 2004 to September 30, 2004)**

During this period, all new FMCSA software has been distributed and is in the process of being installed. Safetynet 3.1 is installed at the Lincoln Office, and the Roadside Inspection software and the Investigative S/A C/R software is being installed. Waverly Rt-80 Scales, Fremont Scales, Nebraska City Scales, Hebron Expressway Scales, North Platte Rt I-80 Scales, and a few portable laptops have been updated at the time of this writing. (10/27/05)

**Activity (3.2)** Update Laptop computers as needed for Portable Units.

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

Information systems presently have the hardware required to maintain Carrier Enforcement and MCSAP systems. ITS, continues to upgrade software applications such as Crystal Reports and Adobe Acrobat 6.0, Antivirus, etc.

**(January 1, 2004 to March 31, 2004)**

Nebraska State Patrol, Carrier Enforcement IT Personnel, takes great pride in keeping all software up to date on the portable units. This is accomplished by making announced trips to selected scale sites that have either T-1 or High Speed Wireless connectivity to the internet and the NSP network. Troopers bring their laptops in for upgrading when getting their vehicles or electronics repaired.

**(April 1, 2004 to June 30, 2004)** All laptop software is current as of this time period.

**(July 1, 2004 to September 30, 2004)**

Laptops are currently being updated with new FMCSA vehicle inspection software/ O/S updates and are expected to be completed well within FMCSA's time frame or cut-off date.



**Activity (3.3) Update support equipment as needed for Information Systems.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

A new APC Smart UPS was purchased for the Waverly I-80 Westbound Scale to replace the old one which blew up and was not repairable. This UPS handles the server, switches, routers, and some of IRD's WIM data converters.

**(January 1, 2004 to March 31, 2004)**

The NSP IT Personnel have excellent support from Carrier Enforcement supervisors in purchasing and upgrading their support equipment such as, the Hard Drive Duplicator, CD-RON Publisher, spare parts, portable printers and USB hard drives.

**(April 1, 2004 to June 30, 2004)** All laptop software is current as of this time period.

**(July 1, 2004 to September 30, 2004)**

The Carrier Enforcement/MCSAP IT business unit is presently well supported with the proper equipment to do the assigned tasks.

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Compiled by June Rost



## ***CARRIER ENFORCEMENT DIVISION***

FISCAL YEAR 2005  
MCSAP PROGRAM EVALUATION  
MC-05-03-1



The following annual stats may vary to comparison with the Fiscal Year (FY) 2005 quarterly reports. The alterations are usually caused by data entry corrections and inspection report format changes.

The Nebraska State Patrol (NSP), Carrier Enforcement Division continues its efforts to reduce the number and severity of Commercial Motor Vehicle Accidents for (FY2005). To achieve these goals the NSP conducts enforcement activities concentrating on Vehicle Safety Defects, Driver Deficiencies, High Accident Corridors and Compliance Reviews to detect unsafe motor carrier practices. During FY2005, Carrier Enforcement Troopers conducted 2,385 inspections (9% of the total) on commercial vehicles engaged in Intrastate Commerce and 25,647 inspections (92% of the total) on those engaged in Interstate Commerce.

This document presents statistics derived from the Motor Carrier Safety Assistance Program (MCSAP) FY2005. Inspections are conducted in accordance with standards developed by the Commercial Vehicle Safety Alliance (CVSA). These standards establish national uniform inspection procedures and criteria for identifying violations of the Federal Motor Carrier Safety Regulations (FMCSR). Twenty six thousand, three hundred, sixty three or 94% of the FY2005 inspections were recorded on the Aspen computer system. Our efforts are examined in greater detail in the body of this report to determine the overall effectiveness of Nebraska's MCSAP Program.

**FY2005 INSPECTION STATS: (October 1, 2004 thru September 30, 2005)**

<b>TOTAL MCSAP INSPECTIONS</b>	28,032
<b>HAZARDOUS MATERIAL INSPECTIONS (All Levels)</b>	1,092
<b>NON FUNDED INSPECTIONS (Traffic Trooper)</b>	5,334
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	27,541
<i>Total Vehicle Inspections Conducted</i>	11,026
<i>Average Violations per Vehicle</i>	2.5
<b>VEHICLES PLACED OUT-OF-SERVICE</b>	4,075
<i>Total Vehicle Inspections Conducted</i>	11,026
<i>Vehicle Out-of-Service Ratio</i>	37%
<b>DRIVER PLACED OUT-OF-SERVICE</b>	3,265
<i>Total Driver Inspections Conducted</i>	27,815
<i>Drivers Out-of-Service Ratio</i>	12%
<b>TOTAL DRIVER VIOLATIONS DISCOVERED</b>	13,434
<i>Major Driver Violations - Hours of Service</i>	6,368
<i>Percent of Total Driver Violations - Hours of Service</i>	47%
<b>TOTAL VEHICLE VIOLATIONS DISCOVERED</b>	27,541
<i>Major Vehicle Violations - Brake Violations</i>	8,436
<i>Percent of Total Vehicle Violations - Brakes</i>	31%
<b>TOTAL DRIVER OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	3,859
<i>Major Driver OOS Violations - Hours of Service</i>	3,097
<i>Percent of Total Driver OOS Violations - Hours of Service</i>	80%
<b>TOTAL VEHICLE OUT-OF-SERVICE VIOLATIONS DISCOVERED</b>	7,775
<i>Major Vehicle OOS Violations - Brake Violations</i>	3,215
<i>Percent of Total Vehicle OOS Violations - Brakes</i>	41%

## FY2005 INSPECTIONS

### TOTAL INSPECTIONS & % OF TOTAL INSPECTIONS

Level I	7,312	26%
Level II	3,465	12%
Level III	17,006	61%
Level IV	30	.1%
Level V (Terminal Inspections)	217	.8%
Level VI	<u>2</u>	.01%
Grand Total of all Inspections	28,032	

*High Accident Counties (HAC) Inspections – 4,572 / 16%*  
(Level's 1-3)

#### Fiscal Year 2005 High Accident Counties

Ranking		County FIPS Code
1.	Douglas	055
2.	Lancaster	109
3.	Sarpy	153
4.	Hall	079
5.	Lincoln	111
6.	Seward	159
7.	Dawson	047
8.	Cass	025
9.	York	185
10.	Buffalo	019

## S A F E T Y N E T INSPECTION SYSTEM

### OUT-OF-SERVICE (OOS) DEFECT VERIFICATION REPORT

October 1, 2004 through September 30, 2005

Levels	# of Inspections	Total Vehicles OOS Violations	Repaired at Scene (A) # (%)	Towed/Escorted to Service (B) # (%)	Other (D) # (%)	Unknown/Unverified (U) # (%)	Non-OOS Driver-OOS (N) # (%)
1	7,312	5,534	313 (6)	168 (3)	4,995 (90)	85 (2)	16,273 (75)
2	3,465	2,332	199 (9)	41 (2)	2,093 (90)	24 (1)	7,018 (75)
3	17,006	23	2 (9)	16 (70)	33 (143)	9 (39)	9,952 (99)
4	30	0	0 (0)	0 (0)	0 (0)	0 (0)	46 (100)
5	217	36	6 (17)	20 (56)	3 (8)	7 (19)	118 (77)
6	2	0	0 (0)	0 (0)	0 (0)	0 (0)	10 (100)
ALL	28,032	7,925	520 (7)	245 (3)	7,124 (90)	125 (2)	33,417 (81)

## MCSAP INSPECTIONS

### Fiscal Year 1989 – Fiscal Year 2005

Fiscal Year	Total Insp	HM Insp	Veh Viol	# Viol per Veh	Veh OOS	Veh OOS Viol	Veh OOS %	Dr OOS	Dr OOS %
FY1989	17,123	934	21,018	1	5,069	8,466	29.6	2,001	12%
FY1990	19,245	910	17,568	.9	4,360	6,852	23%	2,813	15%
FY1991	18,047	911	15,694	.9	3,689	5,619	20%	2,574	14%
FY1992	20,153	1,468	23,939	1	4,566	6,905	23%	3,035	15%
FY1993	20,291	1,905	24,106	1	4,157	6,313	29%	3,449	17%
FY1994	19,258	1,828	20,134	1	3,564	5,664	33%	3,101	16%
FY1995	22,476	1,678	17,787	2	3,233	5,309	32%	2,694	14%
FY1996	22,455	1,771	14,700	2	2,536	4,089	26%	2,795	15%
FY1997	14,682	1,239	12,875	1	2,033	3,349	30%	2,422	16%
FY1998	13,592	952	12,328	2	2,198	3,783	33%	1,859	14%
FY1999	15,229	768	18,020	2	2,712	5,037	36%	2,603	17%
FY2000	15,783	629	17,807	2	2,970	5,558	37%	2,349	15%
FY2001	14,241	849	19,766	3	3,350	5,911	43%	1,778	13%
FY2002	23,052	1,383	36,841	3	4,792	9,568	35%	2,045	9%
FY2003	23,428	978	24,368	3	3,577	7,083	39%	2,712	12%
FY2004	27,009	945	26,829	3	3,928	7,946	40%	3,195	12%
FY2005	28,032	1,092	27,541	3	4,075	7,775	37%	3,265	12%

#### Total Compliance Reviews

16 -Interstate Compliance Reviews (page 16, activity 2.2)

#### Total Compliance Review Violations

14 -Intrastate Compliance Reviews (page 16, activity 1.3)

7- Acute Violations      523 – Critical Violations

Overtime Inspections:

Level 1 -	1,465
Level 2 -	488
Level 3 -	7,388
Level 4 -	<u>30</u>

**Total Overtime Inspections = 9,371**

#### OT Ratio from 28,032 – CMV Inspections

5%
2%
26%
<u>.1%</u>
<b>33%</b>

### MAINTENANCE OF EFFORT (MOE)

The average level of expenditures for Fiscal Year 1997, 1998, and 1999 is \$8,061.71, which is not funded by FMCSA, but are eligible. NSP troopers conduct Level III inspections, these inspections are not funded by FMCSA. With LB470 going into effect Level 3 inspections will be identified as Trooper (Traffic Division) inspections here after.

