

## LEGISLATIVE BILL 464

Approved by the Governor April 12, 1996

Introduced by Transportation Committee: Kristensen, 37, Chairperson; Avery, 3; Coordsen, 32; Day, 19; Jones, 43; Matzke, 47; Pedersen, 39; Pirsch, 10

AN ACT relating to motorboats; to amend sections 37-1215, 37-1217 to 37-1219, 37-1223, and 37-1227, Reissue Revised Statutes of Nebraska, sections 37-1216, 37-1226, 37-1275 to 37-1280, 37-1282 to 37-1286, 37-1288, 37-1289, and 37-1291, Revised Statutes Supplement, 1994, and sections 23-186, 37-1214, and 37-1287, Revised Statutes Supplement, 1995; to change provisions relating to motorboat registration, certificates of title, and fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Section 1. Section 23-186, Revised Statutes Supplement, 1995, is amended to read:

23-186. A county board may consolidate under the office of a designated county official the services provided to the public by the county assessor, the county clerk, and the county treasurer relating to the issuance of certificates of title, registration certificates, certificates of number, license plates, and renewal decals, notation and cancellation of liens, and collection of fees for motor vehicles and motorboats as provided in the State Boat Act and sections 18-1738, 18-1738.01, 60-106, 60-107, 60-108, 60-110, 60-111, 60-112, 60-113, 60-115, 60-119, 60-122, 60-301 to 60-347, 60-6, 322, 60-1803, 77-1240.03, and 77-1240.04. In a county in which a city of the metropolitan class is located, the county board may designate the county treasurer to provide the services. In any other county, the county board may designate the county assessor, the county clerk, or the county treasurer to provide the services.

Sec. 2. Section 37-1214, Revised Statutes Supplement, 1995, is amended to read:

37-1214. (1) Except as otherwise provided in section 37-1211, the owner of each motorboat shall register such vessel every three years. The owner of such vessel shall file an application for a certificate of number pursuant to section 37-1216 with the county treasurer of the county in which the applicant resides on forms approved and provided by the commission and, for applications made on or after January 1, 1997, shall present the certificate of title acquired pursuant to sections 37-1275 to 37-1287 and section 15 of this act. The application shall be signed by the owner of the vessel, shall contain the year manufactured, shall contain a copy of the certificate of title for applications made on or after January 1, 1997, and shall be accompanied by a fee for the three-year period of not less than fifteen dollars and not more than twenty dollars for Class 1 boats, not less than thirty dollars and not more than forty dollars for Class 2 boats, not less than forty-five dollars and not more than sixty dollars for Class 3 boats, and not less than seventy-five dollars and not more than one hundred dollars for Class 4 boats, as established by the commission pursuant to section 81-814.02.

(2) If a county board consolidates services under the office of a designated county official other than the county treasurer pursuant to section 23-186, the powers and duties of the county treasurer relating to registration under sections 37-1214 to 37-1227 shall be performed by the designated county official.

Sec. 3. Section 37-1215, Reissue Revised Statutes of Nebraska, is amended to read:

37-1215. In the event an application is made after the beginning of any registration period for registration of any vessel not previously registered by the applicant in this state, the license fee on such vessel shall be reduced by one thirty-sixth for each full month of the registration period already expired as of the date such vessel was acquired. The county treasurer or designated county official shall compute the registration fee on forms and pursuant to rules of the commission.

Sec. 4. Section 37-1216, Revised Statutes Supplement, 1994, is amended to read:

37-1216. Upon presentation of the certificate of title acquired pursuant to sections 37-1275 to 37-1287 and section 15 of this act and receipt of the application under section 37-1214 in approved form, the county

treasurer or designated county official shall enter the application upon the records of the office and issue to the applicant a certificate of number stating the number awarded to the vessel and the name and address of the owner. The number shall be displayed on each side of the bow, and the numbers shall be at least three inches high, of block characteristics, contrasting in color with the boat, and clearly visible from a distance of one hundred feet. The commission shall assign each county treasurer or designated county official a block of numbers and certificates therefor.

