

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1222

Introduced by Hansen, M., 26.

Read first time January 20, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to mobile homes; to amend sections 60-149,
2 60-166, 60-192, 76-1450, 76-1453, 76-1491, 76-1494, 76-1495,
3 76-14,104, 76-14,105, 76-14,106, and 76-14,109, Reissue Revised
4 Statutes of Nebraska; to change and eliminate provisions under the
5 Mobile Home Landlord and Tenant Act relating to rules and
6 regulations, prohibited acts, termination of tenancy, landlord
7 remedies, retaliatory conduct, and abandonment; to provide for in-
8 park sales; to create liens for landlords as prescribed and provide
9 for certificates of title, priority, enforcement, and challenges; to
10 provide for applicability; to define terms; to harmonize provisions;
11 to repeal the original sections; and to outright repeal section
12 76-14,101, Revised Statutes Supplement, 2021.
13 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-149, Reissue Revised Statutes of Nebraska, 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, the application shall be accompanied by:

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

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

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

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

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

23 (vi) Evidence of ownership as provided for in section 30-24,125,
24 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections
25 60-2401 to 60-2411;

26 (vii) Documentation prescribed in section 60-142.01, 60-142.02,
27 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of
28 compliance with section 76-1607;

29 (viii) A manufacturer's or importer's certificate and an affidavit
30 by the owner affirming ownership in the case of a minitruck; or

31 (ix) In the case of a motor vehicle, a trailer, an all-terrain

1 vehicle, a utility-type vehicle, or a minibike, an affidavit by the
2 holder of a motor vehicle auction dealer's license as described in
3 subdivision (11) of section 60-1406 affirming that the certificate of
4 title is unavailable and that the vehicle (A) is a salvage vehicle
5 through payment of a total loss settlement, (B) is a salvage vehicle
6 purchased by the auction dealer, or (C) has been donated to an
7 organization operating under section 501(c)(3) of the Internal Revenue
8 Code as defined in section 49-801.01.

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

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

17 (2)(a) If the application for a certificate of title for a
18 manufactured home or a mobile home is being made in accordance with
19 subdivision (4)(b) of section 60-137 or if the certificate of title for a
20 manufactured home or a mobile home is unavailable, the application shall
21 be accompanied by proof of ownership in the form of:

- 22 (i) A duly assigned manufacturer's or importer's certificate;
23 (ii) A certificate of title from another state;
24 (iii) A court order issued by a court of record;
25 (iv) Evidence of ownership as provided for in section 30-24,125,
26 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections
27 60-2401 to 60-2411, or section 15 of this act or documentation of
28 compliance with section 76-1607; or

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

31 (b) If the applicant cannot produce proof of ownership described in

1 subdivision (a) of this subsection, he or she may submit to the
2 department such evidence as he or she may have, and the department may
3 thereupon, if it finds the evidence sufficient, issue the certificate of
4 title or authorize the county treasurer to issue a certificate of title,
5 as the case may be.

6 (3) For purposes of this section, certificate of title includes a
7 salvage certificate, a salvage branded certificate of title, or any other
8 document of ownership issued by another state or jurisdiction for a
9 salvage vehicle. Only a salvage branded certificate of title shall be
10 issued to any vehicle conveyed upon a salvage certificate, a salvage
11 branded certificate of title, or any other document of ownership issued
12 by another state or jurisdiction for a salvage vehicle.

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

16 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of
17 this section, the holder of a motor vehicle auction dealer's license
18 shall certify that (i) it has made at least two written attempts and has
19 been unable to obtain the properly endorsed certificate of title to the
20 property noted in the affidavit from the owner and (ii) thirty days have
21 expired after the mailing of a written notice regarding the intended
22 disposition of the property noted in the affidavit by certified mail,
23 return receipt requested, to the last-known address of the owner and to
24 any lien or security interest holder of record of the property noted in
25 the affidavit.

26 (b) The notice under subdivision (5)(a)(ii) of this section shall
27 contain a description of the property noted in the affidavit and a
28 statement that title to the property noted in the affidavit shall vest in
29 the holder of the motor vehicle auction dealer's license thirty days
30 after the date such notice was mailed.

31 (c) The mailing of notice and the expiration of thirty days under

1 subdivision (5)(a)(ii) of this section shall extinguish any lien or
2 security interest of a lienholder or security interest holder in the
3 property noted in the affidavit, unless the lienholder or security
4 interest holder has claimed such property within such thirty-day period.
5 The holder of a motor vehicle auction dealer's license shall transfer
6 possession of the property noted in the affidavit to the lienholder or
7 security interest holder claiming such property.

8 Sec. 2. Section 60-166, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 60-166 ~~(1)(a) This subsection applies prior to the implementation~~
11 ~~date designated by the Director of Motor Vehicles pursuant to subsection~~
12 ~~(2) of section 60-1508.~~

13 ~~(b) In the event of (i) the transfer of ownership of a vehicle by~~
14 ~~operation of law as upon inheritance, devise, bequest, order in~~
15 ~~bankruptcy, insolvency, replevin, or execution sale or as provided in~~
16 ~~sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911, and 60-2401~~
17 ~~to 60-2411, (ii) the engine of a vehicle being replaced by another~~
18 ~~engine, (iii) a vehicle being sold to satisfy storage or repair charges~~
19 ~~or under section 76-1607, or (iv) repossession being had upon default in~~
20 ~~performance of the terms of a chattel mortgage, trust receipt,~~
21 ~~conditional sales contract, or other like agreement, the county treasurer~~
22 ~~of any county or the department, upon the surrender of the prior~~
23 ~~certificate of title or the manufacturer's or importer's certificate, or~~
24 ~~when that is not possible, upon presentation of satisfactory proof of~~
25 ~~ownership and right of possession to such vehicle, and upon payment of~~
26 ~~the appropriate fee and the presentation of an application for~~
27 ~~certificate of title, may issue to the applicant a certificate of title~~
28 ~~thereto.~~

29 ~~(2)(a) This subsection applies beginning on the implementation date~~
30 ~~designated by the director pursuant to subsection (2) of section 60-1508.~~