Formula: Average Trooper Salary	1997	\$2,569.64 monthly
	1998	\$2,559.71 monthly
	1999	<u>\$2,932.36 monthly</u>
	Total	\$8,061.71

The three-year total of \$8,061.71 averaged \$2,687.24 per month, in which 12 months equaled \$32,246.88 per year. There are 2,088 working hours in a year's time. \$32,247 divided by 2,088 hours equals \$15.44 per hour. Average Trooper Traffic Division inspections per year = 4,143 divided by an average of two inspections per hour = 2,071.50 hours X \$15.44 per hour = \$31,983.96. **Our MOE is \$31,983.96.** In FY2005 the average Traffic Trooper salary was \$29.45 per hour. Traffic troopers conducted 5,334 non-funded inspections at an average rate of 2 inspections per hour. This equals 2,667 hours X \$29.45 per hour. The non-funded MCSAP inspections in FY2005 totaled \$78,543. This exceeds the requirement of the MOE.

### DEFECT REPAIR VERIFICATION PROGRAM

To reduce the safety risk associated with the continued operation of OOS drivers and vehicles, the on site verification procedure continued for FY2005. In addition to on site verification, Nebraska utilized reports generated from the SAFETYNET data base to ensure compliance with the Motor Carrier Safety Rules and Regulations. If verifications have not been received from motor carriers within 20 days, notifications are sent to those delinquent. After an additional 30 days, a second notification is distributed to those carriers that are still delinquent. These mailings create a great number of responses. Quarterly reports, generated to determine those carriers still not verified, then are sorted by State or Providence. These reports are routed to our State and Federal Motor Carrier Safety Administration (FMCSA). An average of 80% of Motor Carrier inspections are responding to Nebraska's defect verification procedures on all driver/vehicle violations.

<b>MONTHS</b>	<b>1<sup>ST</sup> MAILING</b>	<b>2<sup>ND</sup> MAILING</b>	<b>#STILL DELINQUENT</b>	<b>% DELINQUENT</b>
<b>October</b>	315	158	63	20%
<b>November</b>	335	116	45	13%
<b>December</b>	350	125	48	14%
<b>January</b>	365	71	24	7%
<b>February</b>	241	69	41	17%
<b>March</b>	310	275	62	20%
<b>April</b>	353	178	63	18%
<b>May</b>	460	143	35	8%
<b>June</b>	571	176	91	16%
<b>July</b>	570	203	101	18%
<b>August</b>	527	216	146	28%
<b>September</b>	523	Pending	207	40%
<b>TOTALS</b>	<b>4,920</b>	<b>Pending</b>	<b>926</b>	<b>19%</b>

**COMMERCIAL VEHICLE ENFORCEMENT (CVE) TEAM**  
**FY2005**

To increase enforcement activities and impact the Commercial Vehicle Accident Rate, the Commercial Vehicle Enforcement (CVE) Team continued in FY2005. The Carrier Enforcement Division's efforts include this program utilizing size/weight enforcement with safety inspections and traffic enforcement. Prior to implementation of the program, Troopers were chosen for the team through a selection process. These troopers were then trained on Radar and Vascar procedures. The CVE Troopers were assigned to the field in February 1997. Four Carrier Enforcement Troopers are dedicated 100% of the time to these size/weight and traffic enforcement activities. During every routine contact, the Trooper checks for size/weight/traffic and safety violations.

In FY2005 the Commercial Vehicle Enforcement Team (CVE) conducted a total of **2,976** inspections, with **2,899** designated to Traffic Enforcement. This total includes **667** Size and Weight (S&W) inspections and **667** that were also designated to both Traffic Enforcement and Size & Weight. Of the **2,917** drivers inspected by the CVE TEAM, **165** or **6%** were placed OOS. Of the **1,298** vehicles inspected by the CVE TEAM, **486** or **37%** were placed OOS. The CVE Team conducted **1,281** inspections in the HAC.



### A) State Specific Objectives / Objective 1A

Status Update:

Annual: October 1, 2004 - September 30, 2005

CVSP Fiscal Year (FY): 2005

Year Objective Initiated: 1999

Evaluation:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Problem Statement:

There is an over representation of Commercial Motor Vehicle (CMV) accidents in ten Nebraska counties.

Objective:

Focus on reducing the accident rates/numbers by 16 less accidents in the Top 10 CMV HAC.

Performance Measure:

Monitor the accident rates / numbers in the Top 10 CMV HAC.

Strategy (1)

Enforcement{HAC change every FY due to focusing on counties with High Accident status}

Activity (1.1)

CMV Level I, II, and III inspections in HAC (Portable operations only)

FY 2004 (10/01/03 to 09/30/04)

HAC	County(CO)	Level (L) I	L II	L III	YTD	Ratio
1. Douglas	055	485	173	102	=760	20%
2. Lancaster	109	433	661	304	=1,398	37%
3. Sarpy	153	151	82	53	=286	8%
4. Hall	079	173	51	71	=295	8%
5. Lincoln	111	46	42	153	=241	6%
6. Buffalo	019	64	30	85	=179	5%
7. Dawson	047	46	15	13	=74	2%
8. Seward	159	24	15	27	=66	2%
9. Keith	101	25	2	9	=36	1%
10. Madison	119	253	38	157	=448	12%
Totals		1,700	1,109	974	=3,783	

FY 2005 (10/01/04 to 09/30/05)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	552	227	129	=908	20%
2. Lancaster	109	590	703	369	=1,662	36%
3. Sarpy	153	247	114	80	=441	10%
4. Hall	079	140	49	28	=217	5%
5. Lincoln	111	63	71	408	=542	12%
6. Seward	159	25	3	22	=50	1%
7. Dawson	047	51	27	99	=177	4%
8. Cass	025	65	51	86	=202	4%
9. York	185	25	21	20	=66	1%
10. Buffalo	019	132	28	147	=307	7%
Totals		1,890	1,294	1,388	4,572	

Activity (1.2)

Traffic Enforcement with Level I, II, or III inspections in HAC. (Portable operations only)

FY 2004 (10/01/03 to 09/30/04)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	65	71	64	=200	19%
2. Lancaster	109	82	379	199	=660	62%
3. Sarpy	153	10	23	38	=71	7%
4. Hall	079	15	3	4	=22	2%
5. Lincoln	111	1	1	14	=16	2%
6. Buffalo	019	2	8	16	=26	2%
7. Dawson	047	1	0	7	=8	.8%
8. Seward	159	3	11	25	=39	4%
9. Keith	101	1	1	6	=8	.8%
10. Madison	119	8	4	5	=17	2%
Totals		188	501	378	=1,067	

FY 2005 (10/01/04 to 09/30/05)

HAC	CO	L I	L II	L III	YTD	Ratio
1. Douglas	055	55	78	73	206	14%
2. Lancaster	109	64	363	192	619	41%
3. Sarpy	153	21	17	23	61	4%
4. Hall	079	10	1	4	15	1%
5. Lincoln	111	19	43	317	379	25%
6. Seward	159	1	3	18	22	2%
7. Dawson	047	6	9	67	82	5%
8. Cass	025	2	13	21	36	2%
9. York	185	2	11	13	26	2%
10. Buffalo	019	10	1	57	68	5%
Totals		190	539	785	1,514	

**A) State Specific Objectives / Objective 1A  
Continued**

**Activity (1.3) MAPS selectives on carriers**

**FY2004 - 17 MAPS Selectives**

Inspections	932		
VOOS	448	or	48%
DOOS	31	or	3%
Violations	3,376	or	3.6
Fines	\$64,185.00		

**FY2005 - 23 MAPS Selectives**

Inspections	1,055		
VOOS	467	or	44%
DOOS	52	or	5%
Violations	3,798	or	3.6
Fines	\$96,725.00		

**FY04 Counties & Cities:** Lincoln, Omaha, Buffalo County, Seward County, Grand Island, Hastings, Keith, Cheyenne, Dawson, Scottsbluff, Columbus, Fremont, Sarpy County, South Sioux City, Norfolk, Hall County.

**FY05 Counties & Cities:** Douglas, Lancaster, Sarpy, Hall, Adams, Seward, Buffalo, Dawson, Platte, Keith, Deuel, Cheyenne, Lincoln, Scottsbluff, Butler, Colfax, Madison, Dodge, Dakota.

MAPS Selectives **increased 35%**, Inspections **increased 13%**, VOOS **increased 4%**, DOOS **increased 68%**  
Violations Found **increased 13%**, Fines Collected **increased 51%**

**Operation Firecracker**

On July 14, 2005 Nebraska participated in Operation Firecracker with Iowa, Kansas, & Missouri., which resulted in the below inspections and violations.