Sec. 5. Section 37-1217, Reissue Revised Statutes of Nebraska, is amended to read:

37-1217. When the county treasurer or designated county official registers a vessel, such official shall be entitled to collect and retain a fee, in addition to the registration fee, of not less than two dollars and not more than three dollars on each registration issued, as established by the commission pursuant to section 81-814.02, as reimbursement for administrative costs incurred in issuing such certificate of registration. Such fee shall be credited to the general fund of the county and shall be included by the county treasurer or designated county official in his or her report of fees as provided by law.

Sec. 6. Section 37-1218, Reissue Revised Statutes of Nebraska, is amended to read:

37-1218. Each county treasurer or designated county official providing registration to an owner of a vessel shall transmit on or before the thirtieth day of the following month such registration to the Game and Parks Commission. The county treasurer or designated county official shall retain a duplicate copy of such registration.

Sec. 7. Section 37-1219, Reissue Revised Statutes of Nebraska, is amended to read:

37-1219. All registration fees received by the county treasurers or designated county officials shall be remitted on or before the thirtieth day of the following month to the secretary of the commission. All remittances shall be upon a form to be furnished by the commission and a duplicate copy shall be retained by the county treasurer or designated county official.

Sec. 8. Section 37-1223, Reissue Revised Statutes of Nebraska, is amended to read:

37-1223. ~~Should~~ If the ownership of a vessel change changes, a new application form with fee shall be filed with the county treasurer or designated county official and a new certificate of number stating the number awarded shall be issued in the same manner as provided for in an original award of number. The county treasurer or designated county official may allow the new owner to retain the previously assigned boat number if the existing number is serviceable. The commission shall provide procedures for the county treasurers or designated county officials to follow in determining whether the existing number is serviceable.

Sec. 9. Section 37-1226, Revised Statutes Supplement, 1994, is amended to read:

37-1226. Every certificate of number and number awarded pursuant to the State Boat Act shall continue in full force and effect for a period of three years unless sooner terminated or discontinued. The numbering periods shall commence January 1 of each year and expire on December 31 of every three-year numbering period thereafter. Certificates of number and the number awarded may be renewed by the owner by presenting the previously issued certificate of number to the county treasurer or designated county official.

Sec. 10. Section 37-1227, Reissue Revised Statutes of Nebraska, is amended to read:

37-1227. In the event of loss or destruction of the certificate of number, the owner of the vessel shall apply to the county treasurer or designated county official on forms provided by the commission for replacement of such lost certificate of number. Upon satisfactory proof of loss and the payment to the county treasurer or designated county official of a fee of not less than one dollar and not more than one dollar and fifty cents, as established by the commission pursuant to section 81-814.02, the county treasurer or designated county official shall issue a duplicate certificate of number.

Sec. 11. Section 37-1275, Revised Statutes Supplement, 1994, is amended to read:

37-1275. No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new motorboat to a dealer to be used by such dealer for purposes of display and resale without delivering to the dealer a duly executed manufacturer's or importer's certificate with assignments on the certificate to show title in the purchaser of the motorboat and affixing to the motorboat its hull identification number if not already affixed. No

dealer shall purchase or acquire a new motorboat without obtaining from the seller a manufacturer's or importer's certificate.

Sec. 12. Section 37-1276, Revised Statutes Supplement, 1994, is amended to read:

37-1276. (1) Except as provided in section 37-1275, (a) no person shall sell or otherwise dispose of a motorboat without delivering to the purchaser or transferee of the motorboat a certificate of title with an assignment on the certificate to show title in the purchaser and affixing to the motorboat its hull identification number if not already affixed and (b) no person shall purchase or otherwise acquire or bring into this state a motorboat without complying with sections 37-1275 to 37-1287 and section 15 of this act except for temporary use.

(2) No purchaser or transferee shall receive a certificate of title which does not contain an assignment to show title in the purchaser or transferee. Possession of a title which does not meet this requirement shall be prima facie evidence of a violation of this section.