31 (1)(a) ~~(b)~~ In the event of (i) the transfer of ownership of a

1 vehicle by operation of law as upon inheritance, devise, bequest, order
2 in bankruptcy, insolvency, replevin, or execution sale or as provided in
3 section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to
4 60-1911, and sections 60-2401 to 60-2411, (ii) the engine of a vehicle
5 being replaced by another engine, (iii) a vehicle being sold to satisfy
6 storage or repair charges or under section 76-1607, or (iv) repossession
7 being had upon default in performance of the terms of a chattel mortgage,
8 trust receipt, conditional sales contract, or other like agreement, and
9 upon acceptance of an electronic certificate of title record after
10 repossession, in addition to the title requirements in this section, the
11 county treasurer of any county or the department, upon the surrender of
12 the prior certificate of title or the manufacturer's or importer's
13 certificate, or when that is not possible, upon presentation of
14 satisfactory proof of ownership and right of possession to such vehicle,
15 and upon payment of the appropriate fee and the presentation of an
16 application for certificate of title, may issue to the applicant a
17 certificate of title thereto.

18 (b) Upon application under section 15 of this act and upon payment
19 of the appropriate fee, the department may issue the applicant a
20 certificate of title for a mobile home.

21 (2) ~~(3)~~ 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.

26 (3)(a) Except as provided in subdivision (3)(b) of this section,
27 only ~~(4) Only~~ an affidavit by the person or agent of the person to whom
28 possession of such vehicle has so passed, setting forth facts entitling
29 him or her to such possession and ownership, together with a copy of a
30 court order or an instrument upon which such claim of possession and
31 ownership is founded, shall be considered satisfactory proof of ownership

1 and right of possession, except that if the applicant cannot produce such
2 proof of ownership, he or she may submit to the department such evidence
3 as he or she may have, and the department may thereupon, if it finds the
4 evidence sufficient, issue the certificate of title or authorize any
5 county treasurer to issue a certificate of title, as the case may be.

6 (b) This subsection does not apply to an application for a
7 certificate of title under section 15 of this act.

8 (4) ~~(5)~~ If from the records of the county treasurer or the
9 department there appear to be any liens on such vehicle, such certificate
10 of title shall comply with section 60-164 or 60-165 regarding such liens
11 unless the application is accompanied by proper evidence of their
12 satisfaction or extinction.

13 Sec. 3. Section 60-192, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 60-192 (1) The transferor of any motor vehicle described in
16 subsection (2) of this section, which was equipped with an odometer by
17 the manufacturer, shall provide to the transferee a statement, signed by
18 the transferor, setting forth:

19 (a) The mileage on the odometer at the time of transfer; and

20 (b)(i) A statement that, to the transferor's best knowledge, such
21 mileage is that actually driven by the motor vehicle;

22 (ii) A statement that the transferor has knowledge that the mileage
23 shown on the odometer is in excess of the designated mechanical odometer
24 limit; or

25 (iii) A statement that the odometer reading does not reflect the
26 actual mileage and should not be relied upon because the transferor has
27 knowledge that the odometer reading differs from the actual mileage and
28 that the difference is greater than that caused by odometer calibration
29 error.

30 (2) Prior to January 1, 2021, this section applies to the transfer
31 of any motor vehicle of an age of less than ten years. Beginning January

1 1, 2021, this section applies to the transfer of any motor vehicle with a
2 manufacturer's model year designation of 2011 or newer and an age of less
3 than twenty years.

4 (3) If a discrepancy exists between the odometer reading and the
5 actual mileage, a warning notice to alert the transferee shall be
6 included with the statement. The transferor shall retain a true copy of
7 such statement for a period of five years from the date of the
8 transaction.

9 (4) Beginning on the implementation date designated by the director
10 pursuant to subsection (2) of section 60-1508, if motor vehicle ownership
11 has been transferred by operation of law pursuant to repossession under
12 subdivision (1)(a)(iv) ~~(2)(b)(iv)~~ of section 60-166, the mileage shall be
13 listed as the odometer reading at the time of the most recent transfer of
14 ownership prior to the repossession of the motor vehicle. The adjustment
15 shall not be deemed a violation of section 60-190.

16 Sec. 4. Section 76-1450, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 76-1450 Sections 76-1450 to 76-14,111 and sections 9 and 13 to 20 of
19 this act shall be known and may be cited as the Mobile Home Landlord and
20 Tenant Act.

21 Sec. 5. Section 76-1453, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 76-1453 (1) Except as provided in subsection (4) of this section,
24 any person or class of persons damaged or otherwise aggrieved or
25 adversely affected by a violation of The remedies provided by the Mobile
26 Home Landlord and Tenant Act or a breach of a rental agreement may bring
27 a civil action for appropriate relief. Appropriate relief under this
28 section includes:

29 (a) Actual damages;

30 (b) Liquidated damages when provided for in the rental agreement or
31 the Mobile Home Landlord and Tenant Act;

1 (c) Such preliminary and other equitable or declaratory relief as
2 may be appropriate; and

3 (d) Reasonable attorney's fees and other litigation costs reasonably
4 incurred.

5 (2) A court may declare any action taken in violation of the act or
6 a rental agreement void and unenforceable and order that any money paid
7 as a result of such action, together with interest at the rate of six
8 percent per annum, may be recovered from the date of such payment or
9 violation, whichever is later.

10 ~~(3) A person seeking damages under this section has shall be so~~
11 ~~administered that the aggrieved party may recover appropriate damages.~~
12 ~~The aggrieved party shall have a duty to mitigate damages.~~

13 (4) (2) Any right or obligation declared by the Mobile Home Landlord
14 and Tenant Act shall be enforceable by action unless the provision
15 declaring it specifies a different and limited effect.

16 Sec. 6. Section 76-1491, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 76-1491 At the commencement of the term of tenancy, the landlord
19 shall deliver possession of the mobile home space to the tenant in
20 compliance with the rental agreement and section 76-1492. The landlord
21 may bring an action for possession against any person wrongfully in
22 possession and may recover the damages provided in section ~~76-14,104~~
23 ~~76-14,105~~.