Agency	Location	# of Officers	# of Level 1 Insp	# of VOOS	VOOS Ratio	# of DOOS	DOOS Ratio
IOWA	I-29 NB	5	38	18	47.4%	8	21.1%
KANSAS	I-35	9	53	12	22.6%	9	17.0%
MISSOURI	I-29 SB	6	23	7	30.4%	2	8.7%
NEBRASKA	Hwy. 2	8	37	22	59.5%	2	5.4%
DAWSON Port of Entry	Hwy 75 NB	0	0	0	#DIV/0!	0	#DIV/0!
DAWSON Port of Entry	Hwy 75 SB	0	0	0	#DIV/0!	0	#DIV/0!
<b>Total</b>		<b>28</b>	<b>151</b>	<b>59</b>	<b>39.1%</b>	<b>21</b>	<b>13.9%</b>

**Activity (1.4) Concentrate on Intrastate CMV L1, 2 & 3 inspection in HAC**

<b>FY04</b>	<b><u>Inspections</u></b>	<b><u>DROOS</u></b>	<b><u>%</u></b>	<b><u>VOOS</u></b>	<b><u>%</u></b>
L1	557	42	8%	367	66%
L2	486	31	6%	299	62%
L3	64	6	9%	0	0%
<b>Totals</b>	<b>1,107</b>	<b>79</b>	<b>7%</b>	<b>666</b>	<b>64%</b>

<b>FY05</b>	<b><u>Inspections</u></b>	<b><u>DROOS</u></b>	<b><u>%</u></b>	<b><u>VOOS</u></b>	<b><u>%</u></b>
L1	686	44	6%	424	62%
L2	535	54	10%	331	62%
L3	124	17	14%	0	0%
<b>Totals</b>	<b>1,345</b>	<b>115</b>	<b>9%</b>	<b>755</b>	<b>62%</b>

Intrastate CMV L1, 2, & 3 inspection in HAC **increase 22%**, DROOS **increased 46%**, VOOS **increased 13%** compared to FY2004

**Strategy (2) Education Regulatory Seminars**

**Activity (2.1) Conduct Industry Regulatory Education / Awareness Seminars**

**FY04** Programs - 103 Attendance - 7,909 **FY05** Programs - 95 Attendance - 8,922

There was a **decreased 8%** in Industry Seminars and a **increased 13%** in Attendance conducted for 2005, compared to 2004

**Activity (2.2) Target Industry Small Business groups for educational programs**

**FY04** Programs - 23 Attendance - 840 **FY05** Programs - 44 Attendance - 1,586

During the FY05, the Industry Small Business Programs conducted **increased 91%**, compared to FY04 and Program Attendance **increased 89%** compared to FY04

### A) State Specific Objectives / Objective 1B

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<p><b>Problem Statement:</b> During the Nebraska Division Office evaluation of the State's compatibility with Part 350, two incompatibilities were identified in 2002. The first is a variance which allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4). This variance allows instruction which is required by the State's Pesticide Act and usually conducted by county extension agents to be sufficient in instructing persons involved with agricultural operations of the requirements of the hazardous material regulations. Although the statute stipulates that the Nebraska State Patrol would have to approve the training to meet the requirements of 49 CFR, it appears the State Patrol does not have a system in place to do so. The second incompatible variance allows 17-year-olds to obtain Class B and Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f). This incompatibility has been discussed with the Department of Motor Vehicles, and a letter requesting a plan of action to correct this incompatibility was sent on April 17, 2002. We believe this incompatibility will be corrected in a timely manner.</p> <p><b>Objective:</b> Eliminate incompatibilities as listed above.</p> <p><b>Performance Measure:</b> After confirming with RSPA; it is the State's understanding that instruction by the Department of Agriculture required pursuant to the Pesticide Act is sufficient to meet the regulatory hazardous materials training requirements for farmers. Meanwhile, Carrier Enforcement will review Department of Agriculture's instruction to confirm its applicability and also attempt to obtain in the 2005 Legislation Session, by removing the statutory requirement for the formal approval of this instruction by the Division.</p>	
<p><b>Strategy (1)</b> Conduct meetings to discuss incompatibilities identified. If deemed necessary submit legislative proposals to eliminate two incompatibilities.</p>	
<p><b>Activity (1.1)</b> The first is a variance which allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient to meet the requirement for 49 CFR 173.5 (b) (4). This variance allows instruction which is required by the State's Pesticide Act and usually conducted by county extension agents to be sufficient in instructing person involved with agricultural operations of the requirement county extension agents to be sufficient in instructing person involved with agricultural operations of the requirements of the hazardous materials regulations. Although the statute stipulates that the Nebraska State Patrol would have to approve the training to meet the requirements of 49 CFR, it appears the State Patrol does not have a system in place to do so.</p>	
<p style="text-align: center;"><b>FY2004 (October 1, 2003 thru September 30, 2004)</b></p> <p><b>1<sup>st</sup> Quarter</b> - Reviewed current language and have proposed a new language for submittal of revision, for the 2005 Legislative Session.</p> <p><b>2<sup>nd</sup> Quarter</b> - Drafted Legislative language for the 2005 Legislative Session.</p> <p><b>3<sup>rd</sup> Quarter</b> - NSP has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation, to adopt Part 107 Subpart F - registration of cargo tank and cargo tank motor vehicle manufacturers, assemblers, repairers, inspectors, testers, and design certifying engineers and Part 107 Subpart G - Registration of person s who offers or transport hazardous materials.</p> <p><b>4<sup>th</sup> Quarter</b> - No activity at this time</p>	
<p style="text-align: center;"><b>FY2005 (October 1, 2004 thru September 30, 2005)</b></p> <p><b>1<sup>st</sup> Quarter</b> - No activity at this time</p> <p><b>2<sup>nd</sup> Quarter</b> - This incompatibility is one that allows an agricultural operations exception for hazardous materials training. The State allows instruction by the Department of Agriculture to be sufficient in the requirement of 49 CFR 173.5 (b)(4). This variance allows instruction required by the State's Pesticide Act, usually conducted by the county extension agents, to be sufficient in instructing persons involved with agricultural operations, for the requirements dealing with Hazardous Material Regulations. Although the statute stipulates that the NSP would have to approve the training to meet the requirements of 49 CFR, it appears that the State Patrol does not have a system in place to do so.</p> <p>In responded to this incompatibility for the months of January, February, and March 2005, the Patrol has not developed a system to approve the training in the State's Pesticide Act. The NSP does not plan to develop a system to approve this training at this time. The NSP had requested a change in the State Statute 75-364, to eliminate this provision for training in the 2005 legislative session. However, the NSP was not allowed by the Governor's Office, to make this change or any changes other than the effective date on the statute. In the future we will try to get this incompatibility corrected. Until the Governor's Office is on board with this, we will not be able to make any changes.</p> <p><b>3<sup>rd</sup> Quarter</b> - No activity at this time</p> <p><b>4<sup>th</sup> Quarter</b> - Submitted a legislative proposal to remove the above variance on July 1, 2005, for the January 2006 Legislative Session.</p>	



**A) State Specific Objectives / Objective 1B**  
**Continued**

**Activity (1.2)** Monitor the variance which allows 17-year-olds to obtain Class B & Class C commercial drivers licenses which is incompatible with 49 CFR 350.341 (f).

**FY2004 (October 1, 2003 thru September 30, 2004)**

**1<sup>st</sup> Quarter** – A Draft was submitted to legislation by Department of Motor Vehicles for the Governor's Policy Research Office to revise statute 60-4, 143. This would be to eliminate any commercial drivers' licenses on Learners Permit (LPC) issued to any person who has not attained 18 years of age.

**2<sup>nd</sup> Quarter** – No activity at this time

**3<sup>rd</sup> Quarter** – Nebraska introduced LB863 in the 2004 Legislature. One component of the Bill was to prohibit individuals under the age of 18, from obtaining a CDL or LPC. Unfortunately, the Bill did not pass. It will be introduced on the 2005 Legislative Session.

**4<sup>th</sup> Quarter** – No activity at this time

**FY2005 (October 1, 2004 thru September 30, 2005)**

**1<sup>st</sup> Quarter** – DMV has submitted a legislative proposal to the Governor's Research and Policy Division, for approval to submit legislation. This legislative will be introduced in the 2005 session.

**2<sup>nd</sup> Quarter** – During 2005 Legislature LB76 amended State Statute 60-4, 143 to read as follows: (1) no commercial driver's license or LPC/Learners permit shall under any circumstances be issued to any person who has not attained the age of eighteen years old. Therefore, this would eliminate the State's incompatibility of Part 350 regarding this issue.

**3<sup>rd</sup> Quarter** – Effective March 23, 2005 amended NE Statute 60-4, 143 to prohibit the issue of a CDL or CDL Learner's Permit to anyone under the age of 18.

**4<sup>th</sup> Quarter** – Completed March 23, 2005 in Legislative Bill 76 amended Nebraska statute 60-4, 143 which is no longer a variance.

**A) State Specific Objectives / Objective 1C**

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2003
<p><b>Program Statement:</b> In order to accurately target High Risk carriers, current and accurate data is needed. Commercial Motor Vehicle Accident Data must be current and accurate. This data is essential to both the individual stats and the National MCSAP Program. The timely and accurate data will provide information to identify and focus on unsafe motor carriers. This will assist with resource allocation decisions and measure progress in achieving goals of accident reduction.</p> <p><b>Objective:</b> Maintain the quality (timeliness) of all CMV accident data which is collected and reported through SAFETYNET. October 1, 2002 thru February 28, 2003 accident uploads averaged 64 days. (National Average was 52 days for the same time period)</p> <p><b>Performance Measure:</b> Monitor the timeliness of all accident data. Maintain the average uploads were 64 days.</p>	
<p><b>Strategy (1)</b> Target timeliness of accident data</p> <p><b>Activity (1.1)</b> Work closely with Department of Roads to maintain accident data uploads to 64 days.</p>	
<p align="center"><b>FY2004 (October 1, 2003 thru September 30, 2004)</b></p>	
<p><b>1<sup>st</sup> Quarter</b> – Nebraska; 10/01/2003 thru 12/31/2003 Accident Upload was 72 days. National; Accident Upload was 34 days.</p>	
<p><b>2<sup>nd</sup> Quarter</b> – Nebraska; 10/01/2003 thru 3/31/2004 Accident Upload was 77 days. National; Accident Upload was 114 days.</p>	
<p><b>3<sup>rd</sup> Quarter</b> – The NSP continues to work closely with the Nebraska Department of Roads (DOR), Accident Records Division. The state realizes there needs to be an improvement of safety data, including the timeliness and accuracy of accident data. The state experience is lower than national average of Non-Match Accident Data 5.98% compared to 12.72% Nationally; the state experience is higher than national average on accident uploads. Nebraska accident upload is 66 days, Nationally upload is 62 day 10/1/03 thru 6/30/04. The state intends to improve the accident reporting by conducting a "Comprehensive Accident Data Collection for Commercial Motor Vehicle Training Course" sponsored by the FMCSA. This training will be conducted in the fall of 2004 and targeted for the local police and sheriff departments throughout the state. Special emphasis will be those local agencies within the Commercial Vehicle High Accident Counties.</p>	
<p><b>4<sup>th</sup> Quarter</b> - Nebraska; 10/01/2003 thru 7/31/2004 Accident Upload was 74 days. National; Accident Upload was 136 days.</p>	
<p align="center"><b>FY2005 (October 1, 2004 thru September 30, 2005)</b></p>	
<p><b>1<sup>st</sup> Quarter</b> – There was an increase from 64 days upload to 73 days. NSP has discussed the increase on timeliness with Department of Roads. DOR will try to improve the timeliness process and will continue to enter all CMV accidents first, before entering Non-Accident CMV.</p>	
<p><b>2<sup>nd</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 79 days.</p>	
<p><b>3<sup>rd</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 42 days.</p>	
<p><b>4<sup>th</sup> Quarter</b> – Timeliness of Accident Uploads – Average for Accident Report Uploads was 63 days.</p>	