Sec. 13. Section 37-1277, Revised Statutes Supplement, 1994, is amended to read:

37-1277. No person acquiring a motorboat from the owner thereof, whether the owner is a manufacturer, importer, dealer, or otherwise, shall acquire any right, title, claim, or interest in or to such motorboat until he or she has physical possession of the motorboat and a duly executed certificate of title or a manufacturer's or importer's certificate with assignments on the certificate to show title in the purchaser or an instrument in writing required by section 37-1281. No waiver or estoppel shall operate in favor of such person against a person having physical possession of the motorboat and the certificate of title, the manufacturer's or importer's certificate, or an instrument in writing required by section 37-1281. No court in any case at law or in equity shall recognize the right, title, claim, or interest of any person in or to any motorboat sold, disposed of, mortgaged, or encumbered unless there is compliance with this section.

Sec. 14. Section 37-1278, Revised Statutes Supplement, 1994, is amended to read:

37-1278. (1) Application for a certificate of title shall be presented to the county clerk or designated county official, shall be made upon a form prescribed by the Department of Motor Vehicles, and shall be sworn to before a notary public or other officer empowered to administer oaths. All applications shall be presented to the county clerk with the application for number under section 37-1214 and shall be accompanied by the fee prescribed in section 37-1287. The owner of a motorboat may obtain a certificate of title at any time prior to registration under section 37-1214.

(2) If a certificate of title has previously been issued for the motorboat in this state, the application for a new certificate of title shall be accompanied by the certificate of title duly assigned. If a certificate of title has not previously been issued for the motorboat in this state, the application shall be accompanied by a certificate of number from this state, a manufacturer's or importer's certificate, a duly certified copy thereof, a certificate of title from another state, or a court order issued by a court of record, a manufacturer's certificate of origin, or an assigned registration certificate, if the motorboat was brought into this state from a state which does not have a certificate of title law. The county clerk or designated county official shall retain the evidence of title presented by the applicant on which the certificate of title is issued. When the evidence of title presented by the applicant is a certificate of title or an assigned registration certificate issued by another state, the department shall notify the state of prior issuance that the certificate of title has been surrendered. If a certificate of title has not previously been issued for the motorboat in this state and the applicant is unable to provide such documentation, the applicant may apply for a bonded certificate of title as prescribed in section 15 of this act.

(3) The county clerk or designated county official shall use reasonable diligence in ascertaining whether or not the statements in the application for a certificate of title are true by checking the application and documents accompanying the same with the records of motorboats in his or her office. If he or she is satisfied that the applicant is the owner of the motorboat and that the application is in the proper form, the county clerk or designated county official shall issue a certificate of title over his or her signature and sealed with his or her seal.

(4) In the case of the sale of a motorboat, the certificate of title shall be obtained in the name of the purchaser upon application signed by the purchaser, except that for titles to be held by husband and wife, applications may be accepted by the county clerk or designated county official upon the

signature of either one spouse as a signature for himself or herself and as an agent for his or her spouse.

(5) In all cases of transfers of motorboats, the application for a certificate of title shall be filed within thirty days after the delivery of the motorboat. A dealer need not apply for a certificate of title for a motorboat in stock or acquired for stock purposes, but upon transfer of a motorboat in stock or acquired for stock purposes, the dealer shall give the transferee a reassignment of the certificate of title on the motorboat or an assignment of a manufacturer's or importer's certificate. If all reassignments printed on the certificate of title have been used, the dealer shall obtain title in his or her name prior to any subsequent transfer.

(6) If a county board consolidates services under the office of a designated county official other than the county clerk pursuant to section 23-186, the powers and duties of the county clerk relating to motorboat titles under sections 37-1278 to 37-1289 shall be performed by the designated county official.

Sec. 15. (1) The Department of Motor Vehicles shall issue a bonded certificate of title to an applicant who:

(a) Presents evidence reasonably sufficient to satisfy the department of the applicant's ownership of the motorboat or security interest in the motorboat;

(b) Pays a fee of fifty dollars; and

(c) Files a bond in a form prescribed by the department and executed by the applicant.

