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NEBRASKA PUBLIC SERVICE COMMISSION



MOTOR CARRIER RULES AND REGULATIONS

NEBRASKA ADMINISTRATIVE CODE

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001. GENERAL:

001.01 Definitions: The definitions found in Neb. Rev. Stat. §75-302 (Cum. Supp. 2000) apply to these rules. In addition to those definitions, the following apply to this chapter, unless the context otherwise requires:

001.01(A) Commission: The Nebraska Public Service Commission.

001.01(B) Driver: Any person who operates a motor vehicle.

001.01(C) Limousine: A vehicle used to provide limousine service.

001.01(D) NPSC Plate: A license plate which is issued by the Commission to holders of Commission authority.

001.01(E) Premium Fare: A rate based on an hourly rental of not less than one (1) hour at a scheduled rate which shall be set, and periodically reviewed, by the Commission and which shall include a minimum rental of not less than one hour. A mileage charge may be assessed for the transportation of the vehicle only for such time before and after the transportation is provided and only in addition to the minimum hourly charged as provided by this definition.

001.02 Matter to Be Set For Hearing: All matters that require a hearing shall be set for hearing at the earliest practicable date and in no event, except for good cause shown, shall the time fixed for hearing be more than six (6) months after the date of the filing of the petition. Any application that is not set for hearing as set forth above shall be dismissed.

001.03 Requirements for an Effective Authority:

001.03(A) The following requirements must be fulfilled no later than forty-five (45) days following the date an authority is granted by the Commission:

001.03(A)(i) Filing of proposed rates or subscribing to the Household Goods Mover Tariff;

001.03(A)(ii) Filing of Commission required insurance documents; and

001.03(A)(iii) Payment of Annual Fees

001.03(B) An authority issued by the Commission is not effective until the requirements of subsection have been fulfilled.

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001.03(C) If after forty-five (45) days an applicant has not fulfilled the requirements of subsection 001.03A above, the Commission's grant of authority shall be considered null and void.

002. OPERATIONS RULES:

002.01 Unauthorized Operations: Unless specifically exempted by statute, a regulated motor common or contract carrier of passengers or household goods shall not operate any motor vehicle on any public highway in this state except in accordance with state law and these rules. A motor common or contract carrier of household goods or passengers shall not operate upon any public highway without first having obtained from the Commission a certificate or permit of authority and shall not operate except in compliance with the terms and conditions and restrictions of the authority or permit. A motor common or contract carrier does not avoid the jurisdiction of the Commission by engaging in a lease. No carrier, without first obtaining written Commission approval, shall:

002.01(A) Fail to operate over its entire certificated route.

002.01(B) Discontinue in any part service authorized.

002.01(C) Serve any part of its certificated route by interline agreement with another carrier.

002.01(D) Fail to confine its operations to those authorized under its certificate or permit.

002.02 Rates: Each regulated motor carrier shall charge and collect rates, issue and deliver freight bills, and obtain receipts showing delivery of shipments carried, as prescribed by the Commission in its effective Motor Vehicle Tariffs, schedule of charges, and supplements.

002.03 Deviations from Routes: A carrier which has received authority from the Commission to operate only along a designated route may not deviate from their authorized route unless such route has been redesignated, relocated or temporarily closed, when such route has been obstructed by any natural or other cause over which the regulated motor carrier has no control, or when a detour has been designated by the Department of Roads, law enforcement, or an authorized agency of a political subdivision of the state.

002.04 Schedules: Schedules containing the actual rates or charges of such carrier for the transportation of passengers or household goods in intra-state commerce shall be filed with and approved by the Commission, published and kept open for public inspection. In the event that such rates are changed after a permit is issued, the carrier shall file a new schedule with the Commission ten (10) days before the effective date of such rates or charges.

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003. CLASSIFICATIONS: Pursuant to Neb. Rev. Stat. §75-304 (Supp. 2015), the Commission determines that the following classifications of motor carriers are necessary or desirable in the public interest. All certificates and permits issued by the Commission shall be construed and interpreted, and the operations authorized shall be tested and determined in accordance with these classifications.

003.01 Service Classifications: Every applicant for common or contract transportation shall designate the type of transportation service re-quested from the classifications found in this section and shall further designate whether (1) such service as requested shall be provided as a common carrier or as a contract carrier and, if a contract carrier, the persons or entities contracted with; (2) the service, if granted, shall be provided over (a) a regular route which route shall be described in the application or (b) an irregular route which territory the applicant seeks to provide transportation which shall be described, and (3) any other restrictions shall be applicable. An applicant who desires to transport railroad train crews and their baggage or clients of the Nebraska State Department of Health and Human Services or any con-tractors of the Department shall make specific application for such authority.

003.01(A) Bus service shall consist of the following elements: (1) the business of carrying passengers and their baggage (2) by bus or van (3) either by charter or regular route (4) either prearranged or scheduled service (5) at a fare approved and on file with the Commission. Bus service may be hired on a charter or special party basis.

003.01(A)(i) Scheduled service means service by any regulated motor carrier who undertakes to transport passengers and their baggage in intrastate commerce by motor vehicle for compensation between fixed termini and over a specific highway or highways upon an established or fixed schedule.

003.01(A)(ii) Charter service means transportation of groups of seven or more persons who collectively contract for transportation on a particular trip paying one lump sum.

003.01(A)(iii) Special party service means the transportation of a group or groups of one or more persons who individually contract for transportation to a common destination with each person paying an individual sum.

003.01(B) Household goods moving service shall consist of all of the following elements: (1) the business of carrying personal effects and property used, or to be used, in a dwelling when the transportation of such effects or property is (2) arranged and paid for (3) by any party and (4) includes transportation of property from a factory, manufacturer, or store when the property is purchased with the intent to use such property in a dwelling.

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003.01(C) Limousine service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle (2) along a route under the control of the person who hired the vehicle and not over a defined regular route (3) on prearranged and not on a demand basis (4) at a premium fare.

003.01(D) Open class service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle (2) along the most direct route between the points of origin and destination or along a route under the control of the person who hired the vehicle and not over a defined regular route (3) at a mileage based, per trip fare, or an hourly rate.

003.01(D)(i) In calculating charges for transportation, a carrier charging a mileage based fare may use only the actual loaded mileage traveled by the vehicle to transport such passengers. Mileage based charges may not be augmented or enhanced through any calculation that does not reflect actual mileage traveled.

003.01(E) Taxicab service shall consist of all of the following elements: (1) the business of carrying passengers for hire by a vehicle, subject to the provisions of Rule 010.02 (2) along the most direct route between the points of origin and destination or a route under the control of the person who hired the vehicle and not over a defined regular route (3) on a prearranged or demand basis (4) at a metered mileage based or per trip fare according to the provisions of Rule 010.02H (5) commencing within and/or restricted to a defined geographic area.

003.02 Restrictions: In addition to the other applicable Motor Carrier Rules in this chapter, the following provisions apply to all classes of service unless otherwise specifically provided in these rules:

003.02(A) The Commission, based on the record before it in an application proceeding, may restrict the transportation of passengers by type of vehicle, geographic territory, commencement point or termination point, or any other lawful factor which the Commission may determine is necessary or reasonable and in the public interest. Covenants not to compete or similar agreements that restrict the proposed service or the geographic territory of a proposed service that the Commission finds are not in the public interest will not be considered lawful and will not be approved in an application proceeding.

003.02(B) No carrier shall transport railroad crews or their baggage absent a special designation from the Commission giving such carrier the authority to transport such crews and their baggage

003.02(C) No carrier shall transport passengers under contract with the Nebraska Department of Health and Human Services or any subcontractors of the Department of

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Health and Human Services absent specific authorization from the Commission. In order to receive such authorization, the applying carrier must demonstrate that such authorization is or shall be required by the present or future convenience and necessity separate and apart from the present or future convenience and necessity demonstrated on the underlying certificate of authority. Authorization to transport HHS clientele shall not be available or granted to carriers that only have limousine service authority.

003.03 Classifications for Purposes of Required Insurance: The following classifications are established for the purpose of determining insurance requirements for vehicles operated under authority from the Commission. Operators of motor vehicles are required to carry the minimum levels of financial responsibility as prescribed. Operators shall also comply with all applicable insurance regulations as found in Rule 006 of this chapter.

003.03(A) Regulated carriers of household goods are required to carry liability insurance of not less than seven hundred and fifty thousand dollars (\$750,000.00) plus cargo insurance of not less than five thousand dollars (\$5,000.00) of coverage.

003.03(B) Carriers of passengers in vehicles with a rated seating capacity of sixteen (16) passengers or more as originally manufactured or as currently modified are required to carry liability insurance of not less than five million dollars (\$5,000,000.00) of coverage.

003.03(C) Carriers of passengers in vehicles with a rated seating capacity of fifteen (15) passengers or less are required to carry liability insurance of not less than one million, five hundred thousand dollars (\$1,500,000.00) of coverage.

