

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 275

FINAL READING

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 Supplement, 2017;
4 to define a term; to provide duties for law enforcement agencies and
5 private towing services; to provide rights and duties for private
6 property owners; to change liability provisions; to harmonize
7 provisions; to provide operative dates; and to repeal the original
8 sections.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-149, Revised Statutes Supplement, 2017, is
2 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, 60-142.05, or 60-142.09 or documentation of compliance with
26 section 76-1607; or

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

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

1 application may be accepted by this state.

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

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

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

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

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

15 (iv) Evidence of ownership as provided for in section 30-24,125,
16 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911 and section 3
17 of this act, or sections 60-2401 to 60-2411, or documentation of
18 compliance with section 76-1607; or

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

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

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

1 branded certificate of title, or any other document of ownership issued
2 by another state or jurisdiction for a salvage vehicle.

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

6 Sec. 2. Section 60-166, Revised Statutes Supplement, 2017, is
7 amended to read:

8 60-166 (1) In the event of (a) the transfer of ownership of a
9 vehicle by operation of law as upon inheritance, devise, or bequest,
10 order in bankruptcy, insolvency, replevin, or execution sale or as
11 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911
12 and section 3 of this act, and 60-2401 to 60-2411, (b) the engine of a
13 vehicle being replaced by another engine, (c) a vehicle being sold to
14 satisfy storage or repair charges or under section 76-1607, or (d)
15 repossession being had upon default in performance of the terms of a
16 chattel mortgage, trust receipt, conditional sales contract, or other
17 like agreement, and upon acceptance of an electronic certificate of title
18 record after repossession, in addition to the title requirements in this
19 section, the county treasurer of any county or the department, upon the
20 surrender of the prior certificate of title or the manufacturer's or
21 importer's certificate, or when that is not possible, upon presentation
22 of satisfactory proof of ownership and right of possession to such
23 vehicle, and upon payment of the appropriate fee and the presentation of
24 an application for certificate of title, may issue to the applicant a
25 certificate of title thereto. If the prior certificate of title issued
26 for such vehicle provided for joint ownership with right of survivorship,
27 a new certificate of title shall be issued to a subsequent purchaser upon
28 the assignment of the prior certificate of title by the surviving owner
29 and presentation of satisfactory proof of death of the deceased owner.
30 Only an affidavit by the person or agent of the person to whom possession
31 of such vehicle has so passed, setting forth facts entitling him or her

1 to such possession and ownership, together with a copy of the journal
2 entry, court order, or instrument upon which such claim of possession and
3 ownership is founded, shall be considered satisfactory proof of ownership
4 and right of possession, except that if the applicant cannot produce such
5 proof of ownership, he or she may submit to the department such evidence
6 as he or she may have, and the department may thereupon, if it finds the
7 evidence sufficient, issue the certificate of title or authorize any
8 county treasurer to issue a certificate of title, as the case may be.

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

14 Sec. 3. (1) A law enforcement agency is authorized to remove an
15 abandoned or trespassing vehicle from private property upon the request
16 of the private property owner on whose property the vehicle is located
17 and upon information indicating that the vehicle is an abandoned or
18 trespassing vehicle. After removal, the law enforcement agency with
19 custody of the vehicle shall follow the procedures in sections 60-1902
20 and 60-1903.

21 (2) A law enforcement agency is authorized to contact a private
22 towing service in order to remove an abandoned or trespassing vehicle
23 from private property upon the request of the private property owner on
24 whose property the vehicle is located and upon information indicating
25 that the vehicle is an abandoned or trespassing vehicle. A vehicle towed
26 away under this subsection is subject to sections 52-601.01 to 52-605 and
27 60-2410 by the private towing service which towed the vehicle.

28 (3) A private property owner is authorized to remove or cause the
29 removal of an abandoned or trespassing vehicle from such property and may
30 contact a private towing service for such removal. A private towing
31 service that tows the vehicle shall notify, within twenty-four hours, the

1 designated law enforcement agency in the jurisdiction from which the
2 vehicle is removed and provide the registration plate number, the vehicle
3 identification number, if available, the make, model, and color of the
4 vehicle, and the name of the private towing service and the location, if
5 applicable, where the private towing service is storing the vehicle. A
6 vehicle towed away under this subsection is subject to sections 52-601.01
7 to 52-605 and 60-2410 by the private towing service that towed the
8 vehicle.

9 (4) For purposes of this section, a trespassing vehicle is a vehicle
10 that is parked without permission on private property that is not
11 typically made available for public parking.

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

14 60-1906 Neither the owner, owner's agent, owner's employee, lessee,
15 nor occupant of the premises from which any abandoned vehicle is removed,
16 nor the state, city, village, or county, shall be liable for any loss or
17 damage to such vehicle which occurs during its removal or while in the
18 possession of the state, city, village, or county or its contractual
19 agent, while in the possession of a private towing service, or as a
20 result of any subsequent disposition.

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

23 60-1910 The Director of Motor Vehicles shall adopt and promulgate
24 rules and regulations providing for such forms and procedures as are
25 necessary or desirable to effectuate the provisions of sections 60-1901
26 to 60-1911 and section 3 of this act. Such rules and regulations may
27 include procedures for the removal and disposition of vehicle
28 identification numbers of abandoned vehicles, forms for local records for
29 abandoned vehicles, and inquiries relating to ownership of such vehicles.

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

1 60-1911 Except as provided in section 60-1908, any person violating
2 the provisions of sections 60-1901 to 60-1911 and section 3 of this act
3 shall be guilty of a Class II misdemeanor.

4 Sec. 7. Sections 2 and 8 of this act become operative on January 1,
5 2019. The other sections of this act become operative on their effective
6 date.

7 Sec. 8. Original section 60-166, Revised Statutes Supplement, 2017,
8 is repealed.

9 Sec. 9. Original sections 60-1906, 60-1910, and 60-1911, Reissue
10 Revised Statutes of Nebraska, and section 60-149, Revised Statutes
11 Supplement, 2017, are repealed.