

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 275

Introduced by Hughes, 44.

Read first time January 11, 2017

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to abandoned vehicles; to amend sections
2 60-1906, 60-1910, and 60-1911, Reissue Revised Statutes of Nebraska,
3 and sections 60-149 and 60-166, Revised Statutes Cumulative
4 Supplement, 2016; to provide duties for law enforcement officers and
5 rights and duties for private property owners; to change liability
6 provisions; to harmonize provisions; and to repeal the original
7 sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-149, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 60-149 (1)(a) If a certificate of title has previously been issued
4 for a vehicle in this state, the application for a new certificate of
5 title shall be accompanied by the certificate of title duly assigned
6 except as otherwise provided in the Motor Vehicle Certificate of Title
7 Act.

8 (b) Except for manufactured homes or mobile homes as provided in
9 subsection (2) of this section, if a certificate of title has not
10 previously been issued for the vehicle in this state or if a certificate
11 of title is unavailable pursuant to subsection (4) of section 52-1801,
12 the application shall be accompanied by:

13 (i) A manufacturer's or importer's certificate except as otherwise
14 provided in subdivision (vii) of this subdivision;

15 (ii) A duly certified copy of the manufacturer's or importer's
16 certificate;

17 (iii) An affidavit by the owner affirming ownership in the case of
18 an all-terrain vehicle, a utility-type vehicle, or a minibike;

19 (iv) A certificate of title from another state;

20 (v) A court order issued by a court of record, a manufacturer's
21 certificate of origin, or an assigned registration certificate, if the
22 law of the state from which the vehicle was brought into this state does
23 not have a certificate of title law;

24 (vi) Documentation prescribed in section 60-142.01, 60-142.02,
25 60-142.04, or 60-142.05; or

26 (vii) A manufacturer's or importer's certificate and an affidavit by
27 the owner affirming ownership in the case of a minitruck.

28 (c) If the application for a certificate of title in this state is
29 accompanied by a valid certificate of title issued by another state which
30 meets that state's requirements for transfer of ownership, then the
31 application may be accepted by this state.

1 (d) If a certificate of title has not previously been issued for the
2 vehicle in this state and the applicant is unable to provide such
3 documentation, the applicant may apply for a bonded certificate of title
4 as prescribed in section 60-167.

5 (2)(a) If the application for a certificate of title for a
6 manufactured home or a mobile home is being made in accordance with
7 subdivision (4)(b) of section 60-137 or if the certificate of title for a
8 manufactured home or a mobile home is unavailable pursuant to section
9 52-1801, the application shall be accompanied by proof of ownership in
10 the form of:

11 (i) A duly assigned manufacturer's or importer's certificate;

12 (ii) A certificate of title from another state;

13 (iii) A court order issued by a court of record;

14 (iv) Evidence of ownership as provided for in section 30-24,125,
15 52-601.01 to 52-605, 60-1901 to 60-1911 and section 3 of this act, or
16 60-2401 to 60-2411; or

17 (v) Assessment records for the manufactured home or mobile home from
18 the county assessor and an affidavit by the owner affirming ownership.

19 (b) If the applicant cannot produce proof of ownership described in
20 subdivision (a) of this subsection, he or she may submit to the
21 department such evidence as he or she may have, and the department may
22 thereupon, if it finds the evidence sufficient, issue the certificate of
23 title or authorize the county treasurer to issue a certificate of title,
24 as the case may be.

25 (3) For purposes of this section, certificate of title includes a
26 salvage certificate, a salvage branded certificate of title, or any other
27 document of ownership issued by another state or jurisdiction for a
28 salvage vehicle. Only a salvage branded certificate of title shall be
29 issued to any vehicle conveyed upon a salvage certificate, a salvage
30 branded certificate of title, or any other document of ownership issued
31 by another state or jurisdiction for a salvage vehicle.

1 (4) The county treasurer shall retain the evidence of title
2 presented by the applicant and on which the certificate of title is
3 issued.