003.03(D) Regulated motor carrier of passengers by taxicab are required to carry liability insurance of not less than five hundred thousand dollars (\$500,000.00) of coverage.

004. FEES AND IDENTIFICATION:

004.01 Application Fee: An application fee approved annually by the Commission shall be payable by the applicant at the time of filing an application. This application fee shall not apply to any person who contracts for transportation services with the Nebraska Department of Health and Human Services or any agency organized under the Nebraska Community Aging Services Act who is not required to hold a certificate from the Commission pursuant to the provisions of Neb. Rev. Stat. sections 75-303.01 and 75-303.02 (Cum. Supp. 2000).

004.02 Annual Fees: After notice and public hearing, a fee approved annually by the Commission shall be remitted for each motor vehicle operated by each regulated motor carrier. The fee shall not exceed the amount allowed under Nebraska statutes. A fee approved annually by the Commission shall be remitted by each regulated motor carrier for each truck-trailer or tractor-trailer combination operated. Such annual fees are due and payable by every regulated motor carrier on the first day of January of each year, and is

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delinquent on the first day of March of that year. If the initial certificate or permit is issued to a motor carrier on or after July 1, the fee shall be fifty percent of the annual fee.

004.03 Identification Cards: The following provisions concerning identification cards apply to all motor carriers:

004.03(A) Issuance: The Commission shall issue annually, without additional charge, an identification card for each motor vehicle, upon payment of an annual fee, and upon compliance with all statutory requirements and rules and regulations of the Commission. The card shall contain the certificate or permit number issued by the Commission, the name and address of the holder, and other information as the Commission may require. Upon replacement or addition of any vehicle, a new identification card shall be obtained by the regulated motor carrier by application to the Commission and the previously issued identification card shall be surrendered to the Commission.

004.03(B) Display: No motor vehicle subject to Commission jurisdiction shall be operated without an identification card, protected from defacement, in the driver's cab.

004.04 PSC Plates: The following provisions concerning PSC plates shall apply to all regulated motor carriers:

004.04(A) Issuance: The Commission shall issue PSC plates to motor carriers who have complied with all statutory requirements and rules and regulations of the Commission, and who have completed and filed a copy of the forms furnished by the Commission to provide a detailed description for each unit for which a PSC plate is required.

004.04(B) Display: No vehicle shall be operated without the secure attachment of its PSC plate in the following manner:

004.04(B)(i) On passenger carrying units, at the rear of the vehicle, and easily legible from the rear.

004.04(B)(ii) On power units on any portion of the front part, preferably to the regular vehicle license so as to be easily read from the front.

004.04(B)(iii) On straight trucks and vehicles with no more than two axles on either the front or rear so as to be easily legible.

004.04(C) Transfer: A transferee or lessee of a certificate or permit may use the PSC plates of the transferor or lessor for the remainder of the calendar year, without payment of an additional fee for use of the plates, upon approval in writing by the Commission after the transferee or lessee has applied to the Commission for the approval, and has given the Commission a full, written description of the equipment or vehicle to which the

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PSC plates are to be transferred and any other relevant information requested by the Commission. The plates shall be used only on the specific equipment or vehicle to which they are assigned.

004.04(D) Loss: If a plate is lost or destroyed, such loss or destruction shall be reported to the Commission within forty-eight (48) hours after the discovery of such loss or destruction. A substitute plate may be obtained upon making request for such plate, upon filing an affidavit with the Commission setting forth the time, place and circumstances surrounding the loss or destruction, and upon payment of a fee approved annually by the Commission.

004.04(E) Return of Plates: Upon suspension, cancellation, or revocation of a certificate or permit, or upon sale, transfer, or other disposition of equipment or vehicles to which a PSC plate has been assigned, the plates shall be returned to the Commission within ten days, except if such plate has been transferred to a transferee or lessee in accordance with these rules.

004.05 Door Displays: The following provisions concerning door displays shall apply to all regulated motor carriers except to those carriers providing limousine service.

004.05(A) Contents: The name, or trade name, of the carrier under whose authority the vehicle is being operated, and the Commission application number assigned to the operating authority, excluding supplement numbers, shall be displayed on both doors or sides of each powered vehicle. If the name of any person other than the operating carrier appears on a vehicle, the name of the operating carrier shall be followed by the information required in this section and be preceded by the words "operated by". Additional identification may be displayed if it is consistent with the above requirements.

004.05(B) Size and Color: Each door display shall be legible at all times. The application number shall be readily legible, during daylight hours, from a distance of 50 feet (15.24 meters) while the vehicle is stationary. The color scheme of the display shall be in distinct contrast to the background color of the vehicle.

004.05(C) Removal: Any numeral or letter painted on equipment in accordance with this section shall be removed by the carrier when possession or ownership changes, or when a different carrier operates such equipment.

005. SAFETY REGULATIONS:

005.01 Minimum Qualifications: Each person driving a motor vehicle subject to the Commission's jurisdiction shall possess the following minimum qualifications:

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005.01(A) Sound physical and mental condition with no mental, nervous, organic, or functional disease or structural defect or limitation likely to interfere with safe driving.

005.01(B) Adequate sight which shall include vision with visual acuity of at least 20/40 (Snellen) in each eye either without corrective lenses, or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70 degrees in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green and amber. Persons who require corrective lenses to meet the minimum sight requirement must wear such lenses while operating the motor vehicle.

005.01(C) Adequate hearing which includes hearing of not less than 10/20 in the better ear for conversational tone without a hearing aid.

005.01(D) Freedom from the use of narcotics or illegal drugs.

005.01(D)(i) Pre-employment drug and alcohol testing shall be required of all drivers transporting railroad personnel. The testing shall be done for alcohol and controlled substances as provided by 49 CFR Parts 40 and 382 as such regulations existed on January 1, 2013.

005.01(D)(ii) A driver shall be qualified to drive if the alcohol test results indicate an alcohol concentration of zero (0) and the controlled substance test results indicate a verified negative result.

005.01(D)(iii) A driver shall be disqualified to drive if the alcohol and controlled substance test results are not in compliance with 49 CFR Parts 40 and 383; or if the driver refuses to provide a specimen for testing; or if the driver submits an adulterated, diluted or substituted sample for the tests to be performed.

005.01(E) Eighteen 18 years of age.

005.01(F) Possession of a valid operator's license appropriate for the vehicle being operated.

005.01(G) Ability to read, speak and understand the English language.

005.02 Medical Certificate: Each motor carrier shall have on files a certificate of physical examination signed by a licensed physician or a licensed physician's assistant for every driver in its employment, attesting that the physician or licensed physician's assistant has examined the driver to meet the requirements in 005.01. Such certification shall be renewed

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no less than every two years. Physical certificates obtained pursuant to federal regulations shall meet the requirements of this section.

005.03 Background Check: Each operator of a motor vehicle subject to the Commission's jurisdiction shall be subject to a criminal background check submitted to the Commission.

005.04 Impaired Alertness: No person shall operate a motor vehicle while such operator's alertness is impaired by fatigue, illness, or other causes.

005.05 Hours of Service: No motor carrier shall permit or require any driver employed by such motor carrier to drive nor shall any such driver drive (1) more than twelve (12) hours following eight (8) consecutive hours off duty or (2) for any period after having been on duty sixteen (16) hours following eight (8) consecutive hours off duty.

005.06 A logbook, (Form MCS-59), as required by the United States Department of Transportation in Section 395.8 of the Federal Motor Carrier Safety Regulations, shall be maintained by each driver traveling more than one hundred (100) air road miles from the garage or terminus at which such driver reports for work.

005.07 Filing: The original copy of each day's logbook sheet for each over-the-road driver shall be kept on record at the home office or base of operations of each motor carrier in the State of Nebraska for not less than one year. The copies shall be filed according to the date of the logbook sheet. All filings shall be available for examination by the Commission.

005.08 Inspection of Vehicles: The Commission may at any time, but at least annually, inspect or cause to be inspected any vehicle subject to its jurisdiction. The inspections may be conducted at any place except that inspections of passenger carrying vehicles shall not impede or delay the schedule upon which the vehicle is operating. The Commission may at any time enter the operating premises of the carrier or into such vehicles as may be operated by the carrier to ascertain whether any statute, rule, or regulation has been violated.

005.09 Minor Defects in Equipment: Minor defects in equipment that are not likely to endanger life or property may be corrected by maintenance staff of the carrier. When the defects have been corrected, the carrier, or its agent, shall notify the Commission that corrections have been made.

005.10 Major Defects: If the Commission finds that a motor vehicle under its jurisdiction is unsafe or poses a significant risk to public safety, it may order the carrier to take the vehicle out of service and marked as out of service until repairs have been made and the vehicle had been re-inspected by Commission personnel.

