

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 642**

FINAL READING

Introduced by Garrett, 3; Stinner, 48.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend  
2 sections 60-3,122 and 60-3,124, Reissue Revised Statutes of  
3 Nebraska, and sections 37-1214, 37-1278, 60-144, and 60-386, Revised  
4 Statutes Cumulative Supplement, 2014; to change provisions relating  
5 to motorboat, motor vehicle, and trailer registration and titling;  
6 to eliminate a fee for certain license plates; and to repeal the  
7 original sections.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-1214, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 37-1214 (1) Except as otherwise provided in section 37-1211, the  
4 owner of each motorboat shall register such vessel or renew the  
5 registration every three years as provided in section 37-1226. The owner  
6 of such vessel shall file an initial application for a certificate of  
7 number pursuant to section 37-1216 with a county treasurer on forms  
8 approved and provided by the commission. The application shall be signed  
9 by the owner of the vessel, shall contain the year manufactured, and  
10 shall be accompanied by a fee for the three-year period of not less than  
11 twenty dollars and not more than twenty-three dollars for Class 1 boats,  
12 not less than forty dollars and not more than forty-six dollars for Class  
13 2 boats, not less than sixty dollars and not more than sixty-seven  
14 dollars and fifty cents for Class 3 boats, and not less than one hundred  
15 dollars and not more than one hundred fifteen dollars for Class 4 boats,  
16 as established by the commission pursuant to section 37-327.

17 (2) This subsection applies beginning on an implementation date  
18 designated by the Director of Motor Vehicles in cooperation with the  
19 commission. The director shall designate an implementation date on or  
20 before January 1, 2020, for motorboat registration. In addition to the  
21 information required under subsection (1) of this section, the  
22 application for registration shall contain (a) the full legal name as  
23 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle  
24 operator's license number or state identification card number of each  
25 owner, if applicable, and one or more of the identification elements as  
26 listed in section 60-484 of each owner, if applicable, and (ii) if any  
27 owner is a business entity, a nonprofit organization, an estate, a trust,  
28 or a church-controlled organization, its tax identification number.

29 Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,  
30 2014, is amended to read:

31 37-1278 (1) Application for a certificate of title shall be

1 presented to the county treasurer, shall be made upon a form prescribed  
2 by the Department of Motor Vehicles, and shall be accompanied by the fee  
3 prescribed in section 37-1287. The owner of a motorboat for which a  
4 certificate of title is required shall obtain a certificate of title  
5 prior to registration required under section 37-1214.

6 (2)(a) If a certificate of title has previously been issued for the  
7 motorboat in this state, the application for a new certificate of title  
8 shall be accompanied by the certificate of title duly assigned. If a  
9 certificate of title has not previously been issued for the motorboat in  
10 this state, the application shall be accompanied by a certificate of  
11 number from this state, a manufacturer's or importer's certificate, a  
12 duly certified copy thereof, proof of purchase from a governmental agency  
13 or political subdivision, a certificate of title from another state, or a  
14 court order issued by a court of record, a manufacturer's certificate of  
15 origin, or an assigned registration certificate, if the motorboat was  
16 brought into this state from a state which does not have a certificate of  
17 title law. The county treasurer shall retain the evidence of title  
18 presented by the applicant on which the certificate of title is issued.  
19 When the evidence of title presented by the applicant is a certificate of  
20 title or an assigned registration certificate issued by another state,  
21 the department shall notify the state of prior issuance that the  
22 certificate has been surrendered. If a certificate of title has not  
23 previously been issued for the motorboat in this state and the applicant  
24 is unable to provide such documentation, the applicant may apply for a  
25 bonded certificate of title as prescribed in section 37-1278.01.

26 (b) This subdivision applies beginning on an implementation date  
27 designated by the Director of Motor Vehicles. The director shall  
28 designate an implementation date which is on or before January 1, 2020.  
29 In addition to the information required under subdivision (2)(a) of this  
30 section, the application for a certificate of title shall contain (i) the  
31 full legal name as defined in section 60-468.01 of each owner and (ii)(A)

1 the motor vehicle operator's license number or state identification card  
2 number of each owner, if applicable, and one or more of the  
3 identification elements as listed in section 60-484 of each owner, if  
4 applicable, and (B) if any owner is a business entity, a nonprofit  
5 organization, an estate, a trust, or a church-controlled organization,  
6 its tax identification number.

