

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 206**

Introduced by Wightman, 36.

Read first time January 10, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to personal property; to amend sections 60-1801,  
2 60-1802, 60-1803, 60-1807, 60-1808, 60-1901, 60-1904, and  
3 60-1907, Reissue Revised Statutes of Nebraska; to name an  
4 act; to define terms; to delete obsolete provisions; to  
5 provide for disposition of abandoned camper units; to  
6 provide a penalty; to change provisions relating to  
7 abandoned vehicles; to harmonize provisions; and to  
8 repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-1801, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           60-1801 ~~As used in sections 60-1801 to 60-1808, unless~~  
4 ~~the context otherwise requires, camper~~ (1) Sections 60-1801 to  
5 60-1808 and sections 6 to 16 of this act shall be known and may be  
6 cited as the Camper Unit Permit Act.

7           (2) For purposes of the Camper Unit Permit Act:

8           (a) Camper unit means any structure designed and intended  
9 to be placed on a truck and to provide living quarters and which may  
10 be removed from a truck without dismantling or damage when ordinary  
11 care is exercised. Camper unit does not include a recreational  
12 vehicle as defined in section 60-347~~7~~, or a mobile home as defined in  
13 section 77-3701; -

14           (b) Public property means any public right-of-way,  
15 street, highway, alley, or park or other state, county, or  
16 municipally owned property; and

17           (c) Private property means any privately owned property  
18 which is not included within the definition of public property.

19           Sec. 2. Section 60-1802, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           60-1802 Every owner, except dealers or manufacturers, of  
22 a camper unit which is located within this state for a period of  
23 thirty days or more shall obtain a permit therefor in the manner  
24 prescribed by ~~sections 60-1801 to 60-1808.~~ the Camper Unit Permit  
25 Act. No refund of the permit fee shall be made after a permit has

1 been issued. The permit shall not be transferred to a new owner, and  
2 in case of transfer of ownership of such camper unit, a new permit  
3 must be obtained in the same manner as the original permit was  
4 obtained except for permits authorized in section 7 of this act.

5           Sec. 3. Section 60-1803, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           60-1803 Every owner of a camper unit shall make  
8 application for a permit to the county treasurer ~~or designated county~~  
9 ~~official pursuant to section 23-186~~ of the county in which such owner  
10 resides or is domiciled or conducts a bona fide business, or if such  
11 owner is not a resident of this state, such application shall be made  
12 to the county treasurer ~~or designated county official~~ of the county  
13 in which such owner actually lives or conducts a bona fide business,  
14 except as otherwise expressly provided. Any person, firm,  
15 association, or corporation who is neither a resident of this state  
16 nor domiciled in this state, but who desires to obtain a permit for a  
17 camper unit owned by such person, firm, association, or corporation,  
18 may register the same in any county of this state. The application  
19 shall contain a statement of the name, post office address, and place  
20 of residence of the applicant, a description of the camper unit,  
21 including the name of the maker, the number, if any, affixed or  
22 assigned thereto by the manufacturer, the weight, width, and length  
23 of the vehicle, the year, the model, and the trade name or other  
24 designation given thereto by the manufacturer, if any. Camper unit  
25 permits required by ~~sections 60-1801 to 60-1808~~ the Camper Unit

1 Permit Act shall be issued by the county treasurer ~~or designated~~  
2 ~~county official~~ in the same manner as registration certificates as  
3 provided in the Motor Vehicle Registration Act except as otherwise  
4 provided in ~~sections 60-1801 to 60-1808.~~ the Camper Unit Permit Act.  
5 Every applicant for permit, at the time of making such application,  
6 shall exhibit to the county treasurer ~~or designated county official~~  
7 evidence of ownership of such camper unit. Contemporaneously with  
8 such application, the applicant shall pay a permit fee in the amount  
9 of two dollars which shall be distributed in the same manner as all  
10 other motor vehicle license fees. Upon proper application being made  
11 and the payment of the permit fee, the applicant shall be issued a  
12 permit.

13           Sec. 4. Section 60-1807, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           60-1807 In issuing ~~such~~ camper unit permits or renewals,  
16 the county treasurer ~~or designated county official~~ pursuant to  
17 ~~section 23-186~~ shall neither receive nor accept such application nor  
18 permit fee nor issue any permit for any such camper unit unless the  
19 applicant first exhibits proof by receipt or otherwise (1) that he or  
20 she has paid all applicable taxes and fees upon such camper unit  
21 based on the computation thereof made in the year preceding the year  
22 for which such application for permit is made, (2) that he or she was  
23 the owner of another camper unit or other motor vehicles on which he  
24 or she paid the taxes and fees during such year, or (3) that he or  
25 she owned no camper unit or other motor vehicle upon which taxes and

1 fees might have been imposed during such year.

