

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 909

Introduced by Bostelman, 23.

Read first time January 08, 2018

Committee:

1 A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-104,
2 60-119, 60-142.04, 60-142.05, 60-142.06, 60-309, and 60-335, Reissue
3 Revised Statutes of Nebraska, sections 60-146, 60-148, and 60-3,190,
4 Revised Statutes Cumulative Supplement, 2016, and sections 60-101,
5 60-102, 60-144, 60-149, 60-301, and 60-302, Revised Statutes
6 Supplement, 2017; to change provisions relating to the Motor Vehicle
7 Certificate of Title Act and the Motor Vehicle Registration Act; to
8 define and redefine terms; to change provisions relating to
9 assembled vehicles and kit vehicles; to provide for the branding of
10 certificates of title as reconstructed or replica; to change an
11 application requirement; to provide for the registering of vehicles
12 as reconstructed or replica; to harmonize provisions; and to repeal
13 the original sections.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-101, Revised Statutes Supplement, 2017, is
2 amended to read:

3 60-101 Sections 60-101 to 60-197 and sections 5, 6, and 10 of this
4 act shall be known and may be cited as the Motor Vehicle Certificate of
5 Title Act.

6 Sec. 2. Section 60-102, Revised Statutes Supplement, 2017, is
7 amended to read:

8 60-102 For purposes of the Motor Vehicle Certificate of Title Act,
9 unless the context otherwise requires, the definitions found in sections
10 60-103 to 60-136.01 and sections 5 and 6 of this act shall be used.

11 Sec. 3. Section 60-104, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 60-104 Assembled vehicle means a vehicle which was manufactured or
14 assembled less than thirty years prior to application for a certificate
15 of title and which ~~that~~ is materially altered from its construction by
16 the removal, addition, or substitution of new or used major component
17 parts unless such major component parts were replaced under warranty by
18 the original manufacturer of the vehicle. Its make shall be assembled,
19 and its model year shall be the year in which the vehicle was assembled.
20 ~~Assembled vehicle also includes a specially constructed vehicle.~~

21 Sec. 4. Section 60-119, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-119 Kit vehicle means a vehicle which was assembled by a person
24 other than a generally recognized manufacturer of vehicles by the use of
25 a reproduction resembling a specific manufacturer's make and model that
26 is at least thirty years old ~~replica~~ purchased from an authorized
27 manufacturer and accompanied by a manufacturer's statement of origin. Kit
28 ~~The term kit~~ vehicle does not include glider kits.

29 Sec. 5. Reconstructed means the designation of a vehicle which was
30 permanently altered from its original design construction by removing,
31 adding, or substituting major component parts.

1 Sec. 6. Replica means the designation of a vehicle which resembles
2 a specific manufacturer's make and model that is at least thirty years
3 old and which has been assembled as a kit vehicle.

4 Sec. 7. Section 60-142.04, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-142.04 The owner of ~~(1) an assembled vehicle or (2)~~ a vehicle
7 which was manufactured or assembled more than thirty years prior to
8 application for a certificate of title with one or more major component
9 parts replaced by replacement parts, other than replacement parts that
10 are essentially the same in design and material to that originally
11 supplied by the manufacturer for the specific year, make, and model of
12 vehicle, may apply for a certificate of title by presenting a certificate
13 of title for one major component part, a notarized bill of sale for all
14 other major component parts replaced, a statement that an inspection has
15 been conducted on the vehicle, and a vehicle identification number as
16 described in section 60-148. The certificate of title shall indicate the
17 year of the vehicle resembles, ~~as the year application for title was made~~
18 ~~and~~ the make of the vehicle resembles, and the model the vehicle
19 resembles and shall be branded as reconstructed assembled.

20 Sec. 8. Section 60-142.05, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 60-142.05 The owner of a kit vehicle may apply for a certificate of
23 title by presenting a manufacturer's statement of origin for the kit, a
24 notarized bill of sale for all major component parts not in the kit, a
25 statement that an inspection has been conducted on the vehicle, and a
26 vehicle identification number as described in section 60-148. The
27 certificate of title shall indicate the year of the vehicle resembles, ~~as~~
28 ~~the year application for title was made and~~ the make of the vehicle
29 resembles, and the model the vehicle resembles and shall be branded as
30 replica assembled.