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005.11 Appeal By Carrier: A carrier, when notified by the Commission that a motor vehicle has been declared and marked "Out Of Service" under the provisions of subsection 005.10 may, before the close of the first business day following the date of such notice, appeal by sending notice, by facsimile or in person to the Commission. Upon receipt of such appeal notice, the Director of the Transportation Department of the Commission shall arrange for the assignment of an inspector to re-inspect or cause to have re-inspected such vehicle within twenty-four (24) hours from date of receipt of the appeal which shall include only those normal hours of operation for the Commission. If upon re-inspection, the motor vehicle is found in safe condition and to pose no significant risk to public safety, the Commission shall notify the carrier by telephone or facsimile that the vehicle is no longer out of service and that the motor vehicle may be put into service without further delay. If, upon re-inspection, the vehicle is found to be in an unsafe condition or that the vehicle still poses a significant risk to public safety, the Commission shall notify the carrier who owns and operates the vehicle that the appeal of the finding placing the vehicle out of service is dismissed. The vehicle may not be placed back into service until the necessary repairs have been made and an inspection finds that the vehicle is no longer unsafe or poses a significant risk to public safety and the Commission certifies in writing that the vehicle can be placed back into service.

006. INSURANCE COVERAGE:

006.01 Minimum Amounts of Coverage: Unless otherwise provided in a certificate of public convenience and necessity or permit issued by the Commission, each motor carrier shall have liability coverage at any time for any one accident, by insurance, surety bond, self insurance, or a combination thereof, in the minimum as required by Rule 003.03.

006.02 In addition to the requirements for minimum insurance as provided in Rule 003.03, all carriers of passengers shall also carry uninsured and underinsured motorist coverage with a minimum limit of one hundred thousand (\$100,000) per person, three hundred (\$300,000) aggregate per accident coverage.

006.03 All motor carrier insurance required to be filed with the Commission shall be continuous in nature, subject to cancellation by the insurer or the insured within thirty (30) days written notice to the Commission. Insurance for a specified term (e.g. six months or one year) shall not be acceptable to meet the motor carrier insurance requirements of these Rules.

006.04 Proof of adequate coverage by insurance or bond shall be made by filing a uniform motor carrier insurance filing or a uniform motor carrier surety bond filing in lieu of the policy of insurance or surety bond. Such filing may be made electronically in a manner designated by the Director of Transportation of the Commission. Upon receipt by the Commission of a paper filing, which shall be in triplicate, one copy shall be returned to the home office of the

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insurance or surety company, one copy shall be forwarded to the insured, and the original will be retained by the Commission.

006.05 Types of Filings: Insurance filings shall be made on the following designated forms unless the Director of Transportation shall specifically authorize another type of filing:

006.05(A) All liability insurance filings shall be either Form E, entitled: Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance.

006.05(B) All liability surety bond filings shall be Form G, entitled: Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond.

006.05(C) All cargo insurance filings shall be Form H, entitled: Uniform Motor Carrier Cargo Certificate of Insurance.

006.05(D) All cargo surety bond filings shall be Form J, entitled: Uniform Motor Carrier Cargo Surety Bond.

006.05(E) All insurance cancellation filings shall be Form K, entitled: Uniform Notice of Cancellation of Motor Carrier Insurance Policies.

006.05(F) All surety bond cancellations filings shall be Form L, entitled: Uniform Notice of Cancellation of Motor Carrier Surety Bonds.

006.06 Each insurance policy or bond shall be written in the full and correct name of the individual, partnership, corporation, limited liability company or other person as shown on the insured's certificate or permit. All partners in a partnership shall be named in the policy or bond.

006.07 Motor carrier insurance required under these rules shall provide:

006.07(A) The liability of the insurance company shall extend only to the insured named in the policy and its employees or lessees notwithstanding any clause in the policy providing for additional insured.

006.07(B) The liability of the insurance company shall not be affected by any provision in the policy or the endorsement thereon or violation thereof by the insured, or by the financial condition of the insured.

006.07(C) The insurance company shall be liable whether the loss, damage, injury or death occurs on the route or in the territory authorized to be served by the insured or elsewhere in the state.

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006.07(D) The insurance company shall be liable within the limits of liability as set out in section 003.03 and its subsections of these rules, regardless of whether the motor vehicles or termini, warehouses or other facilities used in connection with the transportation of the cargo are specifically described in the policy or not.

006.07(E) The insurance company shall pay, within the limits of liability set out in section 003.03 and its subsections of these rules, any final judgment recovered against the insured for bodily injury to, or death of, any person, except employees of insured while engaged in the course of their employment, or loss or damage to property of others, except property leased or rented by the insured, which results from negligent operation, maintenance, or use of motor vehicles under the certificates of public convenience and necessity, or permit issued to the insured by the Commission.

006.07(F) The liability of the insurance company on each vehicle shall be a continuing one notwithstanding any recovery under the schedule of limits set out in section 006.05.

006.07(G) No provision contained in the policy or endorsement thereon, or violation thereof by the insured, shall affect in any way the right of any shipper or consignee to relieve the insurance company from liability for the payment of any claim for which the insured may be held legally liable to compensate shippers or consignees, irrespective of the financial condition of the insured.

006.08 Each policy of insurance or surety bond issued pursuant to these regulations shall be endorsed by authorized personnel of such company.

006.09 Policies of insurance, surety bonds, and the certificates and endorsements thereof shall not be canceled and liability shall not cease until after thirty (30) days written notice by the insurer has been given to the Commission. Such thirty (30) day period shall commence on the date the cancellation filing, as set out in section 006.05 is received by the Commission.

006.10 No insurance policy or surety bond shall be accepted by the Commission unless written by a company which has been granted a certificate of authority by the Department of Insurance of the State of Nebraska; or which is a properly registered risk retention group as authorized under the federal Liability Risk Retention Act and the state's Risk Retention Act, provided that when a carrier is, after diligent effort, unable to obtain an insurance policy or surety bond from an authorized company, such carrier may obtain a policy or bond from a non-admitted company pursuant to the Surplus Insurance Act.

006.11 A carrier may apply to qualify as a self-insurer by furnishing the Commission a true and accurate statement of its financial condition and any other evidence required by the Commission which shall establish to the Commission's satisfaction, the ability of the carrier to meet the requirements of section 003.03 and its subsections without adversely affecting

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the carrier's financial stability. Such self-insurance shall become effective only upon the written approval of the Commission and shall be subject to review at the Commission's discretion.

006.12 The Commission may require any carrier qualifying as a self-insurer to deposit securities, in any amount up to the requirements set by section 003.03 and its subsections, with any financial institution within this state.

006.13 Any carrier may withdraw its qualifications as self-insurer, upon written notice to the Commission and compliance with the provisions of section 006.04.

006.14 The Commission may revoke its approval of any insurance policy, surety bond, or qualification as a self-insurer, if, in its judgment, such security no longer complies with these regulations, or fails to provide satisfactory or adequate protection for the public.

007. ACCOUNTING AND STATISTICAL INFORMATION:

007.01 Business Records Retention and Inspection: Each carrier shall, for a period of one (1) year, maintain copies of records related to the movement of passengers or household goods. All such records shall be available to the Commission for inspection.

007.02 Notification of change of address or contact information: All carriers shall inform the Commission of changes in address or contact information.

008. LEASING AND INTERCHANGE OF EQUIPMENT:

008.01 Scope: Common or contract carriers may engage in leasing only as provided by these rules. Failure to observe the provisions of a lease or its preparation shall be a violation of these rules. Leases filed with the Commission in accordance with these rules shall be retained by the Commission, the Lessor, and the Lessee for not less than three years after cancellation of such lease.

008.02 Leasing Equipment: Common or contract carriers may lease equipment which they do not own to augment their existing equipment, other than that exchanged between motor carriers in interchange service, only under the following conditions:

008.02(A) Each lease for the use of equipment shall:

008.02(A)(i) Be made between the lessor and lessee;

008.02(A)(ii) Be in writing and signed by the parties thereto, or their duly authorized agents;

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008.02(A)(iii) Specify the time period for which the lease applies and the time, date, or circumstance on which the lease begins and ends, the duration of which shall coincide with the time for giving receipts for the equipment or the vehicles as required by these rules.

008.02(A)(iv) Specify the compensation to be paid by the lessee for the equipment or vehicle.

008.02(A)(v) Provide for the exclusive possession, control, and use of the equipment or vehicle, and for the complete assumption of responsibility in respect thereto by the lessee for the duration of the lease, or otherwise may be assigned by the lessee, in writing, to an independent contractor who shall operate equipment under the lessee's authority.

008.02(A)(vi) Provide that the lessee shall be responsible for carrying the insurance required by the Commission not withstanding any agreement between the parties that the lessor shall hold the lessee harmless and provide certain insurance covering the lessee.

008.02(A)(vii) Be approved by the Commission.

008.02(A)(viii) Be executed in quadruplicate, with all copies filed with the Commission to be stamped for approval. One copy shall be retained by the Commission and the other three returned to the lessee of which the lessee shall retain one, carry one copy on the equipment or vehicle and send the remaining copy to the lessor for retention.