2 Sec. 5. Section 60-1808, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 60-1808 Any person violating sections 6 to 13 of this act  
5 shall be guilty of a Class II misdemeanor. Any person violating any  
6 of the other provisions of sections ~~60-1801 to 60-1808~~ the Camper  
7 Unit Permit Act shall be guilty of a Class V misdemeanor.

8 Sec. 6. (1) A camper unit is an abandoned camper unit:

9 (a) If left unattended for more than seven days on any  
10 public property;

11 (b) If left unattended for more than seven days on  
12 private property if left initially without permission of the property  
13 owner or if left unattended for more than seven days on private  
14 property after permission of the property owner is terminated;

15 (c) If left unattended and visible to the public for more  
16 than thirty days on private property which is within a municipality  
17 or its extraterritorial zoning jurisdiction and which is not property  
18 zoned for storage of camper units by the applicable municipality or a  
19 junkyard as defined in section 39-2602:

20 (i) With no decal affixed pursuant to section 60-1804; or

21 (ii) In a condition that appears to be partially  
22 dismantled, wrecked, junked, or discarded;

23 (d) If left for more than thirty days in the custody of a  
24 law enforcement agency after the agency has sent a letter to the  
25 last-known owner under section 9 of this act; or

1           (e) If removed from private property by a municipality  
2 pursuant to a municipal ordinance.

3           (2) Nothing in this section limits the authority of a  
4 city or village to regulate nuisances.

5           (3) No camper unit subject to forfeiture under section  
6 28-431 is an abandoned camper unit under this section.

7           Sec. 7. If an abandoned camper unit, at the time of  
8 abandonment, has no decal affixed pursuant to section 60-1804,  
9 ownership shall immediately vest in the local authority or state  
10 agency having jurisdiction thereof as provided in section 10 of this  
11 act. The local authority or state agency may obtain a permit and  
12 decal for such camper unit at no cost to such authority or agency.

13           Sec. 8. (1) Except for camper units governed by section 7  
14 of this act, the local authority or state agency having custody of an  
15 abandoned camper unit shall make an inquiry concerning the last-known  
16 owner of such camper unit to have a permit to the county treasurer of  
17 the county which issued such permit and decal.

18           (2) The local authority or state agency shall mail notice  
19 to the last-known owner, if any, that the unit in question has been  
20 determined to be an abandoned camper unit and that, if unclaimed,  
21 either (a) it will be sold or will be offered at public auction after  
22 five days from the date such notice was mailed or (b) ownership will  
23 vest in the local authority or state agency thirty days after the  
24 date such notice was mailed. Any person claiming such unit shall be  
25 required to pay the cost of removal and storage of such unit.

1           (3) Ownership of an abandoned camper unit, if unclaimed,  
2 shall vest in the local authority or state agency (a) five days after  
3 the date the notice is mailed if the unit will be sold or offered at  
4 public auction under subdivision (2)(a) of this section, (b) thirty  
5 days after the date the notice is mailed if the local authority or  
6 state agency will retain the unit, or (c) if the last-known owner  
7 cannot be ascertained, when notice of such fact is received.

8           (4) After ownership of the abandoned camper unit vests  
9 pursuant to subsection (3) of this section, the local authority or  
10 state agency may retain for use, sell, or auction the abandoned  
11 camper unit. If the local authority or state agency has determined  
12 that the unit should be retained for use, the local authority or  
13 state agency shall, at the same time that the notice, if any, is  
14 mailed pursuant to subsection (2) of this section, publish in a  
15 newspaper of general circulation in the jurisdiction an announcement  
16 that the local authority or state agency intends to retain the  
17 abandoned camper unit for its use and that ownership will vest in the  
18 local authority or state agency thirty days after the publication.

19           Sec. 9. A state or local law enforcement agency which has  
20 custody of a camper unit for investigatory purposes and has no  
21 further need to keep it in custody shall send a certified letter to  
22 the last-known owner stating that the unit is in the custody of the  
23 law enforcement agency, that the unit is no longer needed for law  
24 enforcement purposes, and that after thirty days the agency will  
25 dispose of the unit. This section shall not apply to camper units

1 subject to forfeiture under section 28-431. No storage fees shall be  
2 assessed against the owner of a camper unit held in custody for  
3 investigatory purposes unless the owner or the person in possession  
4 of the unit when it is taken into custody is charged with a felony or  
5 misdemeanor related to the offense for which the law enforcement  
6 agency took the unit into custody. If an owner or the person in  
7 possession of the unit when it is taken into custody is charged with  
8 a felony or misdemeanor but is not convicted, the owner is entitled  
9 to a refund of the storage fees.