24 Sec. 7. Section 76-1494, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 76-1494 (1) A landlord may adopt rules or regulations, however
27 described, concerning the tenant's use and occupancy of the mobile home
28 park. The rules and regulations shall be enforceable against the tenant
29 only if they are written and if:

30 (a) (1) Their purpose is to promote the convenience, safety, or
31 welfare of the tenants in the mobile home park, preserve the landlord's

1 property from abuse, make a fair distribution of services and facilities
2 held out for the tenants generally, or facilitate reasonable mobile home
3 park management;

4 (b) ~~(2)~~ They are reasonably related to the purpose for which
5 adopted;

6 (c) ~~(3)~~ They apply to all tenants in the mobile home park in a fair
7 manner;

8 (d) ~~(4)~~ They are sufficiently explicit in prohibition, direction, or
9 limitation of the tenant's conduct to fairly inform him or her of what
10 must or must not be done to comply;

11 (e) ~~(5)~~ They are not for the purpose of evading the obligations of
12 the landlord; and

13 (f) ~~(6)~~ The prospective tenant is given a copy of any existing rules
14 and regulations before entering into the rental agreement.

15 (2) Notice of all additions, changes, deletions, or amendments to
16 the rules and regulations shall be given to all mobile home tenants sixty
17 days before they become effective. Such notice shall be given by first
18 class or certified mail.

19 (3) A tenant shall be provided with at least three months to comply
20 with a new or amended rule after the sixty-day notice period. Within the
21 three-month grace period, any violation of the new or amended rule shall
22 result in a warning only.

23 (4) The landlord may change, add, delete, or amend the rules and
24 regulations without sixty days' notice only with the written consent of
25 at least one adult resident from a minimum of sixty percent of the
26 households in the mobile home park. Adult resident means ~~shall mean~~ a
27 resident who has achieved the age of majority as defined in section
28 43-2101.

29 (5) Any rule or condition of occupancy which does not conform to the
30 requirements of the Mobile Home Landlord and Tenant Act shall be
31 unenforceable.

1 (6)(a) Except as provided in subdivision (6)(b) of this section, a A
2 rule or regulation adopted after the tenant enters into the rental
3 agreement shall be enforceable against the tenant only if it does not
4 conflict with or contradict the tenant's rental agreement.

5 (b) A new rule adopted after the execution of the tenant's initial
6 rental agreement that imposes a reoccurring financial obligation on a
7 tenant is not enforceable against the tenant.

8 (7) Nothing in this section shall prohibit a landlord from adopting
9 rules and regulations applicable to new tenants only and not to persons
10 who are tenants prior to the effective date of the rules and regulations.

11 Sec. 8. Section 76-1495, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 76-1495 A landlord shall may not:

14 (1) Deny rental on the basis of race, color, religion, sex,
15 disability, or national origin or for any reason prohibited by federal,
16 state, or local law;

17 (2) Require any person, as a precondition to renting, leasing, or
18 otherwise occupying or removing from a mobile home space in a mobile home
19 park, to pay an entrance or exit fee of any kind unless for services
20 actually rendered or pursuant to a written agreement. A landlord may
21 restrict the movement of mobile homes to reasonable hours and may require
22 that all work in connection with the removal or installation of a mobile
23 home, including, but not limited to, the hookup or disconnection of
24 utilities, be done in a good and workmanlike manner;

25 (3) Deny any tenant the right to sell such tenant's mobile home
26 through an in-park sale as provided in section 9 of this act; or resident
27 of a mobile home park the right to sell that person's mobile home at a
28 price of his or her own choosing. The tenant shall, prior to selling the
29 mobile home, give notice to the landlord, including, but not limited to,
30 the name of the prospective purchaser. Unless otherwise agreed in
31 writing, the landlord may reserve the right to approve or disapprove the

1 ~~prospective purchaser of the mobile home as a tenant within ten days~~
2 ~~after receiving notice of the intended sale. Any disapproval shall be in~~
3 ~~writing and shall be delivered to such tenant pursuant to section~~
4 ~~76-1474. The landlord shall not unreasonably refuse or restrict the sale~~
5 ~~by a tenant of a mobile home located in his or her mobile home park, but~~
6 ~~the landlord may consider the size, ages, and composition of the~~
7 ~~prospective purchaser's family in determining if the mobile home~~
8 ~~purchaser may leave the home in the park. The landlord may also, in order~~
9 ~~to upgrade the quality of the mobile home park, prescribe reasonable~~
10 ~~requirements governing the age, physical appearance, size, or quality of~~
11 ~~the mobile home. In the event of a sale to a third party or mutual~~
12 ~~termination of the rental agreement, the landlord may within ten days~~
13 ~~after receiving written notice of the pending sale or mutual termination~~
14 ~~require that any mobile home that is no longer appropriate for the mobile~~
15 ~~home park or that is in disrepair be repaired to the landlord's~~
16 ~~satisfaction or removed from the park within sixty days. The landlord~~
17 ~~shall specify in writing the reasons for disapproval of the mobile home;~~

18 ~~(4) Exact a commission or fee with respect to the price realized by~~
19 ~~the tenant selling the mobile home, unless the park owner or operator has~~
20 ~~acted as agent for the mobile home owner pursuant to a written agreement;~~
21 ~~or~~

22 ~~(4) (5) Require a tenant to furnish permanent improvements which~~
23 ~~cannot be removed by the tenant without damage to the mobile home or~~
24 ~~mobile home space at the expiration of the rental agreement.~~

25 Sec. 9. (1) Except as otherwise provided in this section, a tenant
26 has the right to sell a mobile home through an in-park sale. An in-park
27 sale is the sale of a mobile home owned by a tenant and located in a
28 mobile home park, after which the mobile home remains in the park.

29 (2) A landlord shall not charge a fee for allowing a tenant to
30 exercise the right to sell a mobile home through an in-park sale, except
31 that a landlord may charge a reasonable fee for processing a prospective

1 buyer's tenancy application.

2 (3) A landlord may agree in writing to broker an in-park sale of a
3 tenant's mobile home which is a manufactured home as defined in section
4 71-4603. A landlord shall not require a tenant to use the landlord's
5 services as a broker. A landlord shall not give preferential treatment to
6 an application for tenancy from a person seeking to buy a mobile home
7 through an in-park sale brokered by a landlord.

