

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 757

Introduced by Wightman, 36.

Read first time January 06, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to certificates of title; to amend section
2 30-2715, Reissue Revised Statutes of Nebraska; to provide
3 for the transfer of motor vehicles on the death of
4 the owner by designation on a certificate of title; to
5 harmonize provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A person who owns a motor vehicle may
2 provide for the transfer of such vehicle upon his or her death or
3 the death of the last survivor of a joint tenancy with right of
4 survivorship by including in the certificate of title a designation
5 of beneficiary or beneficiaries to whom the vehicle will be
6 transferred on the death of the owner or the last survivor,
7 subject to the rights of all lienholders, whether created before,
8 simultaneously with, or after the creation of the transfer-on-death
9 interest. A trust may be the beneficiary of a transfer-on-death
10 certificate of title. The certificate of title shall include the
11 name of the owner, the name of any tenant-in-common owner or the
12 name of any joint-tenant-with-right-of-survivorship owner, followed
13 in substance by the words transfer on death to (name of beneficiary
14 or beneficiaries or name of trustee if a trust is to be the
15 beneficiary). The abbreviation TOD may be used instead of the words
16 transfer on death to.

17 (2) A transfer-on-death beneficiary shall have no
18 interest in the motor vehicle until the death of the owner or
19 the last survivor of the joint-tenant-with-right-of-survivorship
20 owners. A beneficiary designation may be changed at any time by
21 the owner or by the joint-tenant-with-right-of-survivorship owners
22 then surviving without the consent of any beneficiary by filing an
23 application for a subsequent certificate of title.

24 (3) Ownership of a motor vehicle which has a designation
25 of beneficiary as provided in subsection (1) of this section

1 and for which an application for a subsequent certificate of
2 title has not been filed shall vest in the designated beneficiary
3 or beneficiaries on the death of the owner or the last of
4 the joint-tenant-with-right-of-survivorship owners, subject to the
5 rights of all lienholders.

6 Sec. 2. Section 30-2715, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 30-2715 (a) A provision for a nonprobate transfer on
9 death in an insurance policy, contract of employment, bond,
10 mortgage, promissory note, certificated or uncertificated security,
11 account agreement, custodial agreement, deposit agreement,
12 compensation plan, pension plan, individual retirement plan,
13 employee benefit plan, trust, marital property agreement,
14 certificate of title, or other written instrument of a similar
15 nature is nontestamentary. This subsection includes a written
16 provision that:

17 (1) money or other benefits due to, controlled by, or
18 owned by a decedent before death must be paid after the decedent's
19 death to a person whom the decedent designates either in the
20 instrument or in a separate writing, including a will, executed
21 either before or at the same time as the instrument, or later;

22 (2) money due or to become due under the instrument
23 ceases to be payable in the event of death of the promisee or the
24 promisor before payment or demand; or

25 (3) any property controlled by or owned by the decedent

1 before death which is the subject of the instrument passes to a
2 person the decedent designates either in the instrument or in a
3 separate writing, including a will, executed either before or at
4 the same time as the instrument, or later.

5 (b) This section does not limit rights of creditors under
6 other laws of this state.

7 Sec. 3. Original section 30-2715, Reissue Revised
8 Statutes of Nebraska, is repealed.