31 Sec. 9. Section 60-142.06, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-142.06 An owner of a vehicle which has ~~previously~~ been issued a
3 certificate of title as an assembled vehicle prior to the effective date
4 of this act in this state may have the vehicle inspected by a qualified
5 car club representative who shall determine whether or not any
6 modifications or replacement parts are essentially the same in design and
7 material to that originally supplied by the manufacturer for the specific
8 year, make, and model of vehicle and obtain a statement as provided in
9 section 60-142.03. The owner may apply for a certificate of title
10 indicating the year, make, and model of the vehicle by presenting the
11 statement and an application for certificate of title to the department.
12 After review of the application, the department shall issue the
13 certificate of title to the owner if the vehicle meets the specifications
14 provided in section 60-142.02.

15 Sec. 10. The owner of an assembled vehicle may apply for a
16 certificate of title by presenting a certificate of title for one major
17 component part, a notarized bill of sale for all other major component
18 parts replaced, a statement that an inspection has been conducted on the
19 vehicle, and a vehicle identification number as described in section
20 60-148. The certificate of title shall indicate the year of the vehicle
21 as the year application for title was made and the make of the vehicle as
22 assembled.

23 Sec. 11. Section 60-144, Revised Statutes Supplement, 2017, is
24 amended to read:

25 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
26 (d) of this subsection, the county treasurer shall be responsible for
27 issuing and filing certificates of title for vehicles, and each county
28 shall issue and file such certificates of title using the Vehicle Title
29 and Registration System which shall be provided and maintained by the
30 department. Application for a certificate of title shall be made upon a
31 form prescribed by the department. All applications shall be accompanied

1 by the appropriate fee or fees.

2 (ii) This subdivision applies beginning on an implementation date
3 designated by the director. The director shall designate an
4 implementation date which is on or before January 1, 2020. In addition to
5 the information required under subdivision (1)(a)(i) of this section, the
6 application for a certificate of title shall contain (A) the full legal
7 name as defined in section 60-468.01 of each owner and (B)(I) the motor
8 vehicle operator's license number or state identification card number of
9 each owner, if applicable, and one or more of the identification elements
10 as listed in section 60-484 of each owner, if applicable, and (II) if any
11 owner is a business entity, a nonprofit organization, an estate, a trust,
12 or a church-controlled organization, its tax identification number.

13 (b) The department shall issue and file certificates of title for
14 Nebraska-based fleet vehicles. Application for a certificate of title
15 shall be made upon a form prescribed by the department. All applications
16 shall be accompanied by the appropriate fee or fees.

17 (c) The department shall issue and file certificates of title for
18 state-owned vehicles. Application for a certificate of title shall be
19 made upon a form prescribed by the department. All applications shall be
20 accompanied by the appropriate fee or fees.

21 (d) The department shall issue certificates of title pursuant to
22 section 60-142.06 and section 10 of this act. Application for a
23 certificate of title shall be made upon a form prescribed by the
24 department. All applications shall be accompanied by the appropriate fee
25 or fees.

26 (e) The department shall issue certificates of title pursuant to
27 section 60-142.09. Application for a certificate of title shall be made
28 upon a form prescribed by the department. All applications shall be
29 accompanied by the appropriate fee or fees.

30 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
31 or a minibike resides in Nebraska, the application shall be filed with

1 the county treasurer of the county in which the owner resides.

2 (3)(a) Except as otherwise provided in subdivision (b) of this
3 subsection until January 1, 2019, if a vehicle, other than an all-terrain
4 vehicle, a utility-type vehicle, or a minibike, has situs in Nebraska,
5 the application shall be filed with the county treasurer of the county in
6 which the vehicle has situs. Beginning January 1, 2019, if a vehicle has
7 situs in Nebraska, the application for a certificate of title may be
8 filed with the county treasurer of any county.

