

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 80

Introduced by Friesen, 34.

Read first time January 10, 2019

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to motor vehicles; to amend section 60-146,
- 2 Revised Statutes Cumulative Supplement, 2018; to change provisions
- 3 relating to identification inspections; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-146, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 60-146 (1) An application for a certificate of title for a vehicle
4 shall include a statement that an identification inspection has been
5 conducted on the vehicle unless (a) the title sought is a salvage branded
6 certificate of title or a nontransferable certificate of title, (b) the
7 surrendered ownership document is a Nebraska certificate of title, a
8 manufacturer's statement of origin, an importer's statement of origin, a
9 United States Government Certificate of Release of a vehicle, or a
10 nontransferable certificate of title, (c) the application contains a
11 statement that the vehicle is to be registered under section 60-3,198,
12 (d) the vehicle is a cabin trailer, (e) the title sought is the first
13 title for the vehicle sold directly by the manufacturer of the vehicle to
14 a dealer franchised by the manufacturer, or (f) the vehicle was sold at
15 an auction authorized by the manufacturer and purchased by a dealer
16 franchised by the manufacturer of the vehicle.

17 (2) The department shall prescribe a form to be executed by a dealer
18 and submitted with an application for a certificate of title for vehicles
19 exempt from inspection pursuant to subdivision (1)(e) or (f) of this
20 section. The form shall clearly identify the vehicle and state under
21 penalty of law that the vehicle is exempt from inspection.

22 (3) The statement that an identification inspection has been
23 conducted shall be furnished by the county sheriff of any county or by
24 any other holder of a certificate of training issued pursuant to section
25 60-183, shall be in a format as determined by the department, and shall
26 expire ninety days after the date of the inspection. The county treasurer
27 shall accept a certificate of inspection, approved by the superintendent,
28 from an officer of a state police agency of another state unless an
29 inspection is required under section 60-174.

30 (4)(a) Except as provided in subdivision (b) of this subsection, the
31 ~~(4)~~The identification inspection shall include examination and notation

1 of the then current odometer reading, if any, and a comparison of the
2 vehicle identification number with the number listed on the ownership
3 records, except that if a lien is registered against a vehicle and
4 recorded on the vehicle's ownership records, the county treasurer shall
5 provide a copy of the ownership records for use in making such
6 comparison. If such numbers are not identical, if there is reason to
7 believe further inspection is necessary, or if the inspection is for a
8 Nebraska assigned number, the person performing the inspection shall make
9 a further inspection of the vehicle which may include, but shall not be
10 limited to, examination of other identifying numbers placed on the
11 vehicle by the manufacturer and an inquiry into the numbering system used
12 by the state issuing such ownership records to determine ownership of a
13 vehicle. The identification inspection shall also include a statement
14 that the vehicle identification number has been checked for entry in the
15 National Crime Information Center and the Nebraska Crime Information
16 Service. In the case of an assembled vehicle, a vehicle designated as
17 reconstructed, or a vehicle designated as replica, the identification
18 inspection shall include, but not be limited to, an examination of the
19 records showing the date of receipt and source of each major component
20 part. No identification inspection shall be conducted unless all major
21 component parts are properly attached to the vehicle in the correct
22 location.

23 (b) Each county sheriff shall establish a process to enter into an
24 agreement with any franchisee as defined in section 60-1401.19 licensed
25 under the Motor Vehicle Industry Regulation Act with a franchise location
26 in the county in which the sheriff has jurisdiction to collect
27 information for the identification inspection on motor vehicles which are
28 in the inventory of the franchisee and which are at a franchise location
29 in such county. The agreement shall require that the franchisee provide
30 the required fee, a copy of the documents evidencing transfer of
31 ownership, and the make, model, vehicle identification number, and

1 odometer reading in a form and manner prescribed by the county sheriff,
2 which shall include a requirement to provide a photograph or digital
3 image of the vehicle, the vehicle identification number, and the odometer
4 reading. The county sheriff shall complete the identification inspection
5 as required under subdivision (a) of this subsection using such
6 information and return to the franchisee the statement that an
7 identification inspection has been conducted for each motor vehicle as
8 provided in subsection (3) of this section. If the information is
9 incomplete or if there is reason to believe that further inspection is
10 necessary, the county sheriff shall inform the franchisee. If the
11 franchisee knowingly provides inaccurate or false information, the
12 franchisee shall be liable for any damages that result from the provision
13 of such information. The franchisee shall keep the records for five years
14 after the date the identification inspection is complete.

15 (5) If there is cause to believe that odometer fraud exists, written
16 notification shall be given to the office of the Attorney General. If
17 after such inspection the sheriff or his or her designee determines that
18 the vehicle is not the vehicle described by the ownership records, no
19 statement shall be issued.

20 (6) The county treasurer or the department may also request an
21 identification inspection of a vehicle to determine if it meets the
22 definition of motor vehicle as defined in section 60-123.

23 Sec. 2. Original section 60-146, Revised Statutes Cumulative
24 Supplement, 2018, is repealed.