8 (4) Any in-park sale is subject to the landlord's approval of the
9 buyer as a tenant. A landlord shall not deny a prospective buyer approval
10 as a tenant unless:

11 (a) The landlord has in place written procedures and criteria used
12 to evaluate the creditworthiness and suitability of a prospective buyer
13 as a tenant;

14 (b) The landlord includes the written procedures and criteria
15 required by subdivision (4)(a) of this section with each rental
16 application and makes such written procedures and criteria available at
17 no charge to a tenant, a prospective buyer, and an agent of a tenant or
18 prospective buyer;

19 (c) The landlord is available to the prospective buyer at reasonable
20 times if the landlord requires the prospective buyer to apply or be
21 interviewed in person;

22 (d) The specified procedures and criteria are reasonable and applied
23 uniformly;

24 (e) In evaluating a prospective buyer, the landlord does not use any
25 stricter standards than the landlord uses for evaluating other
26 prospective tenants;

27 (f) The landlord does not deny tenancy to a prospective buyer on the
28 basis of race, color, religion, sex, national origin, or disability or
29 for any reason prohibited by federal, state, or local law;

30 (g) Within fourteen days after receiving a completed application
31 form, the landlord makes a decision or gives the prospective buyer and

1 the tenant a written explanation of the specific reasons for the delay
2 and makes a decision as soon as practicable;

3 (h) If the landlord denies tenancy to a prospective buyer, the
4 landlord gives the tenant and the prospective buyer a written explanation
5 of the denial within three days after receiving a written request for an
6 explanation; and

7 (i) The decision to deny tenancy is reasonable in light of the
8 obligation of good faith set forth in section 76-1472.

9 (5)(a) When a prospective buyer for an in-park sale seeks approval
10 as a tenant, the landlord may require the prospective buyer to submit
11 information reasonably necessary to determine whether the prospective
12 buyer satisfies the mobile home park's criteria as stated in its rules
13 and regulations. The required information may include the purchase price
14 of the mobile home and the amount of monthly payments on the mobile home.

15 (b) The landlord may inquire into the creditworthiness of the
16 prospective buyer but shall not require the submission of any information
17 concerning the business relationship between the tenant and a broker
18 acting for the tenant.

19 (c) The landlord may require the prospective buyer to submit
20 documentation reasonably necessary to verify information that may be
21 required under this subsection.

22 (6)(a) Before approving an in-park sale, the landlord may inspect
23 the tenant's mobile home space and the exterior of the tenant's mobile
24 home to see whether they comply with reasonable and preexisting rules and
25 regulations applicable to the tenant and relating to maintenance. The
26 landlord shall not charge any fee for this inspection.

27 (b) As a condition to approving an in-park sale, the landlord may
28 require that the tenant or prospective buyer take whatever action is
29 necessary to bring the mobile home space or the mobile home exterior into
30 compliance with rules and regulations described in subdivision (6)(a) of
31 this section and may require that any rent and other charges due be paid.

1 (c) Except as provided in subdivision (6)(d) of this section, the
2 landlord may require the prospective buyer to agree to rules different
3 from those applicable to the tenant.

4 (d) Except as provided in subdivision (6)(e) of this section, the
5 landlord shall not require the prospective buyer or tenant to comply with
6 any rule or regulation adopted or amended after the tenant entered into
7 the rental agreement which would:

8 (i) Significantly increase the difficulty or time involved in
9 selling the mobile home;

10 (ii) Significantly decrease the price at which the mobile home can
11 be sold; or

12 (iii) Involve any other significant cost for either the tenant or
13 the prospective buyer, except for costs involved in doing any work
14 necessary to bring the home or lot into compliance with rules and
15 regulations described in subdivision (6)(a) of this section.

16 (e) If a part of a mobile home, shed, or other appurtenance on the
17 mobile home space has become so dilapidated that repair is impractical
18 and total replacement is necessary, a landlord may require the tenant or
19 prospective buyer to make the replacement in conformity with the tenant's
20 rental agreement or with a generally applicable rule adopted before,
21 after, or on the same day the tenant initially entered into a rental
22 agreement with the landlord.

23 (7) If a mobile home is being offered for in-park sale, the mobile
24 home may remain vacant for ninety days or for longer if not prohibited by
25 rules and regulations. A landlord shall not impose any additional fees or
26 requirements on the tenant of a vacant mobile home being offered for in-
27 park sale, but the rent must be paid on time and the mobile home and the
28 mobile home space must be maintained as required by the rental agreement
29 and any rules and regulations.

30 (8) If a contract for an in-park sale is not expressly made
31 contingent on the landlord's approval of the prospective buyer as a

1 tenant, the contract is voidable at the option of the prospective buyer
2 if the landlord's approval is denied.

3 (9) A holder of a security interest who repossesses a mobile home
4 located in a mobile home park has the same rights as a tenant to sell the
5 home through an in-park sale if:

6 (a) The secured party notifies the landlord that the mobile home has
7 been or is being repossessed;

8 (b) At the time the landlord receives notice under subdivision (9)
9 (a) of this section, the landlord has not already recovered possession of
10 the mobile home space through an action for possession;

11 (c) The secured party pays any past due rent, not to exceed three
12 months' rent. A secured party's liability for past due rent under this
13 subdivision does not include late fees or other charges;

14 (d) The secured party makes monthly rent payments until a buyer of
15 the repossessed mobile home has been approved by the landlord as a
16 tenant; and

17 (e) The secured party complies with all rules and regulations
18 relating to maintenance of mobile home spaces and mobile homes.

19 (10) A secured party who is offering a mobile home for in-park sale
20 under subsection (9) of this section is subject to an action for
21 possession on the same grounds as a tenant and subject to other remedies
22 available to a landlord against a tenant.

23 Sec. 10. Section 76-14,104, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 76-14,104 (1) A landlord may terminate a tenancy only by means of
26 the procedures provided in the Mobile Home Landlord and Tenant Act and
27 only for a reason specified in this section.

28 (2) For purposes of this section, applicable law means a city or
29 village ordinance, county ordinance or resolution, state or federal
30 statute, or state or federal rule or regulation that relates to mobile
31 homes, mobile home spaces, mobile home parks, dwellings, or health and

1 safety.