4 Sec. 2. Section 60-166, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 60-166 (1) In the event of (a) the transfer of ownership of a
7 vehicle by operation of law as upon inheritance, devise, or bequest,
8 order in bankruptcy, insolvency, replevin, or execution sale or as
9 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911
10 and section 3 of this act, and 60-2401 to 60-2411, (b) the engine of a
11 vehicle being replaced by another engine, (c) a vehicle being sold to
12 satisfy storage or repair charges, or (d) repossession being had upon
13 default in performance of the terms of a chattel mortgage, trust receipt,
14 conditional sales contract, or other like agreement, the county treasurer
15 of any county or the department, upon the surrender of the prior
16 certificate of title or the manufacturer's or importer's certificate, or
17 when that is not possible, upon presentation of satisfactory proof of
18 ownership and right of possession to such vehicle, and upon payment of
19 the appropriate fee and the presentation of an application for
20 certificate of title, may issue to the applicant a certificate of title
21 thereto. If the prior certificate of title issued for such vehicle
22 provided for joint ownership with right of survivorship, a new
23 certificate of title shall be issued to a subsequent purchaser upon the
24 assignment of the prior certificate of title by the surviving owner and
25 presentation of satisfactory proof of death of the deceased owner. Only
26 an affidavit by the person or agent of the person to whom possession of
27 such vehicle has so passed, setting forth facts entitling him or her to
28 such possession and ownership, together with a copy of the journal entry,
29 court order, or instrument upon which such claim of possession and
30 ownership is founded, shall be considered satisfactory proof of ownership
31 and right of possession, except that if the applicant cannot produce such

1 proof of ownership, he or she may submit to the department such evidence
2 as he or she may have, and the department may thereupon, if it finds the
3 evidence sufficient, issue the certificate of title or authorize any
4 county treasurer to issue a certificate of title, as the case may be.

5 (2) If from the records of the county treasurer or the department
6 there appear to be any liens on such vehicle, such certificate of title
7 shall comply with section 60-164 or 60-165 regarding such liens unless
8 the application is accompanied by proper evidence of their satisfaction
9 or extinction.

10 Sec. 3. (1) A law enforcement officer is authorized to remove or
11 cause removal of an abandoned vehicle from private property and may
12 contact a private towing service for its removal upon the request of the
13 private property owner on whose property the abandoned vehicle is located
14 and upon information indicating that the vehicle is an abandoned motor
15 vehicle.

16 (2) A private property owner is authorized to remove or cause the
17 removal of an abandoned vehicle from such property or to any other place
18 on any private property of the owner and may contact a private towing
19 service for such removal. A private property owner who removes or causes
20 the removal of an abandoned vehicle shall notify, within twenty-four
21 hours, the designated law enforcement agency in the jurisdiction from
22 which the abandoned vehicle is removed and provide the registration plate
23 number, the vehicle identification number, if available, the make, model,
24 and color of the vehicle, and the name of the private towing service and
25 the location, if applicable, where the private towing service is storing
26 the vehicle. An abandoned vehicle towed away under this subsection is
27 subject to section 60-2410 and sections 52-601.01 to 52-605 by the person
28 who towed the vehicle.

29 (3) When removing an abandoned vehicle by a towing service under
30 subsection (1) of this section, the law enforcement officer shall
31 designate the location where the vehicle will be stored.

1 Sec. 4. Section 60-1906, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-1906 Neither the owner, owner's agent, owner's employee, lessee,
4 nor occupant of the premises from which any abandoned vehicle is removed,
5 nor the state, city, village, or county, shall be liable for any loss or
6 damage to such vehicle which occurs during its removal or while in the
7 possession of the state, city, village, or county or its contractual
8 agent, while in the possession of a private towing service, or as a
9 result of any subsequent disposition.

10 Sec. 5. Section 60-1910, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 60-1910 The Director of Motor Vehicles shall adopt and promulgate
13 rules and regulations providing for such forms and procedures as are
14 necessary or desirable to effectuate the provisions of sections 60-1901
15 to 60-1911 and section 3 of this act. Such rules and regulations may
16 include procedures for the removal and disposition of vehicle
17 identification numbers of abandoned vehicles, forms for local records for
18 abandoned vehicles, and inquiries relating to ownership of such vehicles.

19 Sec. 6. Section 60-1911, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-1911 Except as provided in section 60-1908, any person violating
22 the provisions of sections 60-1901 to 60-1911 and section 3 of this act
23 shall be guilty of a Class II misdemeanor.

24 Sec. 7. Original sections 60-1906, 60-1910, and 60-1911, Reissue
25 Revised Statutes of Nebraska, and sections 60-149 and 60-166, Revised
26 Statutes Cumulative Supplement, 2016, are repealed.