**B) National Program Elements**  
**i) Driver / Vehicle Inspections**

Status Update:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Evaluation:

Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005

Year Objective Initiated: 1999

Problem Statement:

Experience, data, and a number of studies have shown that maintaining a strong enforcement presence in the form of roadside inspections, is a primary force in ensuring that Commercial Motor Vehicles and Drivers operate safely on the nation's highways. Inspections are the foundation of the MCSAP Program and ensure that unsafe vehicles and drivers are dealt with appropriately. They provide data which helps identify new carriers and carriers that have unsafe operating practices. This process is important to minimize the risks attendant to the transportation of hazardous materials and passengers. Inspections can be instrumental in identifying national problems, such as fatigued drivers or specific mechanical violations which seem to occur nationally.

Objective:

Improve the safety compliance and performance of commercial drivers and vehicles.

Performance Measure:

Monitor the number of inspections conducted (by level and type) and rate of OOS by level and type. Monitor the overall CMV Accident statistics.

Strategy (1)

Enforcement - Driver / Vehicle Inspections.

Activity (1.1)

Conduct CMV Level I-IV inspections statewide. (Fixed Facilities)

FY 04 (10/01/03 to 09/30/04)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	2,670	16%	279	11%	770	29%
L 2	817	5%	137	17%	277	34%
L 3	12,770	79%	1,997	16%	6	.05%
L 4	1	.01%	0	0%	0	0%
Total	16,258		2,413	15%	1,053	30%

FY 05 (10/01/04 TO 09/30/05)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	2,541	17%	199	8%	624	25%
L 2	1,013	7%	187	19%	283	28%
L 3	11,702	77%	1,919	16%	12	.10%
L 4	0	0%	0	0%	0	0%
Total	15,256		2,305	15%	919	26%

Fixed Facilities inspections decreased 6%

DOOS Ratio decreased 5% - VOOS Ratio decreased 13%

Activity (1.2)

Conduct CMV Level I-IV inspections statewide. (Portable Units)

FY 04 (10/01/03 to 09/30/04)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	3,964	38%	220	6%	1,871	47%
L 2	2,122	20%	167	8%	984	46%
L 3	4,479	42%	395	9%	3	.07%
L 4	15	.14%	2	13%	0	0%
Total	10,580		784	7%	2,858	47%

FY 05 (10/01/04 TO 09/30/05)

	Inspections	Ratio	DOOS	Ratio	VOOS	Ratio
L 1	4,771	38%	259	5%	1,980	42%
L 2	2,452	20%	218	9%	1,143	47%
L 3	5,304	42%	479	9%	10	.2%
L 4	30	.2%	4	13%	0	0%
Total	12,557		960	8%	3,133	43%

CMV Level I-IV inspections statewide (Portable Units) increased 19%.

DOOS Ratio increased 23% - VOOS Ratio increased 10%

**B) National Program Elements / i) Driver / Vehicle Inspections  
Continued**

Activity (1.3) Metropolitan Aggressive and Preventive Selectives (MAPS) inspections on carriers.

This Activity (1.3) was met under (A) State Specific Objectives, Objective #1A, Strategy (1), Activity (1.3) page 3

**Strategy (2) Enforcement - Hazardous Material and Motor Coach inspections.**

Activity (2.1) Conduct Level I-IV Hazardous Material inspections.

**FY 04 (10/01/03 to 09/30/04)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	853	91%	49	6%	214	25%
L 2	19	2%	5	26%	10	53%
L 3	71	8%	6	9%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	943		60	6%	224	26%

**FY 05 (10/01/04 TO 09/30/05)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	1,013	94%	35	4%	226	22%
L 2	18	2%	3	17%	7	39%
L 3	51	5%	2	4%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	1,082		40	4%	233	23%

Hazardous Material inspections statewide increased 15%.  
DOOS Ratio decreased 33% - VOOS Ratio increased 4%

Activity (2.2) Conduct Level I-IV Hazardous Material Cargo Tank inspections. (Level 1 Only)

**FY 04 (10/01/03 to 09/30/04)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	390	99%	20	5%	94	24%
L 2	2	.5%	0	0%	0	0%
L 3	4	1%	1	25%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	396		21	5%	94	24%

**FY 05 (10/01/04 TO 09/30/05)**

	<u>Inspections</u>	<u>Ratio</u>	<u>DOOS</u>	<u>Ratio</u>	<u>VOOS</u>	<u>Ratio</u>
L 1	495	95%	14	3%	103	21%
L 2	9	2%	1	11%	3	33%
L 3	15	3%	0	0%	0	0%
L 4	0	0%	0	0%	0	0%
Totals	519		15	3%	106	21%

HM Cargo Tank inspections statewide increased 31% DOOS Ratio decreased 29% - VOOS Ratio increased 13%

Activity (2.3) Conduct Motor Coach inspections.

**FY04** - 170 inspections

Vehicle Out of Service 25

Ratio 15%

**FY05** - 197 inspections

Vehicle Out of Service 22

Ratio 11%

Motor Coach inspections statewide increased 16% VOOS Ratio decreased 12%

**Strategy (3) Enforcement - Intrastate Operations.**

Activity (3.1) Issue Intrastate DOT numbers to intrastate carriers.

**FY04** - 762 New Intrastate US DOT Numbers issued

**FY05** - 869 New Intrastate US DOT Numbers issued

Intrastate DOT numbers to intrastate carriers increased 14%

**Strategy (4) Education**

Activity (4.1) Conduct three Industry Seminars focusing on Driver/Vehicle inspection procedures.

This Activity (4.1) was met under (B) National Program Element, (iv) Public Education & Awareness, Strategy (1), Activity (1.1), page 18.

\*\*\*Please find attachment, SAFETYNET 2000, MCSAP Quarterly Report inspection activities in the following 3 pages.



**SAFETYNET**  
**Inspection MCSAP Annual Report**  
FY05 – October 1, 2004 thru September 30, 2005

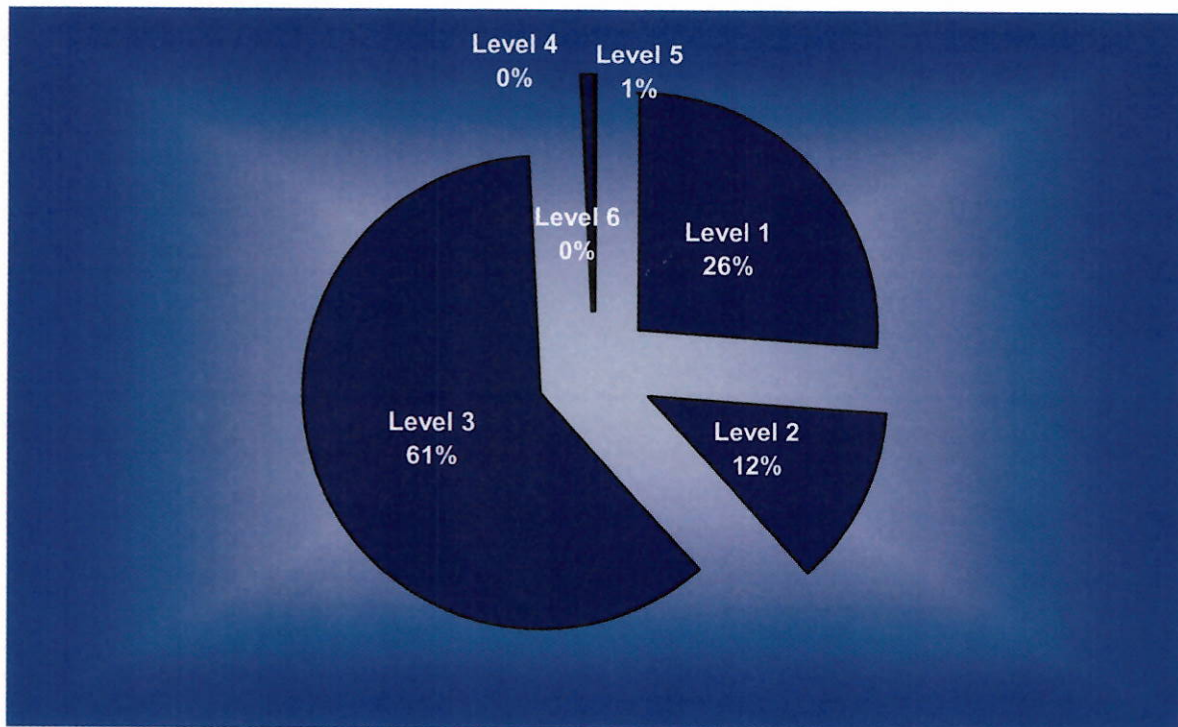
Inspections	Non-Hazardous Material Vehicles			Hazardous Material Vehicles			Motor-coach		
<b>Level 1</b>	<b>6,287</b>			<b>1,013</b>			<b>12</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	2,376	5,142	38%	226	389	22%	2	3	17%
<i>Driver OOS / OOS Violations / OOS %</i>	421	472	7%	35	40	4%	2	2	17%
<i>Other Violations</i>	14,368			1,406			12		
<b>Level 2</b>	<b>3,443</b>			<b>18</b>			<b>4</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	1,440	2,340	41%	7	9	39%	1	6	25%
<i>Driver OOS / OOS Violations / OOS %</i>	402	466	12%	3	4	17%	0	0	0%
<i>Other Violations</i>	6,528			33			12		
<b>Level 3</b>	<b>16,949</b>			<b>51</b>			<b>6</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	2,396	2,848	14%	2	3	4%	0	0	0%
<i>Other Violations</i>	7,110			26			2		
<b>Level 4</b>	<b>30</b>			<b>0</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	4	6	13%	0	0	0%	0	0	0%
<i>Other Violations</i>	40			0			0		
<b>Level 5</b>	<b>34</b>			<b>8</b>			<b>175</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	3	9	9%	1	1	13%	19	26	11%
<i>Other Violations</i>	41			12			65		
<b>Level 6</b>	<b>0</b>			<b>2</b>			<b>0</b>		
<i>Vehicle OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Driver OOS / OOS Violations / OOS %</i>	0	0	0%	0	0	0%	0	0	0%
<i>Other Violations</i>	0			10			0		
<b>Total Inspections</b>	<b>26,743</b>			<b>1,092</b>			<b>197</b>		