2 (3) A landlord may terminate a tenancy if any of the following
3 conditions are met:

4 (a) The landlord gives ten days' written notice to the tenant and to
5 any party holding a recorded security interest in the tenant's mobile
6 home that a periodic rent payment or utilities payment owed to the
7 landlord is overdue, and neither the tenant nor the secured party cures
8 the default within ten days after receiving the notice;

9 (b) The tenant refuses to allow the landlord or the landlord's
10 agents reasonable lawful access to the mobile home space, the landlord
11 has given written notice to the tenant of the need for such access, and
12 the tenant thereafter refuses to allow such access. The tenant shall have
13 seventy-two hours after receipt of the notice to allow such access unless
14 emergency conditions require access sooner, in which case the earlier
15 deadline shall be specified in the written notice;

16 (c) The tenant fails to comply with a housing code or applicable law
17 materially affecting health and safety within the time specified in such
18 housing code or law or, if no time is provided, within a reasonable time
19 after the tenant has received written notice of noncompliance;

20 (d) The tenant fails to comply with a rule or regulation of the
21 mobile home park within thirty days after receiving written notice of the
22 noncompliance. To be effective, the notice shall specify the date,
23 approximate time, and nature of the alleged rule violation. This
24 subdivision does not apply to nonpayment of rent or utilities as
25 described in subdivision (3)(a) of this section;

26 (e)(i)(A) There are repeated instances of noncompliance by the
27 tenant with section 76-1493 or with the rental agreement materially
28 affecting health and safety, (B) the landlord has given the tenant
29 written notice of such noncompliance and a written warning that any
30 further instance of such noncompliance will be treated as cause for
31 termination of the tenancy, and (C) within six months after receiving

1 such written warning, there is another instance of such noncompliance.

2 (ii) To be effective, the notice required under subdivision (3)(e)
3 (i) of this section shall specify the date, approximate time, and nature
4 of the noncompliance. This subdivision (e) does not apply to nonpayment
5 of rent or utilities as described in subdivision (3)(a) of this section
6 or loud noise violations under subdivision (3)(g) of this section;

7 (f) The tenant acts in the mobile home park in a manner which
8 endangers another tenant or park personnel, causes substantial damage to
9 the mobile home park premises, or substantially annoys another tenant,
10 and has received thirty days' written notice to vacate, except that the
11 landlord may require the tenant to vacate within seven days if the tenant
12 violates this subdivision a second or subsequent time after receipt of
13 the notice. This subdivision does not apply to loud noise violations
14 described in subdivision (3)(g) of this section. To be effective, the
15 notice shall specify the time, date, and nature of the misconduct. A
16 landlord seeking to terminate a tenancy pursuant to this subdivision need
17 not prove the commission of a criminal offense, even if the misconduct
18 constitutes a criminal offense;

19 (g) The tenant or a guest or invitee of a tenant creates loud noise
20 that disturbs another tenant's peaceful enjoyment of the mobile home park
21 and the tenant has received two previous written notices specifying the
22 approximate time, date, and nature of the noise. Upon a third such noise
23 violation occurring within sixty days of a second violation, the landlord
24 may by written notice require the tenant to vacate within seven days;

25 (h) The tenant's application for tenancy contained a material
26 misstatement which induced the landlord to approve the application and
27 the landlord discovers and acts upon the misstatement within one year
28 after the time the tenant began paying rent; or

29 (i) The landlord has specific plans to make improvements to the
30 mobile home park which will substantially benefit the health and safety
31 of the tenants or which have been ordered by a government agency and such

1 improvements necessitate removal of the tenant's mobile home from the
2 mobile home park. The landlord shall give the tenant ninety days' written
3 notice and include in that notice a statement identifying how the
4 improvements will substantially benefit the health and safety of the
5 tenants. If another mobile home space is available in the mobile home
6 park or another mobile home park operated by the landlord, the landlord
7 shall allow the tenant to relocate the tenant's home to such mobile home
8 space unless the mobile home, because of its size, a housing code, or an
9 applicable law, is not compatible with such mobile home space.

10 (4)(a) ~~(2)~~ If a tenant remains in possession without the landlord's
11 consent after expiration of the term of the rental agreement or ~~its~~
12 termination of tenancy under this section, the landlord may bring an
13 action for possession in the manner described in sections 76-1440 to
14 76-1447 and may recover actual damages and any appropriate equitable
15 relief.

16 (b) If the tenant's holdover is willful and in bad faith, the
17 landlord in addition may recover an amount not to exceed one and one-half
18 months' periodic rent as liquidated damages and reasonable attorney's
19 fees.

20 Sec. 11. Section 76-14,105, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 76-14,105 ~~(1) If a tenant refuses to allow reasonable lawful access~~
23 ~~to the mobile home space, the landlord may terminate the rental agreement~~
24 ~~and recover actual damages.~~

25 ~~(2) If a landlord makes an unlawful entry or makes repeated demands~~
26 ~~for entry otherwise lawful but which have the effect of unreasonably~~
27 ~~harassing the tenant, the tenant may obtain injunctive relief to prevent~~
28 ~~the recurrence of the conduct or terminate the rental agreement. In~~
29 ~~either case, the tenant may recover actual damages not less than an~~
30 ~~amount equal to one month's rent and reasonable attorney's fees.~~

31 Sec. 12. Section 76-14,106, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 76-14,106 (1) Except as provided in this section, a landlord may not
3 retaliate by increasing rent, decreasing services, bringing or
4 threatening to bring an action for possession, or failing to renew a
5 rental agreement because after any of the following:

6 (a) A tenant has complained in good faith to a government agency
7 charged with responsibility for enforcement of any code of a violation
8 applicable to the mobile home park materially affecting health and
9 safety;

10 (b) A tenant has complained to the landlord of a violation of
11 section 76-1492;

12 (c) A tenant has organized or become a member of a tenants' union or
13 similar organization; or

14 (d) A tenant has exercised any of the rights or remedies provided by
15 the Mobile Home Landlord and Tenant Act or otherwise available at law.