008.02(B) Notwithstanding the provision of rule 008.02E, a common or contract carrier lessee of equipment or vehicles may subsequently lease that leased equipment or vehicle to another common or contract carrier without being in violation of these rules if the subsequent lease also conforms to the provisions of this section.

008.02(C) When possession of equipment is taken by lessee, the lessee shall give to the lessor a receipt specifically identifying the equipment and stating the date and time of day possession is taken. When the possession by the lessee ends, the lessee shall obtain from the lessor a receipt specifically identifying the equipment and stating the date and time of day possession is taken.

008.02(D) It shall be the duty of the lessee before taking possession of equipment or vehicle, to inspect the same in order to ensure that the equipment complies with the safety regulations of section 005 of these rules. The person making the inspection shall certify the results thereof in a report which shall be retained by the lessee for the duration of the lease. When equipment other than a power unit is leased, any form of

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report applicable to such equipment or vehicle may be used. If the inspection discloses that the equipment or vehicle does not comply with the requirements of section 005 of these rules, possession shall not be taken. In all instances in which inspection is made, the lessee shall certify on the report that the person making the inspection is competent and qualified to make such inspection as a representative of the lessee.

008.02(E) The lessee shall identify the leased equipment or vehicle during the duration of the lease. Before relinquishing possession of the equipment or vehicle to the lessor, the lessee shall remove any PSC plates or other signs displayed on such equipment or vehicle showing it as the operating carrier. When a power unit owned by a lessor holding operating authority from the Commission is leased, the PSC plates and the cab card belonging to the lessor may remain on or in the power unit.

008.02(F) Before any person other than a regular employee of the lessee is assigned to drive the equipment or vehicle operated under these rules, the lessee shall make certain that the driver is familiar with, and that employment does not result in any violation of section 005 of these rules. The driver shall furnish to the lessee a certificate of physical examination in accordance with section 005.03 of these rules.

008.02(G) Each lessee who uses equipment or vehicle under these rules shall prepare and retain for one year, a document covering each trip for which the equipment or vehicle is used. This document shall contain the name and address of the lessor, the point of origin, the commodity carried, if any, the time and date of departure, the point of final destination, and the lessee's certificate or permit number which has been affixed to the equipment or vehicle. Bills of lading, way-bills, freight-bills, manifests, or other paper identifying the lading shall be carried on the equipment or vehicle during use. Copies of these documents shall be kept by the lessee for not less than three (3) years.

008.02(H) The use of leased equipment shall not change operations or the relations of the parties involved as they relate to the jurisdiction and control of the Commission. The lessee shall continue to remain responsible to the Commission and shall answer to the Commission for the performance of its common or contract carrier's responsibilities and for the conduct of any of the drivers with whom it has a lease.

008.03 Interchange of Equipment: For the purposes of this section, the common or contract carrier leasing the equipment to another common or contract carrier is referred to as the transferor, and the common or contract carrier which takes possession of the equipment shall be referred to as the transferee. Common or contract carriers may interchange equipment with one or more common or contract carriers only under the following conditions:

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008.03(A) Written Agreement: The written contract, lease or other arrangement providing for interchange, hereinafter, the written agreement, shall specify in a readily apparent manner that it is an interchange agreement and shall:

008.03(A)(i) Describe specifically the equipment to be interchanged and specify the point or points at which the interchange is to occur.

008.03(A)(ii) Specify the use to be made of the equipment and the consideration for the use.

008.03(A)(iii) Be signed by the parties to the written agreement or their duly authorized agents.

008.03(A)(iv) Be executed in quadruplicate, with all copies filed with the Commission to be stamped for approval. One copy shall be retained by the Commission and the other three returned to the transferee. The transferee shall retain one copy for itself, carry one copy on the equipment and send the remaining copy to the transferor for retention.

008.03(B) In order to engage in the interchange of equipment, the certificates or permits held by transferee and transferor must authorize the transportation of the commodities proposed to be transported and must authorize service from and to the point where the physical interchange occurs.

008.03(C) Traffic transported under interchange service shall move by means of through bills of lading issued by the originating carrier, and the rates charged and revenues collected must be accounted for in the same manner as if there had been no interchange of equipment. Charges for the use of the equipment shall be kept separate and distinct from the divisions of the joint rates or the proportions thereof accruing to the carriers.

008.03(D) The transferee shall have the equipment inspected in the manner provided for in section 008.02D of these rules. Equipment which does not comply with the safety regulations shall not be operated until the defects have been corrected.

008.03(E) A common or contract carrier which operates a power unit in interchange service as the transferee shall identify such equipment in accordance with these rules. Upon completion of the interchange agreement, the transferee shall remove any PSC plate, legend, or signs showing the transferee as the operating carrier before relinquishing possession of the equipment.

008.03(F) A PSC plate need not be purchased by the transferee if the PSC plate purchased for the power unit by the transferor remains on the power unit.

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008.03(G) The transferee of equipment on a through movement involving two or more carriers shall be considered the owner of the equipment for the purpose of leasing the equipment for movement to destination or return to the originating carrier.

009. BUSES: The following provisions pertain only to carriers providing bus service as defined in rule 003.01A et seq.:

009.01 Refusal to Carry: No driver of any vehicle which transports passengers shall refuse to carry any person offering himself or herself for carriage at any time at any regular stopping place who tenders the regular fare to any regular stopping place on the route of such carrier, or between the termini of the route, unless at the same time of such offer the vehicle is fully occupied or unless the person tendering such fare is intoxicated or acting in a disorderly manner.

009.02 Trailers: Unless specifically authorized in writing by the Commission, no carrier shall transport passengers in a vehicle with any trailer or other vehicle attached, except in a case where a vehicle has become disabled while on a trip and is unable to run on its own power, such disabled vehicle may be towed to a point where repair facilities are available.

009.03 Aisles: Drivers shall at all times keep the aisles from front to rear of their buses free from obstructions of any kind, and shall not permit passengers to ride on any other part of the vehicle other than the seats while the vehicle is in motion except in an emergency. Passengers shall not be allowed in front of a two inch (2") wide white line which shall be painted on the floor of each vehicle immediately behind the driver's seat. Each vehicle shall have a notice visible at the front of the vehicle that passengers must remain behind the white line.

009.04 Heat: Vehicles used to transport passengers shall be equipped with a heating system sufficient to keep the vehicle comfortable for its passengers.

009.05 Lighting: Vehicles shall be equipped with lights of not less than two candle power within the vehicle and so arranged as to light up the whole of the interior except that portion occupied by the driver.

009.06 Emergency Exit Doors: All vehicles with a seating capacity of eight (8) or more passengers shall have emergency exits either in the form of push out windows, or a door on the opposite side of the vehicle entry or at the rear of the vehicle. The door shall be equipped with a latch which may be readily operated in an emergency. There shall be no obstructions, either inside or outside, which would prevent the door from being opened. The exits shall be easily accessible to passengers.

009.07 Timetables: Each carrier who transports passengers in regular scheduled service shall file with the Commission prior to commencing operations, a timetable or schedule

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showing the time of arrival or departure of its vehicles at each point of the route and the number of trips made daily. When any change is made in the table or schedule, a new table or schedule shall be filed with the Commission. All time schedules and revisions shall be filed with the Commission not less than ten (10) days prior to the proposed effective date unless otherwise authorized by the Commission. No time schedule or revision shall be effective until approved by the Commission.

009.08 Charter Service and Special Party Service: The following provisions apply only to charter service and special party service as designated.

009.08(A) No charter or special party service shall be conducted between the same points or over the same route so frequently as to be construed as a regular or scheduled service.

009.08(B) Special party service shall not be conducted between points on the route of another route so frequently as to be construed as a regular or scheduled service.

009.08(C) Carriers holding certificates restricted to charter service or sightseeing operations shall be prohibited from conducting special party operations.

009.08(D) Each vehicle used in charter or special party service shall be so designated by a sign on the front of the vehicle used for such service.

009.08(E) Each carrier conducting charter or special party service shall file with the Commission a tariff of rates for the transportation of parties and charges for dead head mileage which shall be approved by the Commission prior to implementation. The tariff shall also indicate at which points the carrier has equipment available for charter party service. No equipment shall be held out as available at any non-authorized point.

010. PROVISIONS APPLICABLE TO TRANSPORTATION OF PASSENGERS: The following provisions shall be applicable to the transportation of passengers as designated within this section.

010.01 Provisions Applicable to All Classifications of Passenger Transportation: In addition to the other applicable Motor Carrier rules in this chapter, the following provisions shall be applicable to all classifications of service for the transportation of passengers:

010.01(A) Vehicle Title: All vehicles shall be owned by, and registered in, the name of the certificate holder, except that the certificate holder may engage in equipment leasing as provided by these rules.