(2) The bond shall be issued by a surety company authorized to transact business in this state, in an amount equal to one and one-half times the value of the motorboat as determined by the department using reasonable appraisal methods, and conditioned to indemnify any prior owner and secured party, any subsequent purchaser and secured party, and any successor of the purchaser and secured party for any expense, loss, or damage, including reasonable attorney's fees, incurred by reason of the issuance of the certificate of title to the motorboat or any defect in or undisclosed security interest upon the right, title, and interest of the applicant in and to the motorboat. An interested person may have a cause of action to recover on the bond for a breach of the conditions of the bond. The aggregate liability of the surety to all persons having a claim shall not exceed the amount of the bond.

(3) At the end of three years after the issuance of the bond, the holder of the certificate of title may apply to the department on a form prescribed by the department for the release of the bond and the removal of the notice required by subsection (4) of this section if no claim has been made on the bond. The department may release the bond at the end of three years after the issuance of the bond if all questions as to the ownership of the motorboat have been answered to the satisfaction of the department unless the department has been notified of the pendency of an action to recover on the bond. If the currently valid certificate of title is surrendered to the department, the department may release the bond prior to the end of the three-year period.

(4) The department shall include the following statement on a bonded certificate of title issued pursuant to this section and any subsequent title issued as a result of a title transfer while the bond is in effect:

NOTICE: THIS MOTORBOAT MAY BE SUBJECT TO AN UNDISCLOSED INTEREST. BOND NUMBER .....

(5) The department shall recall a bonded certificate of title if the department finds that the application for the title contained a false statement or if a check presented by the applicant for fees pursuant to this section is returned uncollected by a financial institution.

(6) The department shall remit fees collected pursuant to this section to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 16. Section 37-1279, Revised Statutes Supplement, 1994, is amended to read:

37-1279. (1) The county clerk or designated county official shall issue the certificate of title, in triplicate. All certificates of title shall be typewritten. One copy shall be retained by the county clerk or designated county official in his or her office, and the other copy shall be transmitted on the day of issuance to the Department of Motor Vehicles. The county clerk or designated county official shall sign and affix his or her seal to the original certificate of title and deliver the certificate to the applicant if there are no liens on the motorboat or deliver or mail the certificate to the holder of the first lien on the day of issuance if there are liens on the motorboat. The county clerk or designated county official

shall keep on hand a sufficient supply of blank forms which shall be furnished and distributed without charge to manufacturers, dealers, or other persons residing within the county, except that certificates of title shall only be issued by the county clerk, designated county official, or the department. Each county shall issue and file certificates of title using the vehicle titling and registration computer system. The department shall use a portion of the fees appropriated from boat titling and credited to the Department of Motor Vehicles Cash Fund to pay for the costs of the boat titling system. The costs shall be limited to printers as deemed necessary by the department to support the issuance of boat titles by the counties.

(2) Each county clerk or designated county official of the various counties shall provide his or her seal without charge to the applicant on any certificate of title, application for certificate of title, duplicate copy, assignment or reassignment, power of attorney, statement, or affidavit pertaining to the issuance of a certificate of title. The department shall prescribe a uniform method of numbering certificates of title.

(3) The county clerk or designated county official shall (a) file all certificates of title according to rules and regulations of the department, (b) maintain in the office indices for such certificates of title, (c) be authorized to destroy all previous records five years after a subsequent transfer has been made on a motorboat, and (d) be authorized to destroy all certificates of title and all supporting records and documents which have been on file for a period of five years or more from the date of filing the certificate or a notation of lien, whichever occurs later. Any person holding a certificate of title to a motorboat may refile the same with the county clerk or designated county official to prevent destruction of the county clerk's or designated county official's records.