9 (b) If a motor vehicle dealer licensed under the Motor Vehicle
10 Industry Regulation Act applies for a certificate of title for a vehicle,
11 the application may be filed with the county treasurer of any county.

12 (c) An approved licensed dealer participating in the electronic
13 dealer services system pursuant to section 60-1507 may apply for a
14 certificate of title for a vehicle to the county treasurer of any county
15 or the department in a manner provided by the electronic dealer services
16 system.

17 (4) If the owner of a vehicle is a nonresident, the application
18 shall be filed in the county in which the transaction is consummated.

19 (5) The application shall be filed within thirty days after the
20 delivery of the vehicle.

21 (6) All applicants registering a vehicle pursuant to section
22 60-3,198 shall file the application for a certificate of title with the
23 Division of Motor Carrier Services of the department. The division shall
24 deliver the certificate to the applicant if there are no liens on the
25 vehicle. If there are one or more liens on the vehicle, the certificate
26 of title shall be handled as provided in section 60-164. All certificates
27 of title issued by the division shall be issued in the manner prescribed
28 for the county treasurer in section 60-152.

29 Sec. 12. Section 60-146, Revised Statutes Cumulative Supplement,
30 2016, is amended to read:

31 60-146 (1) An application for a certificate of title for a vehicle

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

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

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

27 (4) The identification inspection shall include examination and
28 notation of the then current odometer reading, if any, and a comparison
29 of the vehicle identification number with the number listed on the
30 ownership records, except that if a lien is registered against a vehicle
31 and recorded on the vehicle's ownership records, the county treasurer

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

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

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

27 Sec. 13. Section 60-148, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 60-148 (1) Whenever a person applies for a certificate of title for
30 a vehicle, the department shall assign a distinguishing identification
31 number to the vehicle if the vehicle identification number is destroyed,

1 obliterated, or missing. The owner of such a vehicle to which such number
2 is assigned shall have such number affixed to such vehicle as provided in
3 subsection (2) of this section and sign an affidavit on a form prepared
4 by the department that such number has been attached. Before the
5 certificate of title for an assigned number is released to the applicant
6 by the county treasurer, the applicant shall also provide a statement
7 that an inspection has been conducted.

8 (2) The department shall develop a metallic assigned vehicle
9 identification number plate which can be permanently secured to a vehicle
10 by rivets or a permanent sticker or other form of marking or identifying
11 the vehicle with the distinguishing identification number as determined
12 by the director. All distinguishing identification numbers shall contain
13 seventeen characters in conformance with national standards. When the
14 manufacturer's vehicle identification number is known, it shall be used
15 by the department as the assigned number. In the case of an assembled
16 all-terrain vehicle, a utility-type vehicle, a ~~or~~ minibike, ~~an~~ ~~or~~
17 assembled vehicle, a vehicle designated as reconstructed, or a vehicle
18 designated as replica, the department shall use a distinguishing
19 identification number. The department shall, upon application by an
20 owner, provide the owner with a number plate or a permanent sticker or
21 other form of marking or identification displaying a distinguishing
22 identification number or the manufacturer's number.

23 (3) Any vehicle to which a distinguishing identification number is
24 assigned shall be titled under such distinguishing identification number
25 when titling of the vehicle is required under the Motor Vehicle
26 Certificate of Title Act.

27 Sec. 14. Section 60-149, Revised Statutes Supplement, 2017, is
28 amended to read:

29 60-149 (1)(a) If a certificate of title has previously been issued
30 for a vehicle in this state, the application for a new certificate of
31 title shall be accompanied by the certificate of title duly assigned

1 except as otherwise provided in the Motor Vehicle Certificate of Title
2 Act.