16 (2) If a landlord acts in retaliation in violation of subsection (1)
17 of this section, the tenant shall be entitled to the remedies provided in
18 section 76-1498 and shall have a defense in an action for possession.

19 (3) In any proceeding in which retaliatory conduct prohibited by
20 this section is alleged:

21 (a) If the allegedly retaliatory conduct began within ninety days
22 after the tenant engaged in activities protected by subsection (1) of
23 this section, the landlord shall have the burden of proving that the
24 landlord's conduct was not retaliatory; and

25 (b) If the allegedly retaliatory conduct began ninety days or more
26 after the tenant engaged in such protected activity, the party claiming
27 retaliation must first make a prima facie showing of retaliation. If such
28 showing is made, the landlord must then prove otherwise.

29 ~~(3) Notwithstanding subsections (1) and (2) of this section, a~~
30 ~~landlord may bring an action for possession if:~~

31 ~~(a) The violation of any applicable housing code was caused~~

1 ~~primarily by lack of reasonable care by the tenant or other person in the~~
2 ~~tenant's household or upon the premises with the tenant's consent; or~~

3 ~~(b) The tenant is in default in rent five days after rent is due~~
4 ~~unless otherwise agreed to by the landlord and tenant.~~

5 ~~The maintenance of the action shall not release the landlord from~~
6 ~~liability under subsection (2) of section 76-1498.~~

7 Sec. 13. Section 76-14,109, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 76-14,109 A mobile home placed on a mobile home space under a rental
10 agreement shall be presumed abandoned if:

11 (1) The landlord has a reasonable belief that the tenant has vacated
12 the premises and intends not to return; and

13 (2) Rent is due and the tenant has not paid such rent for thirty
14 days.

15 ~~If a tenant abandons a mobile home on a mobile home space, the~~
16 ~~mobile home may not be removed from the mobile home space by the tenant~~
17 ~~or his or her agent without a signed written authorization from the~~
18 ~~landlord granting clearance for removal, showing all money due and owing~~
19 ~~paid in full, or an agreement reached with the legal owner and the~~
20 ~~landlord. A mobile home shall be considered to be abandoned if the tenant~~
21 ~~has defaulted in rent and has, by absence of at least thirty days or by~~
22 ~~words or actions, reasonably indicated an intention not to continue the~~
23 ~~tenancy.~~

24 ~~Nothing in this section shall prohibit a landlord from removing an~~
25 ~~abandoned mobile home from the mobile space and placing it in storage at~~
26 ~~the owner's expense or from utilizing any other legal remedy.~~

27 Sec. 14. (1) A landlord shall have a lien against a mobile home for
28 a tenant's unpaid rent as provided in this section if:

29 (a) The mobile home is presumed abandoned as provided in section 13
30 of this act;

31 (b) Such abandonment is without the consent of the landlord;

1 (c) The mobile home is not subject to any lien or security interest
2 perfected pursuant to section 60-164 or other law; and

3 (d) The landlord provides the notice required by subsection (2) of
4 this section.

5 (2) A landlord claiming a lien under this section shall give written
6 notice to the tenant at the tenant's last-known address by certified
7 mail, return receipt requested. The notice shall state:

8 (a) The name, address, and telephone number of the landlord;

9 (b) The name and last-known address of the tenant and the make,
10 year, and serial number of the mobile home;

11 (c) That the mobile home is presumed abandoned pursuant to section
12 13 of this act and any applicable rules and regulations adopted and
13 promulgated by the Department of Motor Vehicles;

14 (d) The duration of such abandonment;

15 (e) That the mobile home is located on a mobile home space of the
16 landlord;

17 (f) That the home is located on such mobile home space by reason of
18 a valid rental agreement;

19 (g) That the tenant is in default of the rental agreement;

20 (h) The amount of rent accrued to the date of the notice and the
21 monthly rate at which future rent will accrue until the abandoned home is
22 redeemed;

23 (i) That the tenant has not paid or made arrangements for the
24 payment of the accrued rent;

25 (j) That the landlord claims a lien for all such rent;

26 (k) That the tenant may redeem the abandoned mobile home at any time
27 within thirty days after the postmark date of the notice by paying all
28 unpaid rent accrued under the terms of the rental agreement and that such
29 payment may be made at any time during business hours;

30 (l) That the tenant has the right to contest the landlord's lien by
31 filing, within fifteen days after the post mark date of the notice, a

1 petition under section 17 of this act; and

2 (m) That if the mobile home remains unredeemed thirty days after the
3 postmark date of the notice and if within fifteen days after the postmark
4 date a petition is not filed to contest the lien, the mobile home shall
5 be deemed abandoned and the landlord may take steps to sell the mobile
6 home to recover unpaid rent and actual and necessary expenses incurred in
7 obtaining a certificate of title and conducting and advertising the sale.

8 (3) A tenant may, within thirty days after the postmark date of the
9 notice under subsection (2) of this section, redeem the mobile home by
10 paying to the landlord the unpaid rent accrued under the terms of the
11 rental agreement. Such payment may be made at any time during normal
12 business hours.

13 (4) After a notice is mailed as provided in subsection (2) of this
14 section, a tenant shall not have the right to remove the mobile home from
15 the mobile home space unless the tenant has made payment as provided in
16 subsection (3) of this section.

17 Sec. 15. (1) If a landlord has obtained a lien against a mobile
18 home for unpaid rent by compliance with section 14 of this act, the
19 mobile home shall be deemed abandoned and the landlord may apply to the
20 Department of Motor Vehicles for a certificate of title as provided in
21 this section if:

22 (a) Within thirty days after the postmark date of the notice as
23 provided in subsection (2) of section 14 of this act, the tenant has not
24 paid accrued rent as provided in subsection (3) of such section; and

25 (b) Within fifteen days after the postmark date of the notice as
26 provided in subsection (2) of section 14 of this act, a petition under
27 section 17 of this act has not been filed or if such petition has been
28 filed, it has been dismissed with prejudice or judgment has been entered
29 in the landlord's favor establishing the lien.