Sec. 17. Section 37-1280, Revised Statutes Supplement, 1994, is amended to read:

37-1280. The Department of Motor Vehicles shall adopt and promulgate rules and regulations necessary to carry out sections 37-1275 to 37-1290 and section 15 of this act, and the county clerks or designated county officials shall conform to the rules and regulations and act at the direction of the department. The department shall also provide the county clerks or designated county officials with the necessary training for the proper administration of such sections. The department shall receive and file in its office all instruments forwarded to it by the county clerks or designated county officials under such sections and shall maintain indices covering the entire state for the instruments so filed. These indices shall be by motorboat hull identification number and alphabetically by the owner's name and shall be for the entire state and not for individual counties. The department shall provide and furnish the forms required by section 37-1286 to the county clerks or designated county officials except manufacturers' or importers' certificates. The department shall check with its records all duplicate certificates of title received from the county clerks or designated county officials. If it appears that a certificate of title has been improperly issued, the department shall cancel the certificate of title. Upon cancellation of any certificate of title, the department shall notify the county clerk or designated county official who issued the certificate, and the county clerk or designated county official shall enter the cancellation upon his or her records. The department shall also notify the person to whom such certificate of title was issued and any lienholders appearing on the certificate of the cancellation and shall demand the surrender of the certificate of title, but the cancellation shall not affect the validity of any lien noted on the certificate. The holder of the certificate of title shall return the certificate to the department immediately. If a certificate of number has been issued pursuant to section 37-1214 ~~37-1216~~ to the holder of a certificate of title so canceled, the department shall notify the commission. Upon receiving the notice, the commission shall immediately cancel the certificate of number and demand the return of the certificate of number and the holder of the certificate of number shall return the certificate to the department commission immediately.

Sec. 18. Section 37-1282, Revised Statutes Supplement, 1994, is amended to read:

37-1282. (1) The provisions of article 9, Uniform Commercial Code, shall not be construed to apply to or to permit or require the deposit, filing, or other record whatsoever of a security agreement, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or similar instrument or any copy of the same covering a motorboat. Any mortgage, conveyance intended to operate as a security agreement as provided by article 9, Uniform Commercial Code, trust receipt, conditional sales contract, or other similar instrument covering a motorboat, if such instrument

is accompanied by delivery of such manufacturer's or importer's certificate and followed by actual and continued possession of same by the holder of the instrument or, in the case of a certificate of title, if a notation of same has been made by the county clerk, the designated county official, or the Department of Motor Vehicles on the face of the certificate, shall be valid as against the creditors of the debtor, whether armed with process or not, and subsequent purchasers, secured parties, and other lienholders or claimants, but otherwise shall not be valid against them, except that during any period in which a motorboat is inventory, as defined in subdivision (4) of section 9-109, Uniform Commercial Code, held for sale by a person or corporation that is in the business of selling motorboats, the filing provisions of article 9, Uniform Commercial Code, as applied to inventory shall apply to a security interest in the motorboat created by such person or corporation as debtor without the notation of lien on the instrument of title. A buyer at retail from a dealer of any motorboat in the ordinary course of business shall take the motorboat free of any security interest.

(2) All liens, security agreements, and encumbrances noted upon a certificate of title shall take priority according to the order of time in which the same are noted on the certificate by the county clerk, the designated county official, or the department. Exposure for sale of any motorboat by the owner thereof with the knowledge or with the knowledge and consent of the holder of any lien, security agreement, or encumbrance on the motorboat shall not render the same void or ineffective as against the creditors of the owner or holder of subsequent liens, security agreements, or encumbrances upon the motorboat.

(3) Upon presentation of a security agreement, trust receipt, conditional sales contract, or similar instrument to the county clerk or designated county official of the county where the certificate of title was issued or, if issued by the department, to the department together with the certificate of title and the fee prescribed by section 37-1287, the holder of such instrument may have a notation of the lien made on the face of the certificate of title. The county clerk, the designated county official, or the department shall enter the notation and the date thereof over the signature of such officer or deputy the person making the notation and the seal of office and shall also note the lien and the date thereof on the duplicate of the certificate on file. If noted by a county clerk, he or she shall on that day notify the department which shall note the lien on its records. The county clerk, the designated county official, or the department shall also indicate by appropriate notation and on such instrument itself the fact that the lien has been noted on the certificate of title.

