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DATE: October 22, 1993

SUBJECT: Whether a vehicle with a commercial truck chassis that has been extensively modified at the factory for specific use as a "street sweeper" must be titled and registered in the State of Nebraska.

REQUESTED BY: Senator George Coordsen
 District #32

WRITTEN BY: Don Stenberg, Attorney General
 Paul N. Potadle, Assistant Attorney General

ANSWER: A vehicle with the commercial truck chassis that has been modified for specific use as a "street sweeper" is not subject to being titled and registered in the State of Nebraska.

Discussion:

Neb. Rev. Stat. §§ 60-102 through 60-117 provides the requirements for titling a vehicle in the State of Nebraska. Neb. Rev. Stat. § 60-102 (1992 Cum. Supp.) states that motor vehicle titling laws of the State of Nebraska shall not apply to,

road and general-purpose construction maintenance equipment not designed or used primarily for the transportation of persons or property, including, but not limited to, ditch digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earth moving carry-alls, power shovels, earth moving equipment, crawler trackers, back hose, bulldozers, and front end loaders. (Emphasis added).

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If the commercial truck chassis carrying the street sweeping machine cannot be modified for any other use but a street sweeper, then the vehicle would fall within the exception provided in § 60-102 and would not be required to be titled in the State of Nebraska.

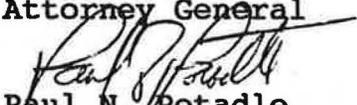
Whether or not a "street sweeper" would be exempt from motor vehicle registration has been addressed by this office in Attorney General Opinion No. 185 dated October 30, 1974. This office found that a vehicle commonly called a "street sweeper" which is used exclusively for the cleaning and maintenance of streets is exempt from motor vehicle registration. The provisions of the motor vehicle registration law provided in Chapter 60, Article 3 of the Nebraska Revised Statutes have changed since 1974, however, Attorney General Opinion, No. 185 holds true yet today. Neb. Rev. Stat. § 60-301(16)(g) (1992 Cum.Supp.) provides that a motor vehicle shall mean,

Any vehicle propelled by any power or other muscular power except road and general-purpose construction and maintenance machinery not designed or used primarily in the transportation of persons or property, including, but not limited to, ditch digging apparatus, asphalt spreaders, bucket loaders, leveling graders, earth moving carry-alls, power shovels, earth moving equipment, crawler trackers, and self-propelled invalid chairs.
(Emphasis added).

If the commercial truck chassis carrying the street sweeping machine cannot be modified for any other use but a street sweeper then the vehicle would appear to fall within the exception provided in § 60-301(16)(g) and would not be required to be a registered motor vehicle in the State of Nebraska.

Sincerely yours,

DON STENBERG
Attorney General


Paul N. Potadle
Assistant Attorney General

Approved by:



Attorney General

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