010.01(B) If a person applies for carriage and is willing and able to tender the fare, each operator shall convey such person to the person's destination unless:

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010.01(B)(i) The passenger is in such condition of uncleanliness that carriage in the vehicle would be a violation of any law.

010.01(B)(ii) The behavior of the passenger is such that the person poses a safety risk to the operator, other passengers, or the vehicle is in danger of being damaged

010.01(B)(iii) The point of origin or destination or immediate approach is impassable or dangerous.

010.01(C) In addition to complying with the minimum qualifications for driving a motor vehicle subject to Commission jurisdiction, all operators shall:

010.01(C)(i) Be competent to conduct the applicable transportation service safely and courteously.

010.01(C)(ii) Not smoke inside the vehicle.

010.01(C)(iii) Shall be within the ages of twenty-one (21) and seventy (70) except that the Commission may waive the maximum age limit for an operator who is over seventy (70) if the carrier desiring to employ the operator can show that the operator is insurable, has no medical or other disability which prevents him or her from safely operating the vehicle and has a satisfactory driving record. Any such waiver shall be in writing and renewed annually. Any application for waiver or renewal shall be accompanied by a medical certificate required by rule 005.02.

010.01(D) Each carrier shall retain articles left in vehicles by passengers for not less than thirty (30) days. Upon request from any passenger, the carrier shall make a reasonable search for any article believed to have been left in a vehicle.

010.01(E) Trip Log: All carriers shall maintain a trip log which shall contain the information prescribed in this section. Such log shall be completed following the delivery of the passenger to his or her destination and signed by the driver. The Commission may, upon application and written approval, allow for electronic filing and storing of the information required in this section provided that all of the information herein prescribed is included except that the full name of the driver may be filed in place of the signature. All records required by this section shall be retained by the carrier for a period of two (2) years from the date of the transportation of the passenger.

010.01(E)(i) The log shall contain the following information:

010.01(E)(i)(1) The name of the individual engaging or hiring the vehicle and his or her address.

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010.01(E)(i)(2) The address of the point where the passenger was picked up and the point of destination and the times they occurred.

010.01(E)(i)(3) The amount charged and collected.

010.01(E)(ii) The address of the point where the passenger was picked up and the point of destination and the times they occurred.

010.01(E)(iii) The amount charged and collected.

010.01(F) Receipt: Upon demand of any passenger, a receipt for services shall be given at the time of payment. Such receipt shall contain the name of the company, the name of the operator, the vehicle fleet number, the total amount paid, and the date of payment.

010.01(G) Complaints: Every vehicle shall have a notice posted, clearly legible and visible from the passenger compartment, which reads:

"DIRECT COMPLAINTS REGARDING THE OPERATION
OF THIS VEHICLE TO:

The Nebraska Public Service Commission
300 The Atrium, 1200 N Street
Lincoln, Nebraska 68508
1-800-526-0017 (Nebraska)
1-402-471-3101 (Lincoln)"

010.02 Provisions Applicable Only to Those Carriers Providing Taxicab Service: The following provisions apply only to those carriers who are authorized to provide taxicab service:

010.02(A) If a person applies for carriage and is willing and able to tender the fare, the operator shall convey such person to his or her destination subject to rule 010.01B, or unless the vehicle is already engaged.

010.02(B) Operators may solicit passengers only at taxicab stands established by the city, while seated in the driver's seat, or while standing beside the vehicle. Passengers shall not be solicited by outcries or hawking.

010.02(C) Carriers shall comply with all applicable municipal ordinances relating to the qualification of taxicab operators which are not in conflict with these rules.

010.02(D) The number of passengers carried by a vehicle shall not exceed seven persons, including the driver, or the rated capacity of such vehicle as prescribed by the maker of the vehicle, whichever is smaller. Whenever any vehicle is occupied by a fare-paying passenger, the operator shall not permit any other person to occupy the vehicle

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except with the consent of the fare-paying passenger. Passengers shall be informed of this provision by a card, posted inside the vehicle, stating the schedule of rates and charges for the vicinity in which the vehicle is operated and in the following form:

"FOR YOUR PROTECTION:

You, as the first passenger in this taxicab, are the one to decide who shall ride with you. Unless it is at your request or with your consent, this cab driver is prohibited by law from accepting additional passengers. Schedule of rates authorized for taxicabs operating in (Name of Town) is (Copy from commission order setting rates for that vicinity).

(Name of Company)"

010.02(E) Each vehicle shall be operated over the most direct route from point of passenger pickup to the point of destination of passengers.

010.02(F) Each carrier shall have its full or trade name and assigned application number permanently placed on each side of the vehicle in letters at least two inches (2") high. The word "taxicab" shall also appear conspicuously on the sides of the vehicle unless the word "cab", "taxi" or "taxicab" is included within the name of the carrier. The fleet number of each vehicle shall be displayed in figures not less than two inches (2") high in the forward part of the passenger compartment and also on the sides and rear of each vehicle. None of the markings described in this rule shall be placed on any glass or on the bumper of the vehicle.

010.02(G) Each vehicle shall be equipped with:

010.02(G)(i) A dome light within the passenger compartment of the vehicle capable of being turned on or off by passengers, or controlled by operation of the doors.

010.02(G)(ii) An identity light attached to the top of the vehicle. The light shall be in one unit consisting of an illuminated plate or cylinder upon which is printed the word "taxicab", "taxi", "cab", "for hire", or the owner's trade name. The size of such light shall not exceed eight inches (8") in height nor twenty-three inches (23") in length. Loaded or bug lights may be attached to the upper portion of a vehicle. If used, such lights shall be smaller than the identity light and shall be illuminated when the vehicle is engaged.

010.02(H) A carrier which operates in municipalities of fifteen thousand (15,000) persons or more, as determined by the official U.S. Census, or between municipalities not more than five (5) miles apart, whose aggregate population exceeds fifteen thousand (15,000) persons, shall equip its vehicles with taximeters. The Commission may, at any time,

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require any carrier operating in any community of less than fifteen thousand (15,000) persons to equip its vehicles with taximeters. Taximeters are subject to the following specifications:

010.02(H)(i) No taximeter shall be operated without first having been inspected, tested, approved and sealed by the Commission or a duly authorized representative of the taxicab company.

010.02(H)(ii) Each meter shall be sealed during the time the vehicle is in the service of the taxicab carrier. Each meter shall be sealed with either a wire and lead seal bearing the letters "NPSC," or, at the discretion of the Commission representative, with a sticker bearing the letters "NPSC." This seal shall be affixed only by a person duly authorized by the Commission.

010.02(H)(iii) Taximeters shall be mounted and connected to the transmission or speedometer in an approved manner. Where mounted on the dashboard of a vehicle, the meter shall be located so as not to obstruct the view of the operator or cause undue hazard to passengers. All taximeters shall be placed so that the dial or faceplate showing the amount charged is well lighted and readily visible to passengers riding in the vehicle.

010.02(H)(iv) Periodic tests of meters shall be made by the Commission. A meter with an error in registration not exceeding three percent (3%) of the distance covered by each meter drop shall be considered correct and accurate. Otherwise, the requirements for approval of, and methods for, testing the taximeters shall conform to specifications established by the National Bureau of Standards.

010.02(H)(v) After a meter has been tested, approved and sealed, a different tire size shall not be affixed to the vehicle without re-testing the meter.

010.02(I) Each vehicle shall be equipped with a device visible to the public from the outside of the vehicle which indicates whether it is in service or for hire and a device visible to a passenger inside which indicates whether the taximeter is in position to record a fare.

010.02(J) Each operator shall be identified by a card, displayed in full view of the passengers, bearing the name and photograph of the operator and the taxicab carrier's address.

010.02(K) No vehicle shall be equipped with shades, curtains, or window-tinting which shields the occupants or the operator from observation.

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010.03 Provisions That Apply to the Transportation Contractors of the Department of Health and Human Services and Like Agencies: A contractor of the Nebraska Department of Health and Human Services, hereinafter, the Department, or any of the agencies contracting with the Department, or for any agency organized under the Nebraska Community Aging Services Act, who is not certificated or permitted by the Commission providing transportation for the Department or such agencies shall certify on a form provided by the Commission that the provider meets the minimum operator standards, insurance requirements and equipment standards prescribed by the Commission in these rules.

010.03(A) Driver requirements: A Department transportation provider must certify that:

010.03(A)(i) The person is the individual who shall personally drive the vehicle in question.

010.03(A)(ii) The person is at least nineteen (19) years of age or an emancipated minor.

010.03(A)(iii) The person possesses a current operator's permit issued by any state.

010.03(A)(iv) The person has knowledge of Nebraska state and local traffic rules and the rules of the road.

010.03(A)(v) The person has no more than three (3) points assigned against their driver's license.

010.03(A)(vi) The person shall not smoke in the vehicle.

010.03(A)(vii) The person is competent to conduct the service carefully and dependably.

010.03(A)(viii) The person does not use illegal drugs.