**SAFETYNET**  
**Inspection MCSAP Annual Report**  
*Fiscal Year 2005 – October 1, 2004 thru September 30, 2005*

Total Number of Intrastate Carrier Driver / Vehicle Inspections: 2,385  
 Total Number of Interstate Carrier Driver / Vehicle Inspections: 25,647  
 Total: 28,032

	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4	LEVEL 5	LEVEL 6	TOTAL
Total Inspections	7,312	3,465	17,006	30	217	2	28,032
Off Peak Inspections	1,752	1,133	9,037	19	5	1	11,946
Percentage Off Peak	24%	33%	53%	63%	2%	50%	43%



### Violations by Type

<b>Driver</b>	<b>Trucks</b>		<b>Motor-Coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<i>Medical Certificate</i>	783	10	2	0
<b>* False Record of Duty Status</b>	<b>571</b>	<b>561</b>	<b>0</b>	<b>0</b>
<b>* NO RODS/RODS not Current</b>	<b>3,210</b>	<b>906</b>	<b>2</b>	<b>2</b>
<b>* 10/15 &amp; 14 15 Hours</b>	<b>1,293</b>	<b>1,238</b>	<b>0</b>	<b>0</b>
<b>* 15/20 Hours</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>* 60/70/80 Hours</b>	<b>389</b>	<b>386</b>	<b>0</b>	<b>0</b>
<b>* All Other Hours-of-Service</b>	<b>901</b>	<b>4</b>	<b>0</b>	<b>0</b>
<i>Disqualified Drivers</i>	154	153	0	0
<i>Drugs</i>	21	19	0	0
<i>Alcohol</i>	64	61	0	0
<i>Seat Belt</i>	124	0	0	0
<i>Traffic Enforcement</i>	2	0	0	0
<i>Radar Detectors</i>	285	0	0	0
<i>All Other Driver Violations</i>	2,003	514	1	0
<i>Failure to Obey Traffic Control Device</i>	134	0	0	0
<i>Following too Close</i>	23	0	0	0
<i>Improper Lane Change</i>	8	0	0	0
<i>Improper Passing</i>	6	0	0	0
<i>Reckless Driving</i>	0	0	0	0
<i>Speeding</i>	1,754	0	1	0
<i>Improper Turns</i>	12	0	0	0
<i>Size and Weight</i>	1,677	5	0	0
<i>Failure to Yield Right of Way</i>	12	0	0	0
<b>* State/Local Hours of Service</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Driver Violations</b>	<b>13,428</b>	<b>3,857</b>	<b>6</b>	<b>2</b>
<b>*Total of Major Hours of Service Viol's</b>	<b>6,366</b>	<b>3095</b>	<b>2</b>	<b>2</b>
<b>Vehicle</b>	<b>Trucks</b>		<b>Motor-Coach</b>	
	<b>Total</b>	<b>OOS Violations</b>	<b>Total</b>	<b>OOS Violations</b>
<b>* Brakes, Out of Adjustment</b>	<b>3,003</b>	<b>800</b>	<b>20</b>	<b>7</b>
<b>* Brakes, All Others</b>	<b>5,406</b>	<b>2,405</b>	<b>7</b>	<b>3</b>
<i>Coupling Devices</i>	150	71	0	0
<i>Fuel Systems</i>	85	43	0	0
<i>Frames</i>	135	32	0	0
<i>Lighting</i>	5,209	2,035	34	7
<i>Steering Mechanism</i>	40	22	0	0
<i>Suspension</i>	399	187	4	2
<i>Tires</i>	1,947	892	7	5
<i>Wheels, Studs, Clamps, Etc.</i>	217	62	0	0
<i>Load Securement</i>	1,228	989	0	0
<i>Windshield</i>	367	2	2	0
<i>Exhaust Discharge</i>	85	6	2	1
<i>Emergency Equipment</i>	2,889	1	17	0
<i>Periodic Inspection</i>	2,931	0	7	0
<i>All Other Vehicle Defects</i>	3,328	193	22	10
<b>Total Vehicle Violations</b>	<b>27,419</b>	<b>7,740</b>	<b>122</b>	<b>35</b>
<b>* Total of Major Brake Violations</b>	<b>8,409</b>	<b>3,205</b>	<b>27</b>	<b>10</b>
<b>Hazardous Materials</b>	<b>Trucks</b>			
	<b>Total</b>	<b>OOS Violations</b>		
<i>Shipping Paper</i>	123	45		
<i>Improper Placarding</i>	121	31		
<i>Accept. Shipment Improperly Mark</i>	11	1		
<i>Improper Blocking / Bracing</i>	41	38		
<i>No Retest &amp; Inspection (Cargo Tank)</i>	16	1		
<i>No Remote Shutoff Control</i>	8	0		
<i>Use of Non-Specification Control</i>	14	7		
<i>Emergency Response</i>	33	0		
<i>All Other Hazardous Material Violations</i>	89	9		
<b>Total Hazardous Material Violations</b>	<b>456</b>	<b>132</b>		
<b>Grand Total of all Violations</b>	<b>41,303</b>	<b>11,729</b>	<b>128</b>	<b>37</b>



### **B) National Program Elements ii) Compliance Reviews**

<b>Status Update:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2000
<b>Evaluation:</b> Annual: October 1, 2004 - September 30, 2005	<b>CVSP FY: 2005</b> Year Objective Initiated: 2000
<b>Problem Statement:</b> Compliance Reviews (CR's) have shown to be very effective in identifying those areas which a motor carrier is experiencing difficulties that negatively impact CMV safety and bringing about change in the carriers' behavior. A well-balanced Motor Carrier Safety Administrative Program (MCSAP) includes compliance reviews. These reviews assess compliance with the regulations, inform carriers of the regulations, bring them into compliance, and compare a carrier's safety experience to other similar carriers.	
<b>Objective:</b> Improve the Safety Compliance and Performance of Commercial Motor Carrier Operations.	
<b>Performance Measure:</b>	Number of Reviews Conducted Percent of Carriers Rated Sat/Unsat/conditional Violations per Review Performed Overall CMV Accident statistics
<b>Strategy (1)</b> Enforcement Intrastate High Risk carriers. (Based on accidents and OOS rates) <b>Activity (1.1)</b> Identify Intrastate High Risk carriers. (Based on accidents, OOS rates, and complaints) <b>FY04</b> - 21 Motor Carriers identified – Intrastate <b>FY05</b> - 21 Motor Carriers identified – Intrastate Intrastate High Risk carriers, (Based on accidents Out of Service rates and complaints) maintained the same % rate.	
<b>Activity (1.2)</b> Conduct intrastate compliance reviews with Capri software. This Activity (1.2) was met under (A) State Specific Objective, Objective #1A, Strategy (1), Activity (1.4).	
<b>Activity (1.3)</b> Continue to utilize Capri software on intrastate motor carriers. <b>FY04</b> - 18 Intrastate Compliance Reviews conducted on Capri software with 6 acute violations and 408 critical violations. <b>FY05</b> - 14 Intrastate Compliance Reviews conducted on Capri software with 7 acute violations and 523 critical violations. Intrastate Compliance Reviews decreased 22%; all were conducted with Capri Software. Acute Violations increased 17% - Critical Violations increased 28%	
<b>Strategy (2)</b> Enforcement - Target Interstate reviews on motor carriers with SAFESTAT type A & B scores. <b>Activity (2.1)</b> Conduct Interstate Compliance Reviews on A & B motor carriers. <b>FY04</b> – 10 Interstate Compliance Reviews were assigned by FMCSA. <b>FY05</b> – 12 Interstate Compliance Reviews were assigned by FMCSA. increased 20%	
<b>Activity (2.2)</b> Conduct Interstate Compliance Reviews with Capri software. <b>FY04</b> – 10 Interstate Compliance Reviews were assigned by FMCSA and completed. <b>FY05</b> – 16 Interstate Compliance Reviews were assigned by FMCSA and completed. increased 60%	
<b>Strategy (3)</b> Enforcement Intrastate High Risk carriers' complaints and enforcement follow-ups. <b>Activity (3.1)</b> Utilize the complaint and enforcement follow-up criteria as listed in the FMCSA Field Operation Training Manual to the extent applicable to state government functions. <b>FY04</b> – 15 Intrastate complaints were received on Nebraska Intrastate carriers. <b>FY05</b> – 12 Intrastate complaints were received on Nebraska Intrastate carriers. decreased 20%	
<b>Activity (3.2)</b> Verify complaints are non-frivolous and identify High Risk carriers. <b>FY04</b> - 14 complaints was received in writing and was found to be frivolous. <b>FY05</b> - 10 complaints was received in writing and was found to be frivolous. decreased 29%	
<b>Activity (3.3)</b> Utilize the Intrastate US DOT numbering system to correctly identify problem intrastate carriers. This Activity (3.3) was met under (B) National Program Elements, i) Driver/Vehicles, Strategy (3), Activity (3.1).	
<b>Strategy (4)</b> Stay current with FMCSA Policy & Procedures received. <b>Activity (4.1)</b> Attend FMCSA In-Service Training. <b>FY05 From October 1, 2004 to December 31, 2004</b> - Federal Motor Carrier Safety Administration did not provide any in-service training at this time. Updates were provided thru a safety meeting November 16, 2004 plus information by e-mail and phone conversations was given. <b>From January 1, 2005 to September 30, 2005</b> - Five NSP personnel attended the Hazardous Material Permit Training January 13 <sup>th</sup> and 14 <sup>th</sup> . Conducted meetings with Diane Podany on February 2, 2005 and with Diane & Steve from FMCSA on March 22, 2005 also were held. <b>From April 1, 2005 to June 30, 2005</b> - Conducted a meeting with FMCSA to review compliance reviews for April & May at the workshop in WY. on April, 2005. <b>From July 1, 2005 to September 30, 2005</b> - No In-Service Training by FMCSA was scheduled; however on July 8, officers attended the Hazardous Material Safety Permit and Security Training.	





