

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIRST LEGISLATURE  
SECOND SESSION  
**LEGISLATIVE BILL 1092**

Introduced by Lathrop, 12.

Read first time January 21, 2010

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend section 60-2410,  
2 Revised Statutes Cumulative Supplement, 2008; to provide  
3 restrictions on fees for towing services as prescribed;  
4 and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-2410, Revised Statutes Cumulative  
2 Supplement, 2008, is amended to read:

3           60-2410 (1) The owner or other person lawfully entitled  
4 to the possession of any vehicle towed or stored shall be charged  
5 with the reasonable cost of towing and storage fees. The towing  
6 and storage fees shall not be set at a rate that is more than  
7 the amount that the city or county would pay for towing services  
8 from public property under its contract for such services in the  
9 city or county in which the towing occurs. If such city or county  
10 has no such contract, the rate shall not be more than the amount  
11 that a city of the metropolitan class would pay for towing services  
12 from public property under its contract for such services. Any  
13 such towing or storage fee shall be a lien upon the vehicle under  
14 Chapter 52, article 6, and, except as provided in subsection (3) of  
15 this section, shall be prior to all other claims. Any person towing  
16 or storing a vehicle may retain possession of such vehicle until  
17 such charges are paid or, after ninety days, may dispose of such  
18 vehicle to satisfy the lien. The lien provided for in this section  
19 shall not apply to the contents of any vehicle.

20           (2) The person towing the motor vehicle shall, within  
21 thirty days after towing, notify any lienholder appearing on the  
22 certificate of title of the motor vehicle and the owner of the  
23 motor vehicle of the towing of the motor vehicle. The notice  
24 shall be sent by certified mail, return receipt requested, to  
25 the last-known address of the lienholder and owner of the motor

1 vehicle. The notice shall contain:

2 (a) The make, model, color, year, and vehicle  
3 identification number of the motor vehicle;

4 (b) The name, address, and telephone number of the person  
5 who towed the motor vehicle;

6 (c) The date of towing;

7 (d) The daily storage fee and the storage fee accrued as  
8 of the date of the notification; and

9 (e) A statement that the motor vehicle is subject to lien  
10 and disposition by sale or other manner ninety days after the date  
11 of towing under Chapter 52, article 6.

12 (3) Failure to provide notice as prescribed in subsection  
13 (2) of this section shall result in the lien of the person who  
14 towed the motor vehicle being subordinate to the lien of the  
15 lienholder appearing on the certificate of title and render void  
16 any disposition of the motor vehicle by the person who towed the  
17 motor vehicle.

18 Sec. 2. Original section 60-2410, Revised Statutes  
19 Cumulative Supplement, 2008, is repealed.