(4) The county clerk, the designated county official, or the department, upon receipt of a lien instrument duly signed by the owner in the manner prescribed by law governing such lien instruments together with the fee prescribed for notation of lien, shall notify the first lienholder to deliver to the county clerk, the designated county official, or the department, within fifteen days from the date of notice, the certificate of title to permit notation of the junior lien and, after notation of the lien, the county clerk, the designated county official, or the department shall deliver the certificate of title to the first lienholder. The holder of a certificate of title who refuses to deliver a certificate of title to the county clerk, the designated county official, or the department for the purpose of showing a junior lien on the certificate of title within fifteen days from the date when notified to do so shall be liable for damages to the junior lienholder for the amount of damages the junior lienholder suffered by reason of the holder of the certificate of title refusing to permit the showing of the lien on the certificate of title.

(5) When the lien is discharged, the holder shall, within fifteen days after payment is received, note a cancellation of the lien on the face of the certificate of title over his, her, or its signature and deliver the certificate of title to the county clerk, the designated county official, or the department which shall note the cancellation of the lien on the face of the certificate of title and on the records of the office. If delivered to a county clerk or designated county official, he or she shall on that day notify the department which shall note the cancellation on its records. The county clerk, the designated county official, or the department shall then return the certificate of title to the owner or as otherwise directed by the owner. The cancellation of the lien shall be noted on the certificate of title without charge.

(6) Any exchange of information may be accomplished by the computerized exchange of information or by any other exchange of electrically, electronically, telephonically, or mechanically processed information.

Sec. 19. Section 37-1283, Revised Statutes Supplement, 1994, is

amended to read:

37-1283. (1) In the event of the transfer of ownership of a motorboat by operation of law as upon inheritance, devise, or bequest, order in bankruptcy, insolvency, replevin, or execution sale, (2) whenever a motorboat is sold to satisfy storage or repair charges, or (3) whenever repossession is had upon default in performance of the terms of a chattel mortgage, trust receipt, conditional sales contract, or other like agreement, the county clerk or designated county official of the county in which the last certificate of title to the motorboat was issued or the Department of Motor Vehicles if the last certificate of title was issued by the department, upon the surrender of the prior certificate of title or the manufacturer's or importer's certificate, or when that is not possible, upon presentation of satisfactory proof of ownership and right of possession to the motorboat, and upon payment of the fee prescribed in section 37-1287 and the presentation of an application for certificate of title, may issue to the applicant a certificate of title thereto. If the prior certificate of title issued for the motorboat provided for joint ownership with right of survivorship, a new certificate of title shall be issued to a subsequent purchaser upon the assignment of the prior certificate of title by the surviving owner and presentation of satisfactory proof of death of the deceased owner. Only an affidavit by the person or agent of the person to whom possession of the motorboat has so passed, setting forth facts entitling him or her to such possession and ownership, together with a copy of the journal entry, court order, or instrument upon which such claim of possession and ownership is founded shall be considered satisfactory proof of ownership and right of possession, except that if the applicant cannot produce such proof of ownership, he or she may submit to the department such evidence as he or she may have and the department may thereupon, if it finds the evidence sufficient, issue the certificate of title or authorize the county clerk or designated county official to issue a certificate of title, as the case may be. If from the records in the office of the county clerk, the designated county official, or the department there appear to be any liens on the motorboat, the certificate of title shall contain a statement of the liens unless the application is accompanied by proper evidence of their satisfaction or extinction. If the county in which the last certificate of title to the motorboat was issued cannot be determined, the application for title shall be processed by the county clerk or designated county official of the county where the court entering the journal entry or order is located or the county where the instrument was executed upon which the claim of possession and ownership is founded as the case may be.