7 (3) The county treasurer shall use reasonable diligence in  
8 ascertaining whether or not the statements in the application for a  
9 certificate of title are true by checking the application and documents  
10 accompanying the same with the records of motorboats in his or her  
11 office. If he or she is satisfied that the applicant is the owner of the  
12 motorboat and that the application is in the proper form, the county  
13 treasurer shall issue a certificate of title over his or her signature  
14 and sealed with his or her seal.

15 (4) In the case of the sale of a motorboat, the certificate of title  
16 shall be obtained in the name of the purchaser upon application signed by  
17 the purchaser, except that for titles to be held by husband and wife,  
18 applications may be accepted by the county treasurer upon the signature  
19 of either spouse as a signature for himself or herself and as an agent  
20 for his or her spouse.

21 (5) In all cases of transfers of motorboats, the application for a  
22 certificate of title shall be filed within thirty days after the delivery  
23 of the motorboat. A dealer need not apply for a certificate of title for  
24 a motorboat in stock or acquired for stock purposes, but upon transfer of  
25 a motorboat in stock or acquired for stock purposes, the dealer shall  
26 give the transferee a reassignment of the certificate of title on the  
27 motorboat or an assignment of a manufacturer's or importer's certificate.  
28 If all reassignments printed on the certificate of title have been used,  
29 the dealer shall obtain title in his or her name prior to any subsequent  
30 transfer.

31 Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and  
3 (d) of this subsection, the county treasurer shall be responsible for  
4 issuing and filing certificates of title for vehicles, and each county  
5 shall issue and file such certificates of title using the vehicle titling  
6 and registration computer system prescribed by the department.  
7 Application for a certificate of title shall be made upon a form  
8 prescribed by the department. All applications shall be accompanied by  
9 the appropriate fee or fees.

10 (ii) This subdivision applies beginning on an implementation date  
11 designated by the director. The director shall designate an  
12 implementation date which is on or before January 1, 2020. In addition to  
13 the information required under subdivision (1)(a)(i) of this section, the  
14 application for a certificate of title shall contain (A) the full legal  
15 name as defined in section 60-468.01 of each owner and (B)(I) the motor  
16 vehicle operator's license number or state identification card number of  
17 each owner, if applicable, and one or more of the identification elements  
18 as listed in section 60-484 of each owner, if applicable, and (II) if any  
19 owner is a business entity, a nonprofit organization, an estate, a trust,  
20 or a church-controlled organization, its tax identification number.

21 (b) The department shall issue and file certificates of title for  
22 Nebraska-based fleet vehicles. Application for a certificate of title  
23 shall be made upon a form prescribed by the department. All applications  
24 shall be accompanied by the appropriate fee or fees.

25 (c) The department shall issue and file certificates of title for  
26 state-owned vehicles. Application for a certificate of title shall be  
27 made upon a form prescribed by the department. All applications shall be  
28 accompanied by the appropriate fee or fees.

29 (d) The department shall issue certificates of title pursuant to  
30 section 60-142.06. Application for a certificate of title shall be made  
31 upon a form prescribed by the department. All applications shall be

1 accompanied by the appropriate fee or fees.

2 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,  
3 or a minibike resides in Nebraska, the application shall be filed with  
4 the county treasurer of the county in which the owner resides.

5 (3)(a) Except as otherwise provided in subdivision (b) of this  
6 subsection, if a vehicle, other than an all-terrain vehicle, a utility-  
7 type vehicle, or a minibike, has situs in Nebraska, the application shall  
8 be filed with the county treasurer of the county in which the vehicle has  
9 situs.

10 (b) If a motor vehicle dealer licensed under the Motor Vehicle  
11 Industry Regulation Act, applies for a certificate of title for a  
12 vehicle, the application may be filed with the county treasurer of any  
13 county.

14 (4) If the owner of a vehicle is a nonresident, the application  
15 shall be filed in the county in which the transaction is consummated.

16 (5) The application shall be filed within thirty days after the  
17 delivery of the vehicle.

18 (6) All applicants registering a vehicle pursuant to section  
19 60-3,198 shall file the application for a certificate of title with the  
20 Division of Motor Carrier Services of the department. The division shall  
21 deliver the certificate to the applicant if there are no liens on the  
22 vehicle. If there are one or more liens on the vehicle, the certificate  
23 of title shall be handled as provided in section 60-164. All certificates  
24 of title issued by the division shall be issued in the manner prescribed  
25 for the county treasurer in section 60-152.