**B) National Program Element, iv) Public Education & Awareness  
Continued**

( 01/01/2005 thru 03/31/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
1/12/05 NE Turf-grass Association, Size/Weight, CDL & MCSAP, Sgt. Brokaw	Lincoln	40
1/19/05 Cornhusker Public Power, Size/Weight, CDL & MCSAP, Sgt's Linton/Bruner & Trp Pollard	Columbus	67
1/25/05 Husker Feed Grain & Soy Bean Growers Conference, Sgt Brokaw	Lincoln	35
1/25/05 Husker Feed Grain & Soy Bean Growers Conference, Sgt Brokaw	Lincoln	35
1/27/05 Moen Steel, Size/Weight, CDL & MCSAP Reg. Load Securement, Sgt Linton, Inv Tumbleson	Omaha	35
1/27/05 Moen Steel, Recordkeeping Requirements for MCSAP, Sgt Linton, Inv Tumbleson	Omaha	3
1/28/05 K2 Construction, CDL & Load Securement Regulations, Sgt Brokaw	Lincoln	32
2/04/05 Dept of Roads, CDL & Load Securement Weight, Sgt's Linton & Riens	Geneva	45
2/07/05 Lower Platte South NRD, Sgt Brokaw	Lincoln	4
2/09/05 GI Central Catholic, No-Zone Program, Sgt Linton	Grand Island	23
2/9/05 Troop C, L3 MCSAP Inspections Training, Sgt Linton	Grand Island	16
2/15/05 Custer Public Power, CDL Changes, Fed. Safety Guideline – Equipment, Sgt Goforth	North Platte	28
2/16/05 Municipal Electric Departments, CDL, Load Securement, MCSAP, Sgt Brokaw	Lincoln	27
2/17/05 Troop D, L3 MCSAP Inspections Training, Sgt Goforth	NP	18
2/21/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	York	17
2/22/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Albion	3
2/23/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	O'Neill	18
2/23/05 Municipal Electric Departments, CDL Securement, MCSAP, Sgt. Linton, Donscheski	Kearney	31
2/24/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Wayne	51
2/28/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Auburn	44
3/01/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Beatrice	15
3/02/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Holdrege	50
3/03/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	McCook	120
3/07/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Broken Bow	31
3/08/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Kimball	55
3/09/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Chadron	22
3/09/05 Hdq., L3 MCSAP Inspections Training, Sgt's Goforth & Brokaw	Lincoln	20
3/10/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Valentine	45
3/16/05 Troop A, L3 MCSAP Inspections Training, Sgt's Linton/Bruner & Troop Pollard	Omaha	27
3/17/05 Propane Gas Assoc Driver Training, CDL, Hazmat & MCSAP Process, Sgt. Linton	Lincoln	14
3/17/05 SECC, NE Truck Laws, Fuel Permits, Reciprocity, MCSAP Process, Sgt. Linton	Lincoln	24
3/23/05 Job Fair at LCCC, Recruitment, Sgt Linton	Cheyenne, WY	6
3/24/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton, Donscheski	Ord	11
3/30/05 Troop B, L3 MCSAP Inspection Training, Sgt Goforth	Norfolk	37
<b>Program 34</b>	<b>Attendance 1,048</b>	<b>Year to Date Programs 52</b>
		<b>Year to Date Attendance 1,979</b>



## B)National Program Element, iv) Public Education & Awareness

### Continued

( 04/01/2005 thru 06/30/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
4/01/05 Truck Inspections Competition for College Students, VICA, Sgt's Linton & Bruner Trp	Stary Columbus	42
4/06/05 CMV Accident Form, NLETC, Sgt Linton	NLETC	43
4/11/05 Safety Loading & CDL, DOR, Sgt. Linton	York	55
4/13/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton , Donscheski	Grand Island	40
4/15/05 Pre-trip Inspections, Load Securement & CDL Disqualifications, OPPD, Sgt Brokaw	Elkhorn	92
4/19/05 Recruitment/Safety/CMV Operations & MCSAP, Touch A Truck, Trooper Koubek	North Platte	300
4/20/05 Safe Loading & CDL, DOR, Sgt Linton	St Paul	45
4/23/05 Roll-Over Demo & No-Zone Seatbelts, Nuckolls Co Health Fair, Sgt Linton	Superior	46
4/25/05 Safe Loading & CDL, DOR, Sgt Linton	Grand Island	55
5/05/05 Safe Loading & CDL, UPRR, Sgt Linton	Fairbury	52
5/07/05 CDL Requirements & CDL Disqualifications, Sgt Brokaw	Lincoln	15
5/07/05 Safety Regs, State Laws for Race Car Haulers, Speedway Motors, Sgt's Bruner & Brokaw	Lincoln	150
5/11/05 L3 Inspection Updates, NSP, Sgt. Linton	Grand Island	23
5/13/05 HM & Material of Trade / Towing Requirement, Sgt Brokaw	Omaha	45
5/16/05 Safe Loading & CDL, DOR, Sgt Linton	Hastings	62
5/18/05 Safe Loading & CDL, City of Columbus, Sgt's Linton & Bruner	Columbus	21
5/18/05 Town Hall Meeting, Weight, CDL, Plates, MCSAP Process, Sgt Linton , Donscheski	Columbus	105
5/20/05 NE Laws that Pertain to Wreckers, NE Wreckers, Sgt Linton	Grand Island	55
6/09/05 NE Truck Laws & MCSAP, SECC Class, Sgt Linton	Lincoln	32
6/13/05 No-Zone / CE Duties, Girls Jr. Law, Sgt Linton	Grand Island	32
6/15/05 Annual Inspections, Bossellmans, Sgt Linton	Grand Island	7
6/16/05 CDL Disqualification & HM Regulations, Sgt Brokaw	Council Bluffs	115
6/16/05 Trailers & Towing Requirement for Nebraska, St Brokaw	Omaha	65
6/20/05 No-Zone / CE Duties, Boys Jr. Law, Sgt Linton	Grand Island	32
<b>Program 24</b>	<b>Attendance 1,529</b>	<b>Year to Date Programs 76</b>
		<b>Year to Date Attendance 3,508</b>

( 07/01/2005 thru 09/30/2005 )

<u>Date &amp; Information Programs &amp; Instructor</u>	<u>Location</u>	<u>Attendance</u>
7/14/05 International Brotherhood of Electrical Workers, CDL Disqualification, Sgt Brokaw	Lincoln	37
7/25/05 T & I Irrigation , Load Securement, Sgt Linton	Hastings	7
7/29-30/05 Garfield County Fair, Seat Belts, MCSAP, CE Laws, CDL, Sgt Linton	Burwell	450
8/02/05 NLETC, Crash Causation Study, NE CMV Accident Form, Sgt Linton	Grand Island	35
8/10/05 CE Functions, CE Duties, MCSAP Scales, Sgt Linton	Grand Island	35
8/17/05 Natural Gas Operators, CDL, Trailers, & Securement, Sgt Brokaw	Hastings	27
8/22-23/05 CMV Stops & Operations – CMV Stops & Operations for Law Enforcement, Roadway	Grand Island	34
8/22 & 9/05/05 NE State Fair – NE Trucks Law, MCSAP Recruitment, Sgt Linton & CEO Officers	Lincoln	2500
8/30/05 NE Farm Business – L1 Inspections, Sgt Bruner & CEO Pollard	York	47
9/14-15/05 Husker Harvest Days – Fuel, Sear Belts, CDL, MCSAP, NE Laws for Trucks, Sgt's Linton & Bruner, GI	Grand Island	1500
9/13/05 Hon Graham Gunn from Australia, NE Truck Reg & Enforcement Guidelines, Sgt Linton	Grand Island	2
9/13/05 NE Sheriffs & LPD, Crash Causation Study Class, Ken Hackman	Grand Island	8
9/13/05 NE Sheriffs & LPD, NPPD, Load Securement, Trailers & Towing, Sgt Linton	Doniphan	37
9/14/05 NE Sheriffs & LPD, Crash Causation Study Class, Ken Hackman	Grand Island	11
9/15-16/05 Red, White, Blue Truck Show, NE Truck Regulations, MCSAP, No-Zone, Seat Belts		
CMV Accident Prevention, Sgt's Linton & Bruner	Grand Island	250
9/21/05 Profession Insurance Agents – NE Regulations & Requirements for Farm Trucks, Sgt Brokaw	Columbus	78
9/22/05 SECC, NE Truck Regulation & MCSP, Sgt Linton	Lincoln	35
9/24/05 Convoy 2005, MCSAP, Seat Belts, CMV Safety, Sgt's Linton & Bruner, CEO Bish	Grand Island	300
9/24/05 NE Land Improvement Contractors, Load Securement, NE Permits, Dyed Fuel, Sgt Linton	Hastings	21
<b>Program 19</b>	<b>Attendance 5,414</b>	<b>Year to Date Programs 95</b>
		<b>Year to Date Attendance 8,922</b>

There was an increase of 13% in Attendance and an increase of 7% in Industry Seminars conducted for 2005 compared to 2004.