3 (b) Except for manufactured homes or mobile homes as provided in
4 subsection (2) of this section, if a certificate of title has not
5 previously been issued for the vehicle in this state or if a certificate
6 of title is unavailable pursuant to subsection (4) of section 52-1801,
7 the application shall be accompanied by:

8 (i) A manufacturer's or importer's certificate except as otherwise
9 provided in subdivision (vii) of this subdivision;

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

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

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

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

19 (vi) Documentation prescribed in section 60-142.01, 60-142.02,
20 60-142.04, 60-142.05, or 60-142.09 and section 10 of this act or
21 documentation of compliance with section 76-1607; or

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

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

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

1 (2)(a) If the application for a certificate of title for a
2 manufactured home or a mobile home is being made in accordance with
3 subdivision (4)(b) of section 60-137 or if the certificate of title for a
4 manufactured home or a mobile home is unavailable pursuant to section
5 52-1801, the application shall be accompanied by proof of ownership in
6 the form of:

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

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

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

10 (iv) Evidence of ownership as provided for in section 30-24,125,
11 52-601.01 to 52-605, 60-1901 to 60-1911, or 60-2401 to 60-2411, or
12 documentation of compliance with section 76-1607; or

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

15 (b) If the applicant cannot produce proof of ownership described in
16 subdivision (a) of this subsection, he or she may submit to the
17 department such evidence as he or she may have, and the department may
18 thereupon, if it finds the evidence sufficient, issue the certificate of
19 title or authorize the county treasurer to issue a certificate of title,
20 as the case may be.

21 (3) For purposes of this section, certificate of title includes a
22 salvage certificate, a salvage branded certificate of title, or any other
23 document of ownership issued by another state or jurisdiction for a
24 salvage vehicle. Only a salvage branded certificate of title shall be
25 issued to any vehicle conveyed upon a salvage certificate, a salvage
26 branded certificate of title, or any other document of ownership issued
27 by another state or jurisdiction for a salvage vehicle.

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

31 Sec. 15. Section 60-301, Revised Statutes Supplement, 2017, is

1 amended to read:

2 60-301 Sections 60-301 to 60-3,235 and sections 17 and 18 of this
3 act shall be known and may be cited as the Motor Vehicle Registration
4 Act.

5 Sec. 16. Section 60-302, Revised Statutes Supplement, 2017, is
6 amended to read:

7 60-302 For purposes of the Motor Vehicle Registration Act, unless
8 the context otherwise requires, the definitions found in sections
9 60-302.01 to 60-360 and sections 17 and 18 of this act shall be used.

10 Sec. 17. Reconstructed means the designation of a vehicle which was
11 permanently altered from its original design construction by removing,
12 adding, or substituting major component parts.

13 Sec. 18. Replica means the designation of a vehicle which resembles
14 a specific manufacturer's make and model that is at least thirty years
15 old and which has been assembled as a kit vehicle.

16 Sec. 19. Section 60-309, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 60-309 Assembled vehicle means a motor vehicle or trailer which was
19 manufactured or assembled less than thirty years prior to application for
20 registration under the Motor Vehicle Registration Act and which that is
21 materially altered from its construction by the removal, addition, or
22 substitution of new or used major component parts unless such major
23 component parts were replaced under warranty by the original manufacturer
24 of the motor vehicle or trailer. Its make shall be assembled, and its
25 model year shall be the year in which the motor vehicle or trailer was
26 assembled. ~~Assembled vehicle also includes a specially constructed~~
27 ~~vehicle.~~

28 Sec. 20. Section 60-335, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 60-335 Kit vehicle means a motor vehicle or trailer which was
31 assembled by a person other than a generally recognized manufacturer of

1 motor vehicles or trailers by the use of a reproduction resembling a
2 specific manufacturer's make and model that is at least thirty years old
3 ~~replica~~ purchased from an authorized manufacturer and accompanied by a
4 manufacturer's statement of origin. Kit vehicle does not include glider
5 kits.

6 Sec. 21. Section 60-3,190, Revised Statutes Cumulative Supplement,
7 2016, is amended to read:

8 60-3,190 (1) A motor vehicle fee is imposed on all motor vehicles
9 registered for operation in this state. An owner of a motor vehicle which
10 is exempt from the imposition of a motor vehicle tax pursuant to section
11 60-3,185 shall also be exempt from the imposition of the motor vehicle
12 fee imposed pursuant to this section.