10           Sec. 10. If a state agency caused an abandoned camper  
11 unit described in subdivision (1)(d) of section 6 of this act to be  
12 removed from public property, the state agency is entitled to custody  
13 of the camper unit. If a state agency caused an abandoned camper unit  
14 described in subdivision (1)(a), (b), (c), or (e) of section 6 of  
15 this act to be removed from public property, the state agency shall  
16 deliver the camper unit to the local authority entitled to custody.  
17 The local authority entitled to custody of an abandoned camper unit  
18 is the county in which the camper unit was abandoned or, if abandoned  
19 in a city or village, the city or village in which the camper unit  
20 was abandoned.

21           Sec. 11. Any proceeds from the sale of an abandoned  
22 camper unit less any expenses incurred by the local authority or  
23 state agency shall be held by the local authority or state agency  
24 without interest, for the benefit of the owner of such camper unit  
25 for a period of two years. If not claimed within such two-year



1 period, the proceeds shall be paid into the general fund of the local  
2 authority entitled to custody under section 10 of this act or the  
3 state General Fund if a state agency is entitled to custody under  
4 section 10 of this act.

5           Sec. 12. Neither the owner, lessee, nor occupant of the  
6 premises from which any abandoned camper unit is removed, nor the  
7 state, city, village, or county, shall be liable for any loss or  
8 damage to such unit which occurs during its removal or while in the  
9 possession of the state, city, village, or county or its contractual  
10 agent or as a result of any subsequent disposition.

11           Sec. 13. No person shall cause any camper unit to be an  
12 abandoned camper unit as described in subdivision (1)(a), (b), (c),  
13 or (e) of section 6 of this act.

14           Sec. 14. No person other than one authorized by the  
15 appropriate local authority or state agency shall destroy, deface, or  
16 remove any part of a camper unit which is left unattended on public  
17 property without a decal affixed or which is an abandoned camper unit  
18 as described in section 6 of this act.

19           Sec. 15. The last-known owner to have a permit under the  
20 Camper Unit Permit Act for an abandoned camper unit as described in  
21 section 6 of this act shall be liable to the local authority or state  
22 agency for the costs of removal and storage of such unit.

23           Sec. 16. The Director of Motor Vehicles may adopt and  
24 promulgate rules and regulations providing for such forms and  
25 procedures as are necessary or desirable to carry out sections 6 to

1 15 of this act. Such rules and regulations may include procedures for  
2 the removal and disposition of identification numbers of abandoned  
3 camper units, forms for local records for abandoned camper units, and  
4 inquiries relating to ownership of such units.

5           Sec. 17. Section 60-1901, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           60-1901 (1) A motor vehicle is an abandoned vehicle:

8           (a) If left unattended, with no license plates or valid  
9 In Transit stickers issued pursuant to the Motor Vehicle Registration  
10 Act affixed thereto, for more than six hours on any public property;

11           (b) If left unattended for more than twenty-four hours on  
12 any public property, except a portion thereof on which parking is  
13 legally permitted;

14           (c) If left unattended for more than forty-eight hours,  
15 after the parking of such vehicle has become illegal, if left on a  
16 portion of any public property on which parking is legally permitted;

17           (d) If left unattended for more than seven days on  
18 private property if left initially without permission of the owner,  
19 or after permission of the owner is terminated;

20           (e) If left for more than thirty days in the custody of a  
21 law enforcement agency after the agency has sent a letter to the  
22 last-registered owner under section 60-1903.01; or

23           (f) If removed from private property by a municipality  
24 pursuant to a municipal ordinance.

25           (2) An all-terrain vehicle, a utility-type vehicle, or a

1 minibike is an abandoned vehicle:

2 (a) If left unattended for more than twenty-four hours on  
3 any public property, except a portion thereof on which parking is  
4 legally permitted;

5 (b) If left unattended for more than forty-eight hours,  
6 after the parking of such vehicle has become illegal, if left on a  
7 portion of any public property on which parking is legally permitted;

8 (c) If left unattended for more than seven days on  
9 private property if left initially without permission of the owner,  
10 or after permission of the owner is terminated;

11 (d) If left for more than thirty days in the custody of a  
12 law enforcement agency after the agency has sent a letter to the  
13 last-registered owner under section 60-1903.01; or

14 (e) If removed from private property by a municipality  
15 pursuant to a municipal ordinance.