Activity (1.2) Target Industry Small Business Groups for Educational Programs.

**FY04** - 23 Small Business programs were conducted. Attendance - 840

**FY05** - 44 Small Business programs were conducted. Attendance - 1,486

FY2005, Small Business Programs increased by 91% - Attendance increased by 77%

**B) National Program Element, iv) Public Education & Awareness**  
**Continued**

**Strategy (2)** Educational material distributed.

**Activity (2.1)** Distribute Nebraska Truck Information Guide Booklets.

**FY04** - 7,863 Nebraska Truck Information Guide books were distributed.

**FY05** - 9,150 Nebraska Truck Information Guide books were distributed.

**FY2005 increased by 16%**

**Activity (2.2)** Post Nebraska Truck Information Guide Booklet updates on the NSP Website.

**Fiscal Year 2005 (By quarters)**  
**(10/01/2004 thru December 31, 2004)**

**CASE 1:**

The NSP website took **2,698,987** hits from 10/01/2004 to 12/31/2004. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **29,337** hits per day or **17 to 20** hits per minute.

This is up from **24,678** for the 07/01/2004 – 09/30/2004 period last quarter. An increase of **18.88%**.

**CASE 2:**

There were **89,892** hits from 10/01/2004 to 12/31/2004 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **977** visits per day or about **7** visits every **10** minutes.

This is up from **848** for the 07/01/2004 – 09/31/2004 period last quarter. An increase of **15.2%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **4,834** times. That's decrease from **9,074** times last quarter. A decrease **46.73%**

**(January 1, 2005 thru March 31, 2005)**

**CASE 1:**

The NSP website took **3,724,594** hits from 01/01/2004 to 03/31/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **41,384** hits per day or **29** hits per minute.

This is up from **29,337** for the 10/01/2004 – 12/31/2004 period last quarter. An increase of **41.06%**.

**CASE 2:**

There were **112,418** hits from 01/01/2005 to 03/31/2005 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **1,249** visits per day or about **8.7** visits every **10** minutes.

This is up from **977** hits per day for the 10/01/2004 – 12/31/2004 period last quarter. An increase of **27.82%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **7,106** times. That's increase from **4,834** times last quarter. A increase **47%**

**(April 1, 2005 thru June 30, 2005)**

**CASE 1:**

The NSP website took **5,952,510** hits from 04/01/2005 to 06/30/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **65,412** hits per day or **45** hits per minute.

This is up from **41,384** for the 01/01/2005 – 03/31/2005 period last quarter. An increase of **58.06%**.

**CASE 2:**

There were **151,101** hits from 04/01/2005 to 06/30/2005 on the website's 2 main welcome pages (the main NSP page and the main SOR page). This is an approximate indicator on how many unique 'visits' we had to either of the two main pages of the web. It does not include any 'clicking' visitors did on the site once they were there. This averages out to be **1,249** visits per day or about **12** visits every **10** minutes.

This is up from **1,249** for the 01/01/2005 – 03/31/2005 period last quarter. An increase of **32.9%**

FYI: The Amber Alert Page, where the actual Alert is posted, was visited **6,176** times. That's increase from **7,106** times last quarter. A decrease **13.08%**

**(July 1, 2005 thru September 30, 2005)**

**CASE 1:**

The NSP website took **5,752,377** hits from 07/01/2005 to 09/30/2005. This is total requests for any web page within the website. To clarify, this is the number of all web pages the server 'served up' to visitors during that time frame. This averages out to be **63,915** hits per day or **49** hits per minute.

Nebraska State Patrol has changed the records hits format for the Nebraska State Patrol Website.

**B)National Program Element, iv) Public Education & Awareness  
Continued**

**Activity (2.3)** Increase safety belt usage among CMV drivers by activity participating in education and outreach activities, by dissemination of education material during special events, promoting safety belt use.

**Fiscal Year 2005 (By quarters)**

Below are the breakdown stats for Click it or Ticket brochures that were distributed at the various seminars and educational programs, by quarters.

	<u><b>Click it or Ticket brochures</b></u>
(October 1, 2004 to December 31, 2004)	1,296
(January 1, 2005 to March 31, 2005)	1,175
(April 1, 2005 to June 30, 2005)	no activity at this time
(July 1, 2005 to September 30, 2005)	no activity at this time

**Strategy (3)** Educational General Public.

**Activity (3.1)** Conduct "CMV Safety" campaign events.

**Fiscal Year 2005 (By quarters)**

(October 1, 2004 to December 31, 2004)

The Nebraska State Patrol hosted the Commercial Vehicle Accident Reporting (CVARS) Training Class on November 30, 2004. Thirty Two officers from various law enforcement agencies from the State of Nebraska attended this training. November 30, 2004, Program – FMCSA Accident Forms Class was conducted by NISR/ Ken Hackman at the Nebraska Training Academy in Grand Island, NE.

(January 1, 2005 to March 31, 2005)

Sergeant Linton conducted a CMV Safety Campaign for Grand Island Central Catholic, No-Zone Program in Grand Island, Nebraska.

(April 1, 2005 to June 30, 2005)

Trooper Koubek conducted a Safety Campaign MSCAP and CMV Operation in North Platte on 4-19-2005. In addition, conducted a Rollover Demo and No-Zone, Seat Belt at the Nuckolls County Health Fair on 4-23-2005.

(July 1, 2005 to September 30, 2005)

Sergeant Linton displayed the MCSAP Trailer at the Garfield County Fair on 8-2-2005. On September 14-15, 2005, Sergeant Linton displayed the MCSAP Trailer at the Husker Harvest Days in Grand Island.

**Activity (3.2)** Distribute promotional "CMV Safety" material to attendees of the Nebraska State Fair.

**Fiscal Year 2005 (By quarters)**

(October 1, 2004 to December 31, 2004)

No activity for the State Fair at this time. However, the following promotional items – 500 No-Zone pens, 500 translucent No-Zone pens, 1,000 No-Zone press-n-stick calendars, were distributed at the various seminars and educational programs for the first quarter in Fiscal Year (FY) 2005.

(January 1, 2005 to March 31, 2005)

No activity at this time

(April 1, 2005 to June 30, 2005)

No activity at this time

(July 1, 2005 to September 30, 2005)

During the Nebraska State Fair, 500 No-Zone key chains, 1000 No-Zone calendars, and 200 sun glass holders were distributed.

## B) National Program Elements / v) Data Collection and Reporting

Status Update:  
Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005  
Year Objective Initiated: 2000

Evaluation:  
Annual: October 1, 2004 - September 30, 2005

CVSP FY: 2005  
Year Objective Initiated: 2000

**Problem Statement:** In order to accurately target High Risk carriers, current, and accurate data is needed. CMV inspection and accident data must be current and accurate. This data is essential to both the individual states' and the National MCSAP Program. The timely and accurate data will provide information to identify and focus on unsafe motor carriers. This provides resource allocation decisions and measure progress in achieving goals of accident reduction.

**Objective:** Improve the quality (accuracy & timeliness) of all MCSAP related data which is collected and reported through SAFETYNET.

**Performance Measure:** Monitor the accuracy and timeliness of all MCSAP data. Reduce the average inspection uploads to 7 days and reduce accident data uploads to 90 days.

**Strategy (1)** Target accuracy and timeliness of data

**Activity (1.1)** Monitor officer's accuracy in data entry and timeliness in uploading laptop inspections.

**Fiscal Year 2005 (By quarters) / (October 1, 2004 to December 31, 2004)**

**Timeliness of Uploads – Inspection Data 10/01/2004 – 11/30/2004**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 6 days	Inspection Upload – 8 days

**Non-Match Inspections**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 1.8%	Inspection Upload – N/A

**Timeliness of Uploads – Accident Data 10/01/2004 – 11/30/2004**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 73 days	Inspection Upload – 34 days

**Non-Match Inspections**

<u>Nebraska</u>	<u>National</u>
Inspection Upload – 0.0%	Inspection Upload – N/A

**(January 1, 2005 to March 31, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	1.98 days
b. Average for Carrier Enforcement Paper Reports	10.52 days
c. Average for Nebraska State Patrol Traffic Paper Reports	16.52 days
d. Overall Average for ALL Reports	14.86 days
e. The average from MCMIS Report generated shows a 7 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 79 days
b. This indicates an increase in the time for about 3 days from last period.	

**(April 1, 2005 to June 30, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	1.7 days
b. Average for Carrier Enforcement Paper Reports	10.1 days
c. Average for Nebraska State Patrol Traffic Paper Reports	23 days
d. Overall Average for ALL Reports	13.2 days
e. The average from MCMIS Report generated shows a 7 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 42 days
b. This indicates an increase in the time for about 40 days from last period.	

**(July 1, 2005 to September 30, 2005)**

**Timeliness of Inspection Uploads**

a. Average for Electronic Reports	2.15 days
b. Average for Carrier Enforcement Paper Reports	8.16 days
c. Average for Nebraska State Patrol Traffic Paper Reports	17.62 days
d. Overall Average for ALL Reports	4.42 days
e. The average from MCMIS Report generated shows a 5 day average.	

**Timeliness of Accident Uploads**

a. Average for Accident Report Uploads	was 32 days
b. This indicates an increase in the time for about 32 days from last period.	