Sec. 20. Section 37-1284, Revised Statutes Supplement, 1994, is amended to read:

37-1284. In the event of a lost or destroyed certificate of title, the owner of the motorboat or the holder of a lien on the motorboat shall apply, upon a form prescribed by the Department of Motor Vehicles, to the county clerk or designated county official of the county where the certificate of title was issued or, if issued by the department, to the department, for a certified copy of the certificate of title and shall pay the fee prescribed by section 37-1287. The application shall be signed and sworn to by the person making the application. The county clerk or designated county official, with the approval of the department, or the department shall issue a certified copy of the certificate of title to the person entitled to receive the certificate of title. If the county clerk's or designated county official's records of the title have been destroyed pursuant to section 37-1279, the county clerk or designated county official shall issue a duplicate certificate of title to the person entitled to receive the certificate upon such showing as the county clerk or designated county official deems sufficient. If the applicant cannot produce such proof of ownership, he or she may apply directly to the department and submit such evidence as he or she may have, and the department may, if it finds the evidence sufficient, authorize the county clerk or designated county official to issue a duplicate certificate of title. The new purchaser shall be entitled to receive an original title upon presentation of the assigned duplicate copy of the certificate of title, properly assigned to the new purchaser, to the county clerk or designated county official as prescribed in section 37-1278. Any purchaser of the motorboat may at the time of purchase require the seller of the motorboat to indemnify him or her and all subsequent purchasers of the motorboat against any loss which he, she, or they may suffer by reason of any claim presented upon the original certificate. In the event of the recovery of the original certificate of title by the owner, he or she shall immediately surrender the certificate to the county clerk, the designated county official, or the department for cancellation.

Sec. 21. Section 37-1285, Revised Statutes Supplement, 1994, is amended to read:

37-1285. Each owner of a motorboat and each person mentioned as owner in the last certificate of title, when the motorboat is dismantled, destroyed, or changed in such a manner that it loses its character as a motorboat or changed in such a manner that it is not the motorboat described in the certificate of title, shall surrender his or her certificate of title to the county clerk or designated county official of the county where the certificate of title was issued or, if issued by the Department of Motor Vehicles, to the department. If the certificate of title is surrendered to the county clerk or designated county official, he or she shall, with the consent of any holders of any liens noted on the certificate, enter a cancellation upon his or her records and shall notify the department of the cancellation. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted on the certificate, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the county clerk or designated county official and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 22. Section 37-1286, Revised Statutes Supplement, 1994, is amended to read:

37-1286. A certificate of title shall be printed upon safety security paper to be selected by the Department of Motor Vehicles. The certificate of title, manufacturer's statement of origin, and assignment of manufacturer's certificate shall be upon forms prescribed by the department and may include county of issuance, date of issuance, certificate of title number, previous certificate of title number, registration number, name and address of the owner, acquisition date, manufacturer's name, model year, hull identification number, hull material, propulsion, hull length, issuing county clerk's or designated county official's signature and official seal, and sufficient space for the notation and release of liens, mortgages, or encumbrances, if any. If a motorboat does not have a hull identification number, the state shall assign a hull identification number to the title.

An assignment of certificate of title shall appear on each certificate of title and shall include a statement that the owner of the motorboat assigns all his or her right, title, and interest in the motorboat, the name and address of the assignee, the name and address of the lienholder or secured party, if any, and the signature of the owner, and duly notarized.

A reassignment by a dealer shall appear on each certificate of title and shall include a statement that the dealer assigns all his or her right, title, and interest in the motorboat, the name and address of the assignee, the name and address of the lienholder or secured party, if any, and the signature of the dealer or designated representative, and duly notarized. Reassignments shall be printed on the reverse side of each certificate of title as many times as convenient. The department may, with the approval of the Attorney General, require additional information on such forms.

The county clerk or designated county official, subject to the approval of the department, shall assign a distinguishing hull identification number to any homebuilt motorboat or any motorboat manufactured prior to November 1, 1972. Hull identification numbers shall be assigned and affixed in conformity with the Federal Boat Safety Act of 1971.