010.03(A)(ix) The person is not aware of any mental or physical limitation which would impose a threat to the health or well-being of the passengers.

010.03(B) Insurance: A Department provider must maintain the minimum automobile liability insurance coverage as required by these rules and state law.

010.03(C) Equipment Standards: A Department transportation provider must certify that:

010.03(C)(i) The person has current and valid plates and registration.

010.03(C)(ii) The person shall ensure that each vehicle shall, at all times, be kept in proper physical and mechanical condition including, but not limited to, operable seat

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belts, turn signals, lights and horn, child passenger restraint devices as required by law, and comfortable temperature and ventilation conditions.

010.03(D) Self-Certification: All such self-certification filings shall be made with the Commission and filed for record and be available for public inspection during the regular business hours of the Commission. Such filings shall be continuous in nature unless canceled by the Department.

010.03(E) The Commission shall, upon application of any certificated motor carrier or the Department, hear any dispute between the same with regard to the contested ability of the motor carrier to provide a specific service in a given case. The parties may agree to an informal conference between the carrier, the Department, and the Commission to facilitate a mutually agreeable resolution. If the parties cannot come to an agreement, either party may file a formal complaint with the Commission in a manner provided for in the rules of Commission procedure.

011. VOLUNTARY SUSPENSIONS: Certificated motor carriers seeking to suspend service pursuant to Neb. Rev. Stat. §75-316, must apply for and obtain Commission approval of such suspension. The certificated motor carrier must provide the Commission with an application identifying the certificate of public convenience and necessity held by said motor carrier and setting forth the length of time the carrier wishes to place its authority under voluntary suspension. The Commission may approve the carrier's request for the time period requested for a period not exceeding a twelve (12) month increment. In no event shall the carrier's authority be suspended for more than twenty-four (24) consecutive months.

012. TRANSPORTATION NETWORK COMPANIES:

012.01 Applicability of Rules: The rules and regulations found in Chapter 3, Sections 001 through 015 of Title 291 of the Nebraska Administrative Code shall not apply to transportation network companies. If there is a conflict between Chapter 3, Sections 001 through 015 of Title 291 of the Nebraska Administrative Code and these rules regarding the regulation of transportation network companies, these rules and regulations shall apply.

012.02 Definitions: In addition to other definitions used in this chapter, unless the context otherwise requires, the following definitions apply:

012.02(A) Application open stage means the time period from the moment a participating driver logs on to the transportation network company's online-enabled application or platform until the driver accepts a request to transport a passenger and from the moment the driver completes the transaction on the online-enabled application or platform or the passenger exits the vehicle, whichever is later, until the driver either accepts another ride request on the online-enabled application or platform or logs off the online-enabled application or platform.

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012.02(B) Commission means the Nebraska Public Service Commission.

012.02(C) Engaged stage means the time period from the moment a participating driver accepts a ride request on the transportation network company online-enabled application or platform.

012.02(D) Insurance policy means a policy placed with an authorized Nebraska insurer or with a surplus lines insurer pursuant to Chapter 44 of the Nebraska Revised Statutes.

012.02(E) Participating driver or driver means any person who uses a personal vehicle in connection with a transportation network company's online-enabled application or platform to connect with passengers.

012.02(F) Passenger means a passenger in a personal vehicle for whom a driver provides transportation and who is connected with a driver by a transportation network company's online-enabled application or platform.

012.02(G) Passengers on board stage means the time period when there are passengers in the vehicle pursuant to the driver's participation in a transportation network company.

012.02(H) Personal vehicle means a passenger car as defined in Neb. Rev. Stat. §60-345 that a driver owns, leases or is otherwise authorized to use to provide services on a transportation network company's online-enabled application or platform.

012.02(I) Prearranged ride means a ride in which a participating driver is matched to a passenger through a transportation network company's online-enabled application or platform and does not include the on-demand summoning of a ride or street hail. Prearranged ride does not include shared-expense carpool or vanpool arrangements. Prearranged ride does not include activity by the participating driver to personally solicit passengers or initiate contact with potential passengers.

012.02(J) Service means the provision of transportation by a driver to a passenger with whom a transportation network company matches the driver.

012.02(K) Transportation network company means an organization, including a corporation, a limited liability company, a partnership, a sole proprietor, or any other entity, operating in this state that provides prearranged transportation services for compensation using an online-enabled application or platform to connect passengers with participating drivers using a personal vehicle. Transportation network company does not include Medicaid nonemergency medical transportation brokerage services provided pursuant to a contract with the Department of Health and Human Services.

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012.02(L) Transportation network company insurance means an insurance policy that covers loss arising from a participating driver's use of a personal vehicle in connection with a transportation network company's online-enabled application or platform.

012.03 Unauthorized Operations: Unless exempted by statute, no person shall operate a transportation network company in Nebraska without first having obtained from the Commission a permit to operate as a transportation network company in Nebraska.

012.04 Application Requirements: The application for permit to operate as a transportation network company in Nebraska must be filed on forms provided by the Commission.

012.04(A) The application for a permit shall be in writing, under oath, submitted to the Commission, and accompanied by the fee required under Neb. Rev. Stat. § 75-305(2).

012.04(B) A duly authorized official of the applicant who possesses the full power and authority to make binding representations on the applicant's behalf shall subscribe to the oath on the application.

012.04(B)(i) A participating driver contracting with a transportation network company holding a valid permit from the Commission shall not be required to obtain a permit or certificate from the Commission when driving pursuant to the terms of the contract with the transportation network company.

012.04(C) The application shall contain the following:

012.04(C)(i) The legal name of the applicant;

012.04(C)(ii) Any name under which the applicant will or does conduct business in Nebraska;

012.04(C)(iii) The applicant's primary business address and telephone number;

012.04(C)(iv) A copy of the articles of organization or certificate to transact business in Nebraska;

012.04(C)(v) The name, address, and telephone number of the applicant's registered agent in Nebraska; and

012.04(C)(vi) A statement that the applicant agrees to adhere to the statutes of Nebraska, the rules and regulations of the Commission regulating transportation network companies, and any applicable federal laws, local ordinances and regulations.

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012.04(D) If an applicant is duly certified or permitted to operate a transportation network company in at least one other state, the Commission shall, within sixty (60) days after receiving a complete application, issue a permit to the applicant if the applicant meets the requirements set forth under statute and Commission rules and regulations.

012.04(E) If an applicant is not duly certified or permitted to operate a transportation network company in at least one other state, the Commission shall, within ninety (90) days after receiving a complete application, issue a permit to the applicant if the applicant meets the requirements set forth under statute and Commission rules and regulations. The applicant shall bear the burden of demonstrating that:

012.04(E)(i) The applicant has sufficient financial resources to provide transportation network company services in the proposed service territory;

012.04(E)(ii) The applicant has sufficient technical competency to provide transportation network company services in the proposed service territory; and

012.04(E)(iii) The applicant has sufficient managerial resources to provide transportation network company services in the proposed service territory.

012.04(F) If the Commission finds any information incomplete or inaccurate, the Commission shall notify the applicant and give the applicant the opportunity to complete the application.

012.05 Transportation Network Company Requirements: Every transportation network company shall:

012.05(A) Provide the Commission with its email address and customer service telephone number.

012.05(B) Display for the passenger either a picture of the driver's personal vehicle and a picture of the driver or the license plate number of the driver's personal vehicle on the online-enabled application or platform that a transportation network company uses to connect drivers and passengers.

012.05(C) Maintain an agent for service of process in Nebraska.

012.05(D) Maintain accurate and up-to-date records of all drivers providing services on behalf of the transportation network company, including the vehicle identification number for all personal vehicles to be operated in connection with the transportation network company.

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012.05(E) Implement an anti-discrimination policy that prohibits discrimination by any driver providing service for the company on the basis of race, national origin, religion, gender, physical or mental disability, medical condition, marital status, or age and file the policy with the Commission.

012.05(F) Maintain a website that provides a customer service telephone number or email address of the transportation network company and that provides the telephone number and email address of the Commission.

012.05(G) Establish a driver training program designed to ensure that each driver safely operates his or her personal vehicle prior to the driver being able to offer services on the transportation network company's online-enabled application or platform.

012.05(H) Maintain records required under Neb. Rev. Stat. §§ 75-323 through 75-343 to be collected by the transportation network company, including records regarding participating drivers.

012.05(I) Cooperate with the Commission and any employees, investigators, or duly authorized agents of the Commission in the investigation of complaints received by the Commission from the public or in investigations initiated by the Commission.

012.05(J) Disclose in writing prior to permitting a person to act as a driver that a driver is responsible to know the laws, rules, and regulations that govern the service he or she provides in connection with a transportation network company.