30 (2) The application for a certificate of title shall be in a form
31 and manner and accompanied by a fee prescribed by the Department of Motor

1 Vehicles. The application shall include:

2 (a) The make, year, and serial number of the mobile home;

3 (b) An affidavit of the landlord seeking possession of the mobile
4 home that states:

5 (i) The mobile home was deemed abandoned as provided in section 13
6 of this act and by any applicable rules and regulations adopted and
7 promulgated by the Department of Motor Vehicles;

8 (ii) The duration of such abandonment;

9 (iii) That the mobile home is located upon a mobile home space of
10 the landlord;

11 (iv) That the mobile home is located on the mobile home space by
12 reason of a valid rental agreement;

13 (v) That the tenant is in default of the rental agreement;

14 (vi) The amount of past-due rent and the monthly rate at which
15 future rent will accrue under the rental agreement;

16 (vii) That the tenant has not paid or made arrangements for the
17 payment of the accrued rent;

18 (viii) That the landlord claims a lien for all such rent;

19 (ix) That the landlord mailed the notice required by subsection (2)
20 of section 14 of this act; and

21 (x) That the tenant has not filed a petition under section 17 of
22 this act or that if such petition was filed, either the petition was
23 dismissed with prejudice or judgment was entered in the landlord's favor
24 establishing the lien;

25 (c) A copy of the notice required by subsection (2) of section 14 of
26 this act;

27 (d) A copy of the certified mail receipt indicating that the tenant
28 was sent the notice as required by subsection (2) of section 14 of this
29 act;

30 (e) Documentation that the tenant received the notice required under
31 subsection (2) of section 14 of this act or a copy of the envelope or

1 mailing container showing the address and postal marking that indicate
2 the notice was not forwardable or address unknown;

3 (f) A copy of the rental agreement;

4 (g) A copy of any judgment or order under section 17 of this act;

5 and

6 (h) Any other information required by the rules and regulations
7 adopted and promulgated by the Department of Motor Vehicles.

8 (3) If the Department of Motor Vehicles is satisfied with the
9 genuineness of the application and supporting documents submitted under
10 this section, the application and supporting documents shall be
11 considered satisfactory proof of ownership and right of possession of the
12 mobile home pursuant to section 60-166 and the department shall issue the
13 landlord a certificate of title to the mobile home as provided in such
14 section.

15 Sec. 16. (1) Upon receipt of a certificate of title under section
16 15 of this act, the landlord shall within thirty days begin proceedings
17 to sell the mobile home as prescribed in this section. The landlord shall
18 be entitled, from the proceeds of the sale, to the amount of unpaid rent
19 as well as any actual, necessary, and reasonable expenses incurred in
20 obtaining the certificate of title or conducting the sale, including, but
21 not limited to, attorney's fees and the cost of advertising.

22 (2) Before selling the mobile home, the landlord shall provide the
23 tenant with the notice set forth in subsection (3) of this section. Such
24 notice shall be provided at least twenty days before the sale. Such
25 notice shall be provided by:

26 (a) Personal delivery to the tenant;

27 (b) Delivery, by registered mail, to the last-known address of the
28 tenant. If such delivery is used, a return receipt shall be evidence of
29 due notice; or

30 (c) Publishing the notice at least twice in a newspaper of general
31 circulation in the county in which the mobile home is located. If such

1 method is used, the last publication shall be not less than twenty days
2 prior to the date of sale.

3 (3) The form of the notice required by subsection (2) of this
4 section shall be substantially as follows:

5 NOTICE

6 Notice is hereby given that on (date), a sale will be held at
7 (place) to sell the following mobile home to enforce a lien for rent due
8 under the laws of the State of Nebraska, unless the mobile home is
9 redeemed prior to the date of sale:

10 Name of Tenant:

11 Mobile Home Serial Number:

12 Name of Landlord:

13 Amount of Lien:

14 (4) The tenant may redeem the mobile home prior to the sale by
15 paying the landlord all rent due under the rental agreement as of the
16 date of sale or payment, whichever is sooner, and payment of expenses
17 described in subsection (1) of this section.

18 (5) If the mobile home is not redeemed prior to the date of sale
19 provided in the notice, the landlord may sell the mobile home on the day
20 and at the place specified in the notice. The proceeds of sale shall be
21 distributed first to the satisfaction of the landlord's past-due rent and
22 expenses described in subsection (1) of this section and the excess, if
23 any, to the tenant.

24 (6)(a) If the tenant cannot be located within thirty days after the
25 sale, the landlord shall deposit any excess proceeds with the county
26 treasurer of the county in which the mobile home was sold. With such
27 money, the landlord shall also submit a statement made upon oath or
28 affirmation that contains:

- 29 (i) The names of the landlord and tenant;
- 30 (ii) The serial number of the mobile home;
- 31 (iii) The amount of rent owed;

1 (iv) The amount of any expenses described in subsection (1) of this
2 section along with a brief description of such expenses;

3 (v) The sale price; and

4 (vi) The name of the purchaser.

5 (b) The county treasurer shall credit such excess proceeds to the
6 general fund of the county, subject to the right of the tenant to reclaim
7 the same at any time within three years after the date of such deposit
8 with the county. To reclaim such funds, the tenant shall present proper
9 evidence of ownership in a form and manner prescribed by the county
10 treasurer.

11 (c) If a landlord fails or refuses to deliver any excess proceeds
12 together with a sworn statement as required by this subsection, the
13 landlord shall be liable to the tenant for double the amount of such
14 excess proceeds, as well as reasonable attorney's fees.

15 (7) The landlord may be a purchaser at the public sale conducted
16 under this section.

17 Sec. 17. (1) Within fifteen days after the postmark date of the
18 notice under subsection (2) of section 14 of this act, a tenant of a
19 mobile home presumed to be abandoned may file a petition to contest the
20 landlord's lien. Such petition shall be filed in the county court of the
21 county in which the mobile home is located. The petition shall name the
22 landlord as a defendant.

23 (2) The Department of Motor Vehicles shall not be a party to the
24 proceedings, but a copy of the petition shall be served on the
25 department. The department shall not issue the landlord a certificate of
26 title for such mobile home until the court by judgment upholds the lien
27 or until the tenant's petition is dismissed with prejudice.

