

AMENDMENTS TO LB270

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections 4 and 10 and insert the following
2 new sections:

3 Sec. 4. Section 37-1292, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 37-1292 For purposes of this section and sections 37-1293 to
6 37-1298:

7 (1) Cost of repairs means the estimated or actual retail cost of
8 parts needed to repair a motorboat plus the cost of labor computed by
9 using the hourly labor rate and time allocations for repair that are
10 customary and reasonable. Retail cost of parts and labor rates may be
11 based upon collision estimating manuals or electronic computer estimating
12 systems customarily used in the insurance industry;

13 (2) Late model motorboat means a motorboat which has (a) a
14 manufacturer's model year designation of, or later than, the year in
15 which the motorboat was wrecked, damaged, or destroyed, or any of the six
16 preceding years, or (b) a retail value of more than ten thousand dollars
17 until January 1, 2006, a retail value of more than ten thousand five
18 hundred dollars until January 1, 2010, and a retail value of more than
19 ten thousand five hundred dollars increased by five hundred dollars every
20 five years thereafter;

21 (3) Previously salvaged means the designation of a rebuilt or
22 ~~reconstructed~~ motorboat which was previously required to be issued a
23 salvage branded certificate of title;

24 (4) Retail value means the actual cash value, fair market value, or
25 retail value of a motorboat as (a) set forth in a current edition of any
26 nationally recognized compilation, including automated data bases, of
27 retail values or (b) determined pursuant to a market survey of comparable

1 motorboats with respect to condition and equipment; and

2 (5) Salvage means the designation of a motorboat which is:

3 (a) A late model motorboat which has been wrecked, damaged, or
4 destroyed to the extent that the estimated total cost of repair to
5 rebuild or reconstruct the motorboat to its condition immediately before
6 it was wrecked, damaged, or destroyed and to restore the motorboat to a
7 condition for legal operation, meets or exceeds seventy-five percent of
8 the retail value of the motorboat at the time it was wrecked, damaged, or
9 destroyed; or

10 (b) Voluntarily designated by the owner of the motorboat as a
11 salvage motorboat by obtaining a salvage branded certificate of title,
12 without respect to the damage to, age of, or value of the motorboat.

13 Sec. 10. Section 60-171, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 60-171 For purposes of sections 60-171 to 60-177:

16 (1) Cost of repairs means the estimated or actual retail cost of
17 parts needed to repair a vehicle plus the cost of labor computed by using
18 the hourly labor rate and time allocations for repair that are customary
19 and reasonable. Retail cost of parts and labor rates may be based upon
20 collision estimating manuals or electronic computer estimating systems
21 customarily used in the insurance industry;

22 (2) Flood damaged means damage to a vehicle resulting from being
23 submerged in water to the point that rising water has reached over the
24 floorboard, has entered the passenger compartment, and has caused damage
25 to any electrical, computerized, or mechanical components. Flood damaged
26 specifically does not apply to a vehicle that an inspection, conducted by
27 an insurance claim representative or a vehicle repairer, indicates:

28 (a) Has no electrical, computerized, or mechanical components
29 damaged by water; or

30 (b) Had one or more electrical, computerized, or mechanical
31 components damaged by water and all such damaged components were repaired

1 or replaced;

2 (3) Late model vehicle means a vehicle which has (a) a
3 manufacturer's model year designation of, or later than, the year in
4 which the vehicle was wrecked, damaged, or destroyed, or any of the six
5 preceding years or (b)(i) in the case of vehicles other than all-terrain
6 vehicles, utility-type vehicles, and minibikes, a retail value of more
7 than ten thousand five hundred dollars until January 1, 2010, and a
8 retail value of more than ten thousand five hundred dollars increased by
9 five hundred dollars every five years thereafter or (ii) in the case of
10 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value
11 of more than one thousand seven hundred fifty dollars until January 1,
12 2010, and a retail value of more than one thousand seven hundred fifty
13 dollars increased by two hundred fifty dollars every five years
14 thereafter;

15 (4) Manufacturer buyback means the designation of a vehicle with an
16 alleged nonconformity when the vehicle (a) has been replaced by a
17 manufacturer or (b) has been repurchased by a manufacturer as the result
18 of court judgment, arbitration, or any voluntary agreement entered into
19 between the manufacturer or its agent and a consumer;

20 (5) Previously salvaged or rebuilt each mean ~~means~~ the designation
21 of a rebuilt ~~or reconstructed~~ vehicle which was previously required to be
22 issued a salvage branded certificate of title and which has been
23 inspected as provided in section 60-146;

24 (6) Retail value means the actual cash value, fair market value, or
25 retail value of a vehicle as (a) set forth in a current edition of any
26 nationally recognized compilation, including automated data bases, of
27 retail values or (b) determined pursuant to a market survey of comparable
28 vehicles with respect to condition and equipment; and

29 (7) Salvage means the designation of a vehicle which is:

30 (a) A late model vehicle which has been wrecked, damaged, or
31 destroyed to the extent that the estimated total cost of repair to

1 rebuild or reconstruct the vehicle to its condition immediately before it
2 was wrecked, damaged, or destroyed and to restore the vehicle to a
3 condition for legal operation, meets or exceeds seventy-five percent of
4 the retail value of the vehicle at the time it was wrecked, damaged, or
5 destroyed; or

6 (b) Voluntarily designated by the owner of the vehicle as a salvage
7 vehicle by obtaining a salvage branded certificate of title, without
8 respect to the damage to, age of, or value of the vehicle.