012.06 Prearranged Ride: A participating driver shall not provide a ride unless it is a prearranged ride.

012.06(A) Upon completion of a prearranged ride, a transportation network company shall transmit an electronic receipt to the passenger's email address or online-enabled application documenting the following:

012.06(A)(i) The point of origin and destination of the prearranged ride;

012.06(A)(ii) The total duration and distance of the prearranged ride;

012.06(A)(iii) The total amount paid, if any, including the base fare and any additional charges incurred for distance traveled or duration of the prearranged ride; and

012.06(A)(iv) The driver's first name.

012.07 Rates: Except as otherwise provided by statute or under these rules, a transportation network company shall not be subject to rate regulation by the Commission and shall not be

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subject to provisions relating to rates and charges prescribed in Neb. Rev. Stat. §§ 75-101 to 75-158.

012.07(A) A transportation network company may offer service for compensation, no charge, or suggested compensation.

012.07(B) A transportation network company shall file with the Commission the rates it uses to determine any compensation or suggested compensation on its online-enabled application or platform, including any use of dynamic pricing. The transportation network company shall keep the rate filing current and shall charge rates consistent with the rates it files with the Commission.

012.07(C) The following requirements apply if the transportation network company uses dynamic pricing through its online-enabled application or platform:

012.07(C)(i) The transportation network company's online-enabled application or platform shall provide clear visible indication that dynamic pricing is in effect prior to the passenger requesting a ride.

012.07(C)(ii) The transportation network company's online-enabled application or platform shall include a feature that requires the passenger to expressly confirm that he or she understands that dynamic pricing will be used in order for the ride request to be completed.

012.07(C)(iii) The transportation network company's online-enabled application or platform shall provide a fare estimator that enables the passenger to estimate the cost under dynamic pricing prior to requesting a ride.

012.07(C)(iv) Dynamic pricing shall not be permitted during any state of emergency declared by the Governor.

012.08 Non-compete: A transportation network company shall not require a participating driver to sign an agreement not to compete with the company in order to be matched with passengers through the company's online-enabled application or platform.

012.09 Ownership of Vehicles: A transportation network company shall not own, control, operate, or manage drivers' personal vehicles.

012.10 HHS Authorization: No transportation network company or participating driver shall provide transportation for any person under contract with the Department of Health and Human Services or any contractors of the Department of Health and Human Services without specific authorization from the Commission. In order to receive such authorization, the transportation network company or participating driver shall file an application which

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demonstrates that such service is or will be required by the present or future public convenience and necessity as required under Neb. Rev. Stat. § 75-371.20.

012.11 Drugs and Alcohol Policy: Every transportation network company shall implement, enforce, and maintain a zero-tolerance policy on the use of drugs or alcohol applicable to any driver providing service for the transportation network company that prohibits a driver from using any amount of drugs or alcohol while the driver is providing service.

012.11(A) The transportation network company must provide a copy of the policy to the Commission promptly upon adoption, and provide a copy of any revision to the policy promptly upon adoption.

012.11(B) A transportation network company shall not allow a driver to provide service if the company finds the driver to be in violation of its zero-tolerance policy or if the driver has not successfully completed driver training as required under 012.05G.

012.11(C) The transportation network company shall provide on its website and its online-enabled application or platform notice of the zero-tolerance policy and the procedures to report a complaint about a driver with whom the passenger was matched when the passenger reasonably suspects the driver was under the influence of drugs or alcohol during the course of the prearranged ride.

012.11(C)(i) Upon receiving a complaint, a transportation network company shall immediately suspend the driver against whom the complaint was issued and conduct an investigation of the alleged violation. The suspension shall last for the duration of the investigation.

012.11(D) If the Commission has reasonable cause to believe a transportation network company is not enforcing the zero-tolerance policy filed with the Commission, the Commission shall investigate and, after notice and hearing, may enter an order requiring the transportation network company to enforce such policy, which may include suspension of the participating driver.

012.12 Driver Requirements: A participating driver must possess a valid driver's license, proof of registration, and proof of automobile liability insurance and be at least twenty-one (21) years of age.

012.12(A) Prior to permitting a person to act as a driver, the transportation network company shall obtain and review a national criminal history record information check.

012.12(A)(i) The criminal disposition information retrieved by the transportation network company's national criminal history record information check shall be at least as comprehensive as the criminal disposition information retrieved by a national

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criminal history record information check performed by the Federal Bureau of Investigation pursuant to Neb. Rev. Stat. § 81-6120.

012.12(A)(ii) Fingerprinting is not required as part of the national criminal history record information check.

012.12(B) A person who has four or more moving traffic violations or one or more major traffic violations in the three (3) years prior to the date of the criminal background check shall not serve as a driver. The following offenses shall constitute major traffic violations:

012.12(B)(i) Failure to stop and report or render aid as required under Neb. Rev. Stat. §§ 60-696 or 60-697;

012.12(B)(ii) Reckless driving in violation of any city or village ordinance or of §§ 60-6213, 60-6214, or 60-6217;

012.12(B)(iii) Speeding of more than thirty-five (35) miles per hour over the speed limit; and

012.12(B)(iv) Failure to yield to a pedestrian resulting in bodily injury to a pedestrian.

012.12(C) A person who has been convicted of or pled guilty or nolo contendere to driving under the influence of drugs or alcohol in the previous seven (7) years in this state or any other state or territory prior to the date of the criminal background check shall not serve as a driver.

012.12(D) A person who is required to register as a sex offender or who has been convicted of or pled guilty or nolo contendere to any offense involving fraud, use of a motor vehicle to commit a felony, a crime involving property damage, theft, acts of violence, or acts of terror shall not serve as a driver.

012.13 Hours of Operation: No person shall be a participating driver for a period of more than twelve (12) hours during each twenty-four (24) hour period.

012.14 Vehicle Requirement: In order for a vehicle to be used under these rules, a personal vehicle shall be in compliance with the Motor Vehicle Registration Act as required for a passenger car as defined in Neb. Rev. Stat. § 60-345.

012.15 Inspections: A certified mechanic, who may be employed by a transportation network company, shall perform an initial safety inspection on each personal vehicle prior to approving it for use as a personal vehicle.

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012.15(A) The inspection shall include inspection of at least the following components and as such components shall be in good working order:

012.15(A)(i) Foot brakes;

012.15(A)(ii) Parking or emergency brakes;

012.15(A)(iii) Steering mechanism;

012.15(A)(iv) Windshield;

012.15(A)(v) Rear window and other glass;

012.15(A)(vi) Windshield wipers;

012.15(A)(vii) Headlights;

012.15(A)(viii) Tail lights;

012.15(A)(ix) Turn indicator lights;

012.15(A)(x) Stop lights;

012.15(A)(xi) Front seat adjustment mechanism;

012.15(A)(xii) The opening, closing, and locking capability of doors;

012.15(A)(xiii) Horn;

012.15(A)(xiv) Speedometer;

012.15(A)(xv) Bumpers;

012.15(A)(xvi) Brake Lights;

012.15(A)(xvii) Muffler and exhaust system;

012.15(A)(xviii) Tire conditions, including tread depth;

012.15(A)(xix) Interior and exterior rear-view mirrors; and

012.15(A)(xx) Safety belts for driver and passengers.

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012.15(B) A driver shall annually obtain such an inspection and approval of the driver's personal vehicle in order to continue its use as a personal vehicle. A driver shall maintain proof of the current inspection.

012.15(C) A transportation network company shall make the initial and annual inspection reports available to the Commission upon request.

012.16 Transportation Network Company Insurance: Beginning on September 1, 2015, a transportation network company and a participating driver shall maintain transportation network company insurance as provided.

012.16(A) Unless otherwise specified, the following requirements shall apply to transportation network company insurance during the engaged stage and during the passengers on board stage:

012.16(A)(i) Primary liability coverage in the amount of at least one million dollars (\$1,000,000) for death, personal injury, and property damage; and

012.16(A)(ii) Uninsured and underinsured motorist coverage for both the driver and passengers in the amounts required by the Uninsured and Underinsured Motorist Insurance Coverage Act.

012.16(B) Unless otherwise specified, the following requirements shall apply to transportation network company insurance during the application open stage:

012.16(B)(i) Transportation network company insurance shall be primary and in the amount of at least twenty-five thousand dollars (\$25,000) for death and personal injury per person, fifty thousand dollars (\$50,000) for death and personal injury per incident, and twenty-five thousand dollars (\$25,000) for property damage; and

012.16(B)(ii) Uninsured motorist coverage pursuant to the Uninsured and Underinsured Motorist Insurance Coverage Act.

012.16(C) The requirements for coverage may be satisfied by any of the following:

012.16(C)(i) Transportation network company insurance maintained by a participating driver;

012.16(C)(ii) Transportation network company insurance maintained by a transportation network company; or

012.16(C)(iii) Any combination of the above.