13 (2) The department shall annually determine the motor vehicle fee on
14 each motor vehicle registered pursuant to this section and shall cause a
15 notice of the amount to be delivered to the registrant. The notice shall
16 be combined with the notice of the motor vehicle tax required by section
17 60-3,186.

18 (3) The motor vehicle fee schedules are set out in this subsection
19 and subsection (4) of this section. Except for automobiles with a value
20 when new of less than \$20,000, and for assembled, reconstructed-
21 designated, and replica-designated automobiles, the fee shall be
22 calculated by multiplying the base fee times the fraction which
23 corresponds to the age category of the automobile as shown in the
24 following table:

25	YEAR	FRACTION
26	First through fifth	1.00
27	Sixth through tenth	.70
28	Eleventh and over	.35

29 (4) The base fee shall be:

30 (a) Automobiles, with a value when new of less than \$20,000, and
31 assembled, reconstructed-designated, and replica-designated automobiles -

1 \$5

2 (b) Automobiles, with a value when new of \$20,000 through \$39,999 –

3 \$20

4 (c) Automobiles, with a value when new of \$40,000 or more – \$30

5 (d) Motorcycles – \$10

6 (e) Recreational vehicles and cabin trailers – \$10

7 (f) Trucks over seven tons and buses – \$30

8 (g) Trailers other than semitrailers – \$10

9 (h) Semitrailers – \$30

10 (i) Minitrucks – \$10

11 (j) Low-speed vehicles – \$10

12 (k) Autocycles – \$10.

13 (5) The motor vehicle tax, motor vehicle fee, and registration fee
14 shall be paid to the county treasurer prior to the registration of the
15 motor vehicle for the following registration period. After retaining one
16 percent of the motor vehicle fee collected for costs, the remaining
17 proceeds shall be remitted to the State Treasurer for credit to the Motor
18 Vehicle Fee Fund. The State Treasurer shall return funds from the Motor
19 Vehicle Fee Fund remitted by a county treasurer which are needed for
20 refunds or credits authorized by law.

21 (6)(a) The Motor Vehicle Fee Fund is created. On or before the last
22 day of each calendar quarter, the State Treasurer shall distribute all
23 funds in the Motor Vehicle Fee Fund as follows: (i) Fifty percent to the
24 county treasurer of each county, amounts in the same proportion as the
25 most recent allocation received by each county from the Highway
26 Allocation Fund; and (ii) fifty percent to the treasurer of each
27 municipality, amounts in the same proportion as the most recent
28 allocation received by each municipality from the Highway Allocation
29 Fund. Any money in the fund available for investment shall be invested by
30 the state investment officer pursuant to the Nebraska Capital Expansion
31 Act and the Nebraska State Funds Investment Act.

1 (b) Funds from the Motor Vehicle Fee Fund shall be considered local
2 revenue available for matching state sources.

3 (c) All receipts by counties and municipalities from the Motor
4 Vehicle Fee Fund shall be used for road, bridge, and street purposes.

5 (7) For purposes of subdivisions (4)(a), (b), (c), and (f) of this
6 section, automobiles or trucks includes all trucks and combinations of
7 trucks or truck-tractors, except those trucks, trailers, or semitrailers
8 registered under section 60-3,198, and the fee is based on the gross
9 vehicle weight rating as reported by the manufacturer.

10 (8) Current model year vehicles are designated as first-year motor
11 vehicles for purposes of the schedules.

12 (9) When a motor vehicle is registered which is newer than the
13 current model year by the manufacturer's designation, the motor vehicle
14 is subject to the initial motor vehicle fee for six registration periods.

15 (10) Assembled vehicles other than assembled, reconstructed-
16 designated, or replica-designated automobiles shall follow the schedules
17 for the motor vehicle body type.

18 Sec. 22. Original sections 60-104, 60-119, 60-142.04, 60-142.05,
19 60-142.06, 60-309, and 60-335, Reissue Revised Statutes of Nebraska,
20 sections 60-146, 60-148, and 60-3,190, Revised Statutes Cumulative
21 Supplement, 2016, and sections 60-101, 60-102, 60-144, 60-149, 60-301,
22 and 60-302, Revised Statutes Supplement, 2017, are repealed.