**B) National Program Elements / v) Data Collection and Reporting**  
**Continued**

**Activity (1.2) Maintain the upkeep of equipment involved in the Laptop process.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

The Nebraska State Patrol / Carrier Enforcement Division has just finished issuing thirty (30) new Dell D-600 laptops with Canon i-80 printers to the portable units and designated sergeants. The ability to print using wireless Bluetooth configuration has proven to be an excellent asset to the officers. The Canon i-80 printer battery, coupled with Bluetooth, enables cable-less printer usage in all work environments. The Dell manufactured / vehicle lighter adapters have also reduced the radio interference that was caused by the 300 watt power inverters. Twelve (12) new Dell desktop computers (which are used for roadside inspections) were installed at the various fixed scale sites, replacing the old desktops. The newest versions of the roadside inspection software, McRegis III, Nebraska Criminal & Traffic Law, and other applications are being utilized at all portable and fixed sites.

**(January 1, 2005 to March 31, 2005)**

The new D-600 Dell laptops have been fully deployed and updated with all the latest FMCSA applications.

**(April 1, 2005 to June 30, 2005)**

The portable inspection computer equipment has been maintained in excellent working condition. Upgrades are continuously being conducted by dropping their systems off to the IT Office when in Lincoln. IT Division visits remote sites and main weight stations throughout the State. The critical files from Microsoft are primary. The various software applications from FMCSA, which are the Dell drivers and virus scan data files, are upgraded, and then the hard drive is defragged.

**(July 1, 2005 to September 30, 2005)**

All laptop equipment is still fairly new and is in excellent working condition. All upgrades and updates to the O/S are integrated or applied as soon as possible. All new FMCSA software is being installed at the Hebron old scale for the two S/A C/R investigators who use it for their primary office. It has already shown excellent speed in transferring large files and speeding up the investigative reporting process for the NSP/Carrier Enforcement Division.

**Activity (1.3) Upload inspections as processed, within 7 days for electronic reports and within 21 days for paper reports.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

Nebraska strives to maintain a minimal amount of time for uploading inspections. A portion of inspections are completed on paper, which increases our upload time to 6 days, well within the 30 day time frame.

**(January 1, 2005 to March 31, 2005)**

Nebraska is well within proposed limits as shown by paragraph 1.1 for inspection uploads.

**(April 1, 2005 to June 30, 2005)**

Uploaded all inspections as processed (see Act 1.1 above)

**(July 1, 2005 to September 30, 2005)**

During this period only 4% of the inspections by the Carrier Enforcement Division were done on paper. (537 vs. 11,291 electronic)

**Activity (1.4) Work closely with Department of Roads to reduce accident data uploads in 64 days.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

There was an increase from 64 days upload to 73 days. ITS have discussed the increase on Timeliness with Department of Roads. DOR have assured us they will try to improve the timeliness process. DOT will continue to keep up on all Commercial Motor Vehicle accidents first before entering Non-Accident Commercial Motor Vehicles.

**(January 1, 2005 to March 31, 2005)**

Nebraska is losing ground on accident data uploads; slipping from 76 to 79 days.

**(April 1, 2005 to June 30, 2005)**

See Activity 1.1 above for details.

**(July 1, 2005 to September 30, 2005)**

Department of Roads has revised their procedures to ensure that the CMV accidents get top priority in data entry, which gets the data files to us much faster. This quarter the average time dropped all the way down to 32 days.

**B) National Program Elements / v) Data Collection and Reporting**  
**Continued**

**Strategy (2) Education**

**Activity (2.1) Conduct Aspen Training with hands-on instruction to all new officers.**  
**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

No activity during the first quarter, due to no new officers hired at this time.

**(January 1, 2005 to March 31, 2005)**

No activity at this time.

**(April 1, 2005 to June 30, 2005)**

No activity at this time.

**(July 1, 2005 to September 30, 2005)**

No activity at this time.

**Activity (2.2) Provide Training on ISS/Safestat scoring scheme to all officers.**  
**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

No activity during the first quarter, due to no new officers hired at this time.

**(January 1, 2005 to March 31, 2005)**

No activity at this time.

**(April 1, 2005 to June 30, 2005)**

No activity at this time

**(July 1, 2005 to September 30, 2005)**

No activity at this time.

**Activity (2.3) Work with Field Systems Group and Volpe Center on program problems.**  
**Fiscal Year 2005 (By quarters)**

**(October 1, 2004 to December 31, 2004)**

Nebraska works closely with the Volpe Center and Field Systems Groups. This consist of reporting errors on all roadside enforcement, and Safetynet applications by utilizing the Federal Motor Carrier Safety Administration website for problems and solution. This quarter ITS utilized the Volpe Center about 20 times for various problems.

**(January 1, 2005 to March 31, 2005)**

Nebraska State Patrol, Carrier Enforcement IT Personnel work closely with the Volpe Center on any errors or bugs found in any of the FMCSA applications. This is done by either opening a trouble call on their website, phoning in the problem or sending an e-mail if not urgent. Nebraska worked hard with the Volpe Center to find out why some Capri users could upload and others could not. The problem was solved by the Volpe Center after about weeks of e-mailing files back and forth with them.

**(April 1, 2005 to June 30, 2005)**

ITS had 3-4 contacts quarterly with the Volpe Center for tech support on new issues in the new Safetynet or Censes databases.

**(July 1, 2005 to September 30, 2005)**

NSP volunteered to beta test Aspen, ISS, PIQ, Safetynet 3.1, CAPRI, PROVU, CASERITE, UFA, and the new VPN/UAS combination – check password. The vehicle inspection software was tested extensively at the Waverly I-80 scales on 8 workstations. Safetynet 3.1 was tested on 9 workstations in the Lincoln office, and Capri was tested on 1 laptop. The findings were helpful to the programmers at the Volpe Center in making minor adjustments to their communications modules. Major adjustments like the routing of inspections and missing questions in Capri. ITS felt it was very worth while to be involved in the Beta Test Program with the Volpe Center because it gave NE a real incite to the new changes and how they would affect NSP.



## **B) National Program Elements / v) Data Collection and Reporting (Continued)**

**Strategy (3)** Update computer equipment as needed to remain current with the continually changing MCSAP Information Systems

**Activity (3.1)** Update 5 desktop and 1 workstation computers as needed for Carrier Enforcement MCSAP Staff.

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

Nebraska Carrier Enforcement installed a new server which is dedicated to Safetynet only. This separated the servers; Safetynet Server, Application Server (for Lotus notes, MS-Office, McRegis III, PC Miler, and all other applications), and a Print Server. MCSAP Staff continues to utilize excellent, well maintained, and up to date computer systems.

**(January 1, 2004 to March 31, 2004)**

Nebraska continues to replace MCSAP & Carrier Enforcement computers on a 3-4 year schedule. The least used desktops are held for 4 years, where the greatest used desktops get replaced at 3 years. This is a continuing process with 11 Carrier Enforcement desktops due after July 2005, and 3 MCSAP staff desktops being replace between April and May, 2005.

**(April 1, 2004 to June 30, 2004)**

Updated 5 desktops and 1 workstation computer as needed for Carrier Enforcement MCSAP Staff. New desktops were purchased for the Data Records Technician, MCSAP Administrative Assistant, and Hazmat Coordinator. Two of the old Dell workstations were sent out to the field to replace the very old Dell GX1p desktops, at two of the small scales at Hebron and Waverly Rt6. The GX1p's were over 5.5 years old and the workstations are just over 4 years old. These are not extensively used systems so the IT Division attempts to extend the cost of ownership by using the better, older replaced computers far past their warranty expirations, and as long as they will continue to run the software.

**(July 1, 2004 to September 30, 2004)**

During this period, all new FMCSA software has been distributed and is in the process of being installed. Safetynet 3.1 is installed at the Lincoln Office, and the Roadside Inspection software and the Investigative S/A C/R software is being installed. Waverly Rt-80 Scales, Fremont Scales, Nebraska City Scales, Hebron Expressway Scales, North Platte Rt I-80 Scales, and a few portable laptops have been updated at the time of this writing. (10/27/05)

**Activity (3.2)** Update Laptop computers as needed for Portable Units.

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

Information systems presently have the hardware required to maintain Carrier Enforcement and MCSAP systems. ITS, continues to upgrade software applications such as Crystal Reports and Adobe Acrobat 6.0, Antivirus, etc.

**(January 1, 2004 to March 31, 2004)**

Nebraska State Patrol, Carrier Enforcement IT Personnel, takes great pride in keeping all software up to date on the portable units. This is accomplished by making announced trips to selected scale sites that have either T-1 or High Speed Wireless connectivity to the internet and the NSP network. Troopers bring their laptops in for upgrading when getting their vehicles or electronics repaired.

**(April 1, 2004 to June 30, 2004)** All laptop software is current as of this time period.

**(July 1, 2004 to September 30, 2004)**

Laptops are currently being updated with new FMCSA vehicle inspection software/ O/S updates and are expected to be completed well within FMCSA's time frame or cut-off date.

**Activity (3.3) Update support equipment as needed for Information Systems.**

**Fiscal Year 2005 (By quarters)**

**(October 1, 2003 to December 31, 2003)**

A new APC Smart UPS was purchased for the Waverly I-80 Westbound Scale to replace the old one which blew up and was not repairable. This UPS handles the server, switches, routers, and some of IRD's WIM data converters.

**(January 1, 2004 to March 31, 2004)**

The NSP IT Personnel have excellent support from Carrier Enforcement supervisors in purchasing and upgrading their support equipment such as, the Hard Drive Duplicator, CD-RON Publisher, spare parts, portable printers and USB hard drives.

**(April 1, 2004 to June 30, 2004)** All laptop software is current as of this time period.

**(July 1, 2004 to September 30, 2004)**

The Carrier Enforcement/MCSAP IT business unit is presently well supported with the proper equipment to do the assigned tasks.

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Compiled by June Rost