Sec. 23. Section 37-1287, Revised Statutes Supplement, 1995, is amended to read:

37-1287. (1) Commencing January 1, 1997, the The county clerks, the designated county officials, or the Department of Motor Vehicles shall charge a fee of ten six dollars for each certificate of title and a fee of three dollars for each notation of any lien on a certificate of title. The county clerks or designated county officials shall retain for the county four dollars of the ten six dollars charged for each certificate of title and two dollars for each notation of lien. The remaining amount of the fee charged for the certificate of title and notation of lien under this subsection shall be remitted to the State Treasurer for credit to the General Fund.

(2) Commencing January 1, 1997, the The county clerks, the designated county officials, or the department shall charge a fee of ten dollars for each replacement or duplicate copy of a certificate of title, and the duplicate copy issued shall show only those unreleased liens of record. A fee of four dollars shall be charged for refiling a certificate of title pursuant to section 37-1279. Such fees shall be remitted by the county or the department to the State Treasurer for credit to the General Fund.

(3) Commencing January 1, 1997, in In addition to the fees prescribed in subsections (1) and (2) of this section, the county clerks, the designated county officials, or the department shall charge a fee of four



dollars for each certificate of title, each replacement or duplicate copy of a certificate of title, each refiling of a certificate of title, and each notation of lien on a certificate of title. The county clerks, the designated county officials, or the department shall remit the fee charged under this subsection to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

(4) The county clerks or designated county officials shall remit fees due the State Treasurer for credit to the General Fund under this section monthly and not later than the fifth day of the month following collection. The county clerks or designated county officials shall remit fees not due to the State Treasurer for credit to the General Fund to their respective county treasurers who shall credit the fees to the county general fund.

Sec. 24. Section 37-1288, Revised Statutes Supplement, 1994, is amended to read:

37-1288. It shall be a Class IV felony to (1) forge any certificate of title or manufacturer's or importer's certificate to a motorboat, any assignment of either, or any cancellation of any liens on a motorboat, (2) hold or use such certificate, assignment, or cancellation knowing the same to have been forged, (3) procure or attempt to procure a certificate of title to a motorboat or pass or attempt to pass a certificate of title or any assignment thereof to a motorboat, knowing or having reason to believe that such motorboat has been stolen, or (4) knowingly use a false or fictitious name, knowingly give a false or fictitious address, or knowingly make any false statement in any application or affidavit required under sections 37-1275 to 37-1287 and section 15 of this act or in a bill of sale or sworn statement of ownership.

Sec. 25. Section 37-1289, Revised Statutes Supplement, 1994, is amended to read:

37-1289. It shall be a Class III misdemeanor to (1) operate in this state a motorboat for which a certificate of title is required without having a certificate of title or upon which the certificate of title has been canceled, (2) acquire, purchase, hold, or display for sale a new motorboat without having obtained a manufacturer's or importer's certificate or a certificate of title therefor, (3) fail to surrender any certificate of title or any certificate of number upon cancellation of the certificate by the county clerk, the designated county official, or the Department of Motor Vehicles and notice thereof, (4) fail to surrender the certificate of title to the county clerk or designated county official in case of the destruction or dismantling or change of a motorboat in such respect that it is not the motorboat described in the certificate of title, (5) purport to sell or transfer a motorboat without delivering to the purchaser or transferee of the motorboat a certificate of title or a manufacturer's or importer's certificate thereto duly assigned to the purchaser, (6) knowingly alter or deface a certificate of title, or (7) violate any of the other provisions of sections 37-1275 to 37-1287 and section 15 of this act.

Sec. 26. Section 37-1291, Revised Statutes Supplement, 1994, is amended to read:

37-1291. Sections 37-1201 to 37-1291 and section 15 of this act shall be known and may be cited as the State Boat Act.

Sec. 27. This act becomes operative on January 1, 1997.

Sec. 28. Original sections 37-1215, 37-1217 to 37-1219, 37-1223, and 37-1227, Reissue Revised Statutes of Nebraska, sections 37-1216, 37-1226, 37-1275 to 37-1280, 37-1282 to 37-1286, 37-1288, 37-1289, and 37-1291, Revised Statutes Supplement, 1994, and sections 23-186, 37-1214, and 37-1287, Revised Statutes Supplement, 1995, are repealed.