16 (3) A cabin trailer is an abandoned vehicle:

17 (a) If left unattended, with no license plate or valid In  
18 Transit sticker issued pursuant to the Motor Vehicle Registration Act  
19 affixed thereto, for more than six hours on any public property;

20 (b) If left unattended for more than twenty-four hours on  
21 any public property, except a portion thereof on which parking is  
22 legally permitted;

23 (c) If left unattended for more than forty-eight hours,  
24 after the parking of such vehicle has become illegal, if left on a  
25 portion of any public property on which parking is legally permitted;

1           (d) If left unattended for more than seven days on  
2 private property if left initially without permission of the owner,  
3 or after permission of the owner is terminated;

4           (e) If left for more than thirty days in the custody of a  
5 law enforcement agency after the agency has sent a letter to the  
6 last-registered owner under section 60-1903.01;

7           (f) If removed from private property by a municipality  
8 pursuant to a municipal ordinance; or

9           (g) If left unattended and visible to the public in a  
10 condition that appears to be partially dismantled, wrecked, junked,  
11 or discarded for more than thirty days on private property which is  
12 within a municipality or its extraterritorial zoning jurisdiction and  
13 which is not property zoned for storage of cabin trailers or a  
14 junkyard as defined in section 39-2602.

15           ~~(3)-(4)~~ For purposes of this section: sections 60-1901 to  
16 60-1911:

17           (a)(i) Cabin trailer means a trailer or a semitrailer,  
18 which is designed, constructed, and equipped as a dwelling place,  
19 living abode, or sleeping place, whether used for such purposes or  
20 instead permanently or temporarily for the advertising, sale,  
21 display, or promotion of merchandise or services or for any other  
22 commercial purpose except transportation of property for hire or  
23 transportation of property for distribution by a private carrier.  
24 Cabin trailer includes:

25           (A) A camping trailer which is one hundred two inches or

1 less in width and forty feet or less in length and adjusted  
 2 mechanically smaller for towing; and

3 (B) A travel trailer which is not more than one hundred  
 4 two inches in width nor more than forty feet in length from front  
 5 hitch to rear bumper, except as provided in subdivision (2)(k) of  
 6 section 60-6,288; and

7 (ii) Cabin trailer does not mean a trailer or semitrailer  
 8 which is permanently attached to real estate and does not include a  
 9 mobile home or a manufactured home;

10 (b) Motor vehicle has the meaning found in section  
 11 60-123;

12 (a)—(c) Public property means any public right-of-way,  
 13 street, highway, alley, or park or other state, county, or  
 14 municipally owned property; and

15 (b)—(d) Private property means any privately owned  
 16 property which is not included within the definition of public  
 17 property;

18 (e) Vehicle means a motor vehicle, an all-terrain  
 19 vehicle, a utility-type vehicle, a minibike, or a cabin trailer.

20 (4)—(5) No motor vehicle subject to forfeiture under  
 21 section 28-431 shall be an abandoned vehicle under this section.

22 Sec. 18. Section 60-1904, Reissue Revised Statutes of  
 23 Nebraska, is amended to read:

24 60-1904 If a state agency caused an abandoned vehicle  
 25 described in subdivision (1)(e), ~~or~~ (2)(d), or (3)(e) of section

1 60-1901 to be removed from public property, the state agency shall be  
2 entitled to custody of the vehicle. If a state agency caused an  
3 abandoned vehicle described in subdivision (1)(a), (b), (c), or (d),  
4 ~~or (2)(a), (b), or (c), or (3)(a), (b), (c), or (d)~~ of section  
5 60-1901 to be removed from public property, the state agency shall  
6 deliver the vehicle to the local authority which shall have custody.  
7 The local authority entitled to custody of an abandoned vehicle shall  
8 be the county in which the vehicle was abandoned or, if abandoned in  
9 a city or village, the city or village in which the vehicle was  
10 abandoned.

11           Sec. 19. Section 60-1907, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           60-1907 No person shall cause any vehicle to be an  
14 abandoned vehicle as described in subdivision (1)(a), (b), (c), or  
15 (d), ~~or (2)(a), (b), or (c), or (3)(a), (b), (c), or (d)~~ of section  
16 60-1901.

17           Sec. 20. Original sections 60-1801, 60-1802, 60-1803,  
18 60-1807, 60-1808, 60-1901, 60-1904, and 60-1907, Reissue Revised  
19 Statutes of Nebraska, are repealed.