26 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,  
27 2014, is amended to read:

28 60-386 (1) Each new application shall contain, in addition to other  
29 information as may be required by the department, the name and  
30 residential and mailing address of the applicant and a description of the  
31 motor vehicle or trailer, including the color, the manufacturer, the

1 identification number, the United States Department of Transportation  
2 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations  
3 existed on January 1, 2015, and the weight of the motor vehicle or  
4 trailer required by the Motor Vehicle Registration Act. With the  
5 application the applicant shall pay the proper registration fee and shall  
6 state whether the motor vehicle is propelled by alternative fuel and, if  
7 alternative fuel, the type of fuel. The application shall also contain a  
8 notification that bulk fuel purchasers may be subject to federal excise  
9 tax liability. The department shall include such notification in the  
10 notices required by section 60-3,186.

11 (2) This subsection applies beginning on an implementation date  
12 designated by the director. The director shall designate an  
13 implementation date which is on or before January 1, 2020. In addition to  
14 the information required under subsection (1) of this section, the  
15 application for registration shall contain (a) the full legal name as  
16 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle  
17 operator's license number or state identification card number of each  
18 owner, if applicable, and one or more of the identification elements as  
19 listed in section 60-484 of each owner, if applicable, and (ii) if any  
20 owner is a business entity, a nonprofit organization, an estate, a trust,  
21 or a church-controlled organization, its tax identification number.

22 Sec. 5. Section 60-3,122, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 60-3,122 (1) Any person may, in addition to the application required  
25 by section 60-385, apply to the department for license plates designed by  
26 the department to indicate that he or she is a survivor of the Japanese  
27 attack on Pearl Harbor if he or she:

28 (a) Was a member of the United States Armed Forces on December 7,  
29 1941;

30 (b) Was on station on December 7, 1941, during the hours of 7:55  
31 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or

1 offshore at a distance not to exceed three miles;

2 (c) Was discharged or otherwise separated with a characterization of  
3 honorable from the United States Armed Forces; and

4 (d) Holds a current membership in a Nebraska Chapter of the Pearl  
5 Harbor Survivors Association.

6 (2) The license plates shall be issued upon the applicant paying the  
7 regular license fee ~~and an additional fee of five dollars~~ and furnishing  
8 proof satisfactory to the department that the applicant fulfills the  
9 requirements provided by subsection (1) of this section. ~~The additional~~  
10 ~~fee shall be remitted to the State Treasurer for credit to the Nebraska~~  
11 ~~Veteran Cemetery System Operation Fund.~~ Any number of motor vehicles,  
12 trailers, semitrailers, or cabin trailers owned by the applicant may be  
13 so licensed at any one time. Motor vehicles and trailers registered under  
14 section 60-3,198 shall not be so licensed.

15 (3) If the license plates issued pursuant to this section are lost,  
16 stolen, or mutilated, the recipient of the plates shall be issued  
17 replacement license plates upon request and without charge.

18 Sec. 6. Section 60-3,124, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-3,124 (1) Any person who is a veteran of the United States Armed  
21 Forces, who was discharged or otherwise separated with a characterization  
22 of honorable or general (under honorable conditions), and who is  
23 classified by the United States Department of Veterans Affairs as one  
24 hundred percent service-connected disabled may, in addition to the  
25 application required in section 60-385, apply to the Department of Motor  
26 Vehicles for license plates designed by the department to indicate that  
27 the applicant is a disabled veteran. The inscription on the license  
28 plates shall be D.A.V. immediately below the license plate number to  
29 indicate that the holder of the license plates is a disabled veteran.

30 (2) The plates shall be issued upon the applicant paying the regular  
31 license fee ~~and an additional fee of five dollars~~ and furnishing proof



1 satisfactory to the department that the applicant is a disabled veteran.  
2 ~~The additional fee shall be remitted to the State Treasurer for credit to~~  
3 ~~the Nebraska Veteran Cemetery System Operation Fund.~~ Any number of motor  
4 vehicles, trailers, semitrailers, or cabin trailers owned by the  
5 applicant may be so licensed at any one time. Motor vehicles and trailers  
6 registered under section 60-3,198 shall not be so licensed.

7 (3) If the license plates issued under this section are lost,  
8 stolen, or mutilated, the recipient of the plates shall be issued  
9 replacement license plates as provided in section 60-3,157.

10 Sec. 7. Original sections 60-3,122 and 60-3,124, Reissue Revised  
11 Statutes of Nebraska, and sections 37-1214, 37-1278, 60-144, and 60-386,  
12 Revised Statutes Cumulative Supplement, 2014, are repealed.