

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 642

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 37-1214, 37-1278, 60-144, and 60-386, Revised Statutes
- 3 Cumulative Supplement, 2014; to change provisions relating to
- 4 motorboat, motor vehicle, and trailer registration and titling; and
- 5 to repeal the original sections.
- 6 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 shall contain the owner's full legal name as defined in
23 section 60-468.01. The director shall also require the application to
24 contain the owner's motor vehicle operator's license number, state
25 identification card number, or tax identification number and one or more
26 of the owner's identification elements as listed in section 60-484.

27 Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 37-1278 (1) Application for a certificate of title shall be
30 presented to the county treasurer, shall be made upon a form prescribed
31 by the Department of Motor Vehicles, and shall be accompanied by the fee

1 prescribed in section 37-1287. The owner of a motorboat for which a
2 certificate of title is required shall obtain a certificate of title
3 prior to registration required under section 37-1214.

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

24 (b) This subdivision applies beginning on an implementation date
25 designated by the Director of Motor Vehicles. The director shall
26 designate an implementation date which is on or before January 1, 2020.
27 In addition to the information required under subdivision (2)(a) of this
28 section, the application shall contain the owner's full legal name as
29 defined in section 60-468.01. The director shall also require the
30 application to contain the owner's motor vehicle operator's license
31 number, state identification card number, or tax identification number

1 and one or more of the owner's identification elements as listed in
2 section 60-484.

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

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

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

27 Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 60-144 (1)(a) Except as provided in subdivisions (b), (c), and (d)
30 of this subsection, the county treasurer shall be responsible for issuing
31 and filing certificates of title for vehicles, and each county shall

1 issue and file such certificates of title using the vehicle titling and
2 registration computer system prescribed by the department. Application
3 for a certificate of title shall be made upon a form prescribed by the
4 department. All applications shall be accompanied by the appropriate fee
5 or fees.

6 (b) This subdivision applies beginning on an implementation date
7 designated by the director. The director shall designate an
8 implementation date which is on or before January 1, 2020. In addition to
9 the information required under subdivision (1)(a) of this section, the
10 application shall contain the owner's full legal name as defined in
11 section 60-468.01. The director shall also require the application to
12 contain the owner's motor vehicle operator's license number, state
13 identification card number, or tax identification number and one or more
14 of the owner's identification elements as listed in section 60-484.

15 (c) The department shall issue and file certificates of title for
16 Nebraska-based fleet vehicles. Application for a certificate of title
17 shall be made upon a form prescribed by the department. All applications
18 shall be accompanied by the appropriate fee or fees.

19 (d) The department shall issue and file certificates of title for
20 state-owned vehicles. Application for a certificate of title shall be
21 made upon a form prescribed by the department. All applications shall be
22 accompanied by the appropriate fee or fees.

23 (e) The department shall issue certificates of title pursuant to
24 section 60-142.06. Application for a certificate of title shall be made
25 upon a form prescribed by the department. All applications shall be
26 accompanied by the appropriate fee or fees.

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

30 (3)(a) Except as otherwise provided in subdivision (b) of this
31 subsection, if a vehicle, other than an all-terrain vehicle, a utility-

1 type vehicle, or a minibike, has situs in Nebraska, the application shall
2 be filed with the county treasurer of the county in which the vehicle has
3 situs.

4 (b) If a motor vehicle dealer licensed under the Motor Vehicle
5 Industry Regulation Act, applies for a certificate of title for a
6 vehicle, the application may be filed with the county treasurer of any
7 county.

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

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

12 (6) All applicants registering a vehicle pursuant to section
13 60-3,198 shall file the application for a certificate of title with the
14 Division of Motor Carrier Services of the department. The division shall
15 deliver the certificate to the applicant if there are no liens on the
16 vehicle. If there are one or more liens on the vehicle, the certificate
17 of title shall be handled as provided in section 60-164. All certificates
18 of title issued by the division shall be issued in the manner prescribed
19 for the county treasurer in section 60-152.

20 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 60-386 (1) Each new application shall contain, in addition to other
23 information as may be required by the department, the name and
24 residential and mailing address of the applicant and a description of the
25 motor vehicle or trailer, including the color, the manufacturer, the
26 identification number, the United States Department of Transportation
27 number as required by 49 C.F.R. 390.5 and 390.19, as such rule existed on
28 January 1, 2015, and the weight of the motor vehicle or trailer required
29 by the Motor Vehicle Registration Act. With the application the applicant
30 shall pay the proper registration fee and shall state whether the motor
31 vehicle is propelled by alternative fuel and, if alternative fuel, the

1 type of fuel. The application shall also contain a notification that bulk
2 fuel purchasers may be subject to federal excise tax liability. The
3 department shall include such notification in the notices required by
4 section 60-3,186.

5 (2) This subsection applies beginning on an implementation date
6 designated by the director. The director shall designate an
7 implementation date which is on or before January 1, 2020. In addition to
8 the information required under subsection (1) of this section, the
9 application shall contain the owner's full legal name as defined in
10 section 60-468.01. The director shall also require the application to
11 contain (a) the owner's motor vehicle operator's license number, state
12 identification card number, or tax identification number, (b) one or more
13 of the owner's identification elements as listed in section 60-484, and
14 (c) the United States Department of Transportation number as required by
15 49 C.F.R. 390.5 and 390.19, as such rule existed on January 1, 2015.

16 Sec. 5. Original sections 37-1214, 37-1278, 60-144, and 60-386,
17 Revised Statutes Cumulative Supplement, 2014, are repealed.