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012.16(D) Prior to permitting a person to act as a driver, a transportation network company shall disclose in writing to each participating driver:

012.16(D)(i) The insurance coverage, the limits of liability, and any deductible amounts that the transportation network company maintains while the driver uses a personal vehicle in connection with a transportation network company's online-enabled application or platform;

012.16(D)(ii) That a driver's personal automobile insurance policy may potentially not provide coverage for damage to the vehicle used by the driver, uninsured and underinsured motorist coverage, and other first-party claims from the moment the driver logs on to the transportation network company's online-enabled application or platform to the moment the driver logs off the transportation network company's online-enabled application or platform.

012.16(D)(ii)(1) The driver should contact his or her insurer or insurance agent in order to determine coverage under his or her personal automobile insurance policy.

012.16(E) The insurer providing transportation network company insurance shall have the duty to defend and indemnify the insured.

012.16(F) An insurance policy required under Neb. Rev. Stat. §§ 75-323 through 75-341 shall be placed with an authorized Nebraska insurer or with a surplus-lines insurer pursuant to Chapter 44 of the Nebraska Revised Statutes.

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

012.16(H) When transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of Neb. Rev. Stat. §§ 75-323 through 75-341 and these rules and regulations has lapsed or ceased to exist, the transportation network company shall provide the coverage required by Neb. Rev. Stat. §§ 75-323 through 75-341 and these rules beginning with the first dollar of a claim.

012.16(I) In order for transportation network company insurance maintained by a transportation network company to meet the requirements of Neb. Rev. Stat. §§ 75-323 through 75-341 and these rules, a certificate of insurance shall be filed with the Commission specifying that on cancellation or nonrenewal of the transportation network company insurance, the insurer must send written notice of the cancellation or

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nonrenewal to the Commission at least thirty (30) days before the effective date of the cancellation or nonrenewal.

012.16(J) Neb. Rev. Stat. §§ 75-323 through 75-341 shall not limit the liability of a transportation network company arising out of an automobile accident involving a participating driver in any action for damages against a transportation network company for an amount above the required insurance coverage.

012.16(K) In the event of a loss involving a personal vehicle used in connection with a transportation network company and if such personal vehicle is subject to a lien, the transportation network company insurance carrier shall make payment for a claim covered under collision physical damage coverage or comprehensive physical damage coverage directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.

012.16(L) The owner of any personal vehicle used in connection with a transportation network company shall have the duty to maintain collision physical damage coverage and comprehensive physical damage coverage for transportation network company activity if the vehicle is required to carry such coverage due to a contractual obligation.

012.16(M) A private passenger automobile insurance policy is not required to provide primary or excess coverage during the period of time from the moment a participating driver logs on to a transportation network company's online-enabled application or platform until the driver logs off the online-enabled application or platform or the passenger exits the personal vehicle, whichever is later.

012.16(N) Notwithstanding any other law, a personal automobile insurer may, at its discretion, offer an automobile insurance policy, or an amendment or endorsement to an existing policy, that covers a private passenger motor vehicle, station wagon type vehicle, sport utility vehicle, or similar type of motor vehicle with a passenger capacity of eight (8) persons or less, including the driver, while used in connection with a transportation network company's online-enabled application or platform only if the policy expressly provides for the coverage during all or the defined portion of the time periods specified in Neb. Rev. Stat. §§ 75-323 through 75-341, with or without separate charge, or the policy contains an amendment or an endorsement to provide that coverage, for which a separately stated premium may be charged. The policy, amendment, or endorsement may include, but not be limited to:

012.16(N)(i) Comprehensive physical damage coverage;

012.16(N)(ii) Collision physical damage coverage;

012.16(N)(iii) Liability coverage for bodily injury and property damage;

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012.16(N)(iv) Medical payments coverage; and

012.16(N)(v) Uninsured and underinsured motorist coverage.

012.16(O) In a claims coverage investigation, a transportation network company or its insurer shall cooperate with insurers that are involved in the claims coverage investigation to facilitate the exchange of information, including the provision of dates and times at which an accident occurred that involved a participating driver and the precise times that the participating driver logged on and off the transportation network company's online-enabled application or platform in the twenty-four (24) hour period preceding the accident.

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

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

012.16(Q)(i) Proof of insurance coverage shall be in any format allowable under Nebraska law.

012.17 Liens:

012.17(A) A transportation network company is required to disclose in writing to any driver planning to use a vehicle which has a lien against it to provide service in connection with a transportation network company that the driver must notify the lienholder at least seven days prior to using the vehicle to provide such service that the driver intends to use the vehicle to provide service in connection with a transportation network company by complying with Neb. Rev. Stat. §§ 75-323 through 75-343 and these rules.

012.17(A)(i) The transportation network company shall make the required disclosure a distinctive part of the driver's terms of service and shall require a separate acknowledgment of this disclosure by each driver by electronic or handwritten signature.

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012.17(B) A driver planning to use a vehicle which has a lien against it to provide service in connection with a transportation network company shall notify the lienholder using a form prescribed by the Commission.

012.17(B)(i) The form shall be signed by the driver prior to filing the form with the lienholder.

012.17(B)(ii) The driver shall file a copy of the signed lienholder notification form as well as proof of receipt of the form to the Commission prior to using the vehicle to provide service in connection with a transportation network company.

012.17(C) A driver planning to use a vehicle which has a lien against it to provide service in connection with a transportation network company shall update his or her lienholder notification form on file with the Commission within thirty (30) days should the driver acquire a lien on a vehicle or change lienholders during the course of his or her employment as a driver with a transportation network company.

012.17(C)(i) The form shall be signed by the driver prior to filing the form with the lienholder.

012.17(C)(ii) The driver shall file a copy of the signed lienholder notification form as well as proof of receipt of the form to the Commission prior to using the vehicle to provide service in connection with a transportation network company.

012.17(D) The Commission shall maintain such records for a maximum of five (5) years.

012.17(E) The Commission shall make such records available to lienholders.

012.18 Records: The Commission or the employees or duly authorized agents of the Commission may, in a mutually agreed-upon setting, inspect any records held by a transportation network company which the Commission determines are necessary to review to ensure public safety, including information obtained pursuant to statute and these rules.

012.18(A) Such inspection of records shall occur no more than once each calendar quarter unless the Commission finds it necessary to inspect such records more frequently. Such inspection shall be conducted on an audit basis rather than a comprehensive basis.

012.18(B) In response to a specific complaint, the Commission may inspect any records held by a transportation network company which the Commission determines are necessary to investigate and resolve the complaint, including information obtained pursuant to statute or these rules.

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012.18(C) Any records obtained or inspected pursuant to these rules shall not be considered public records subject to Neb. Rev. Stat. §§ 84-712 to 84-712.09 and shall not be subject to disclosure by the Commission except when publicly disclosed as evidence in a civil penalty proceeding pursuant to Neb. Rev. Stat. § 75-156 or in a criminal proceeding prosecuted by the state.

012.19 Fees:

012.19(A) Every transportation network company shall pay an annual fee.

012.19(A)(i) The transportation network company may choose to pay either twenty five thousand dollars (\$25,000) or a fee established by the Commission not to exceed eighty dollars (\$80) for each personal vehicle operated by a driver of the transportation network company.

012.19(A)(ii) The Commission shall establish the amount per vehicle on an annual basis so that the amount collected does not exceed the amount actually necessary to sustain the administration and enforcement of laws, rules, and regulations governing transportation network companies.

012.19(B) Annual fees shall be due and payable to the Commission no later than January 1. Such fees shall be paid to and collected by the Commission and remitted to the State Treasurer within thirty (30) days of receipt.

012.19(B)(i) Annual fees shall be delinquent on March 1 of each year after such permit has been issued.

012.19(B)(ii) If the initial permit is issued to a transportation network company on or after July 1, the fee shall be fifty (50) percent of the annual fee.

012.20 Transportation Network Company Regulation Cash Fund:

012.20(A) This section is adopted pursuant to Neb. Rev. Stat. § 75-331.

012.20(B) The Fund shall be used to regulate transportation network companies and enforce Neb. Rev. Stat. §§ 75-321 through 75-343 and these rules and regulations.

012.20(C) The Fund shall contain the fees remitted pursuant to Neb. Rev. Stat. § 75-305.

012.21 Annual Report: The Commission shall electronically provide the Legislature with an annual report before December 31 of each year on the status of the implementation of Neb. Rev. Stat. §§ 75-321 through 75-343. The report shall describe the following:

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012.21(A) The number of permits issued pursuant to § 75-324;

012.21(B) A description of any revocation proceedings involving permits issued under § 75-324;

012.21(C) The number of rides provided by taxicab carriers relative to historical numbers;

012.21(D) The number of taxicabs operated by taxicab carriers relative to historical numbers;

012.21(E) The number of drivers either employed or contracted by taxicab carriers relative to historical numbers;

012.21(F) The number of taxicab carriers authorized by the Commission relative to historical numbers;

012.21(G) Any other information in its possession that the Commission believes will assist the Legislature in evaluating the effectiveness of §§ 75-323 through 75-343. The report shall also address the question of the need for further legislation to achieve the purposes of §§ 75-323 through 75-343.