28 (3) Upon filing the petition, the tenant may have the mobile home
29 released from the lien by posting with the court, for the benefit of the
30 landlord, a cash or surety bond or other adequate security equal to the
31 amount of the rental charges due and those which will accrue during the

1 term of the proceedings to ensure payment of such rent in the event the
2 tenant does not prevail. Upon posting of the bond, the court shall issue
3 an order notifying the landlord of the posting of the bond and directing
4 the landlord to release the mobile home to the tenant. The court shall
5 then proceed to determine the parties' rights to the proceeds of the
6 bond.

7 (4) If the court determines that the tenant owes unpaid rent under
8 the rental agreement and that the landlord has complied with section 14
9 of this act, the court shall give judgment to the landlord in the sum of
10 the unpaid rent, declare a lien in the landlord's favor against the
11 mobile home, or if bond has been posted, order that so much of the bond
12 proceeds as are necessary to satisfy the judgment be immediately paid to
13 the landlord. The landlord shall then proceed to sell the mobile home as
14 provided in section 16 of this act.

15 Sec. 18. (1) For purposes of this section, other lienholder or
16 another lienholder means a person, other than the landlord, who holds a
17 lien or security interest in the mobile home that is perfected pursuant
18 to section 60-164.

19 (2) If a mobile home is subject to a perfected lien or security
20 interest of another lienholder, the landlord shall have a superior lien
21 against such mobile home for a tenant's unpaid rent as provided in this
22 section if:

23 (a) The mobile home is presumed abandoned as provided in section 13
24 of this act;

25 (b) Such abandonment is without the consent of the landlord; and

26 (c) The landlord provides the notice required by subsection (3) of
27 this section.

28 (3) A landlord claiming a lien under this section shall give written
29 notice to the tenant at the tenant's last-known address and to the other
30 lienholder. Such notice shall be by certified mail, return receipt
31 requested. The notice shall state:

- 1 (a) The name, address, and telephone number of the landlord;
2 (b) The name and last-known address of the tenant and the make,
3 year, and serial number of the mobile home;
4 (c) That the mobile home is presumed abandoned pursuant to section
5 13 of this act and any applicable rules and regulations adopted and
6 promulgated by the Department of Motor Vehicles;
7 (d) The duration of such abandonment;
8 (e) That the mobile home is located on a mobile home space of the
9 landlord;
10 (f) That the home is located on such mobile home space by reason of
11 a valid rental agreement;
12 (g) That the tenant is in default of the rental agreement;
13 (h) The amount of rent accrued to the date of the notice and the
14 monthly rate at which future rent will accrue until the abandoned home is
15 redeemed;
16 (i) That the tenant has not paid or made arrangements for the
17 payment of the accrued rent;
18 (j) That the landlord claims a lien for all such rent;
19 (k) That the tenant or other lienholder may redeem the mobile home
20 by paying the amount provided in subsection (4) or (5) of this section
21 and that such payment may be made at any time during business hours;
22 (l) That the tenant and the other lienholder have the right to
23 contest the landlord's lien by filing, within fifteen days after the
24 postmark date of the notice, a petition under subsection (6) of this
25 section; and
26 (m) That if the mobile home remains unredeemed thirty days after the
27 date of the notice and if within fifteen days after the postmark date a
28 petition is not filed to contest the lien, the landlord shall have a lien
29 against the mobile home which shall be superior to the other lienholder's
30 and the amount of the landlord's lien shall continue to accrue monthly
31 until the mobile home is removed from the mobile home park.

1 (4)(a) A tenant may redeem the mobile home by paying to the landlord
2 the unpaid rent accrued under the terms of the rental agreement. The
3 amount of rent due shall continue to accrue until the mobile home is
4 removed from the mobile home park. Such payment may be made at any time
5 during normal business hours.

6 (b) After a notice is mailed as provided in subsection (3) of this
7 section, a tenant shall not have the right to remove the mobile home from
8 the mobile home park until the tenant makes the payment required under
9 this subsection.

10 (5)(a) After a notice is mailed as provided in subsection (3) of
11 this section, the other lienholder shall not have the right to remove the
12 mobile home from the mobile home park until the other lienholder pays an
13 amount equal to rent due under the rental agreement accruing during the
14 period beginning thirty days after the postmark date of the notice and
15 continuing until the mobile home is removed from the mobile home park.
16 Such payment may be made at any time during normal business hours.

17 (b) If a court of competent jurisdiction enters an order enjoining
18 or staying the other lienholder from removing the mobile home, the other
19 lienholder's obligation to pay rent under this subsection shall abate
20 until the date such order is lifted.

21 (c) Until the other lienholder has paid the amounts required under
22 this subsection, the Department of Motor Vehicles shall not issue a
23 certificate of title for the mobile home to the other lienholder.

24 (6)(a) Within fifteen days after the postmark date of the notice
25 under subsection (3) of this section, the tenant or other lienholder may
26 file a petition to contest the landlord's lien. Such petition shall be
27 filed in the county court of the county in which the mobile home is
28 located. The petition shall name the landlord as a defendant.

29 (b) The Department of Motor Vehicles shall not be a party of the
30 proceedings, but a copy of the petition shall be served on the
31 department. The department shall not issue the other lienholder a

1 certificate of title to such mobile home unless the court by judgment
2 finds that the landlord does not have a lien under this section.

3 (c) If the court determines that the landlord does have a lien under
4 this section, it shall enter judgment in the landlord's favor and shall
5 separately state the amount that the tenant or other lienholder must pay.

6 Sec. 19. Sections 13 to 20 of this act do not apply to a mobile
7 home which is affixed to real estate as described in section 60-169.

8 Sec. 20. The Department of Motor Vehicles may adopt and promulgate
9 rules and regulations as necessary to carry out sections 13 to 19 of this
10 act.

11 Sec. 21. Original sections 60-149, 60-166, 60-192, 76-1450,
12 76-1453, 76-1491, 76-1494, 76-1495, 76-14,104, 76-14,105, 76-14,106, and
13 76-14,109, Reissue Revised Statutes of Nebraska, are repealed.

14 Sec. 22. The following section is outright repealed: Section
15 76-14,101, Revised Statutes Supplement, 2021.