

AMENDMENTS TO LB1105

Introduced by DeKay, 40.

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

3 Section 1. Section 60-101, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 60-101 Sections 60-101 to 60-197 and the Branded Certificate of
6 Title Act shall be known and may be cited as the Motor Vehicle
7 Certificate of Title Act.

8 Sec. 2. Section 60-146, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 60-146 (1) An application for a certificate of title for a vehicle
11 shall include a statement that an identification inspection has been
12 conducted on the vehicle unless (a) the title sought is a ~~salvage-branded~~
13 certificate of title issued pursuant to the Branded Certificate of Title
14 Act or a nontransferable certificate of title, (b) the surrendered
15 ownership document is a Nebraska certificate of title, a manufacturer's
16 statement of origin, an importer's statement of origin, a United States
17 Government Certificate of Release of a vehicle, or a nontransferable
18 certificate of title, (c) the application contains a statement that the
19 vehicle is to be registered under section 60-3,198, (d) the vehicle is a
20 cabin trailer, (e) the title sought is the first title for the vehicle
21 sold directly by the manufacturer of the vehicle to a dealer franchised
22 by the manufacturer, or (f) the vehicle was sold at an auction authorized
23 by the manufacturer and purchased by a dealer franchised by the
24 manufacturer of the vehicle.

25 (2) The department shall prescribe a form to be executed by a dealer
26 and submitted with an application for a certificate of title for vehicles
27 exempt from inspection pursuant to subdivision (1)(e) or (f) of this

1 section. The form shall clearly identify the vehicle and state under
2 penalty of law that the vehicle is exempt from inspection.

3 (3) The statement that an identification inspection has been
4 conducted shall be furnished by the county sheriff of any county or by
5 any other holder of a certificate of training issued pursuant to section
6 60-183, shall be in a format as determined by the department, and shall
7 expire ninety days after the date of the inspection. The county treasurer
8 shall accept a certificate of inspection, approved by the superintendent,
9 from an officer of a state police agency of another state unless an
10 inspection is required under section 60-174.

11 (4)(a) Except as provided in subdivision (b) of this subsection, the
12 identification inspection shall include examination and notation of the
13 then current odometer reading, if any, and a comparison of the vehicle
14 identification number with the number listed on the ownership records,
15 except that if a lien is registered against a vehicle and recorded on the
16 vehicle's ownership records, the county treasurer shall provide a copy of
17 the ownership records for use in making such comparison. If such numbers
18 are not identical, if there is reason to believe further inspection is
19 necessary, or if the inspection is for a Nebraska assigned number, the
20 person performing the inspection shall make a further inspection of the
21 vehicle which may include, but shall not be limited to, examination of
22 other identifying numbers placed on the vehicle by the manufacturer and
23 an inquiry into the numbering system used by the state issuing such
24 ownership records to determine ownership of a vehicle. The identification
25 inspection shall also include a statement that the vehicle identification
26 number has been checked for entry in the National Crime Information
27 Center and the Nebraska Crime Information Service. In the case of an
28 assembled vehicle, a vehicle designated as reconstructed, or a vehicle
29 designated as replica, the identification inspection shall include, but
30 not be limited to, an examination of the records showing the date of
31 receipt and source of each major component part. No identification

1 inspection shall be conducted unless all major component parts are
2 properly attached to the vehicle in the correct location.

3 (b) Each county sheriff shall establish a process by which to enter
4 into an agreement with any motor vehicle dealer as defined in section
5 60-1401.26 with an established place of business as defined in section
6 60-1401.15 in the county in which the sheriff has jurisdiction in order
7 to collect information for the identification inspection on motor
8 vehicles which are in the inventory of the motor vehicle dealer at the
9 dealer's established place of business in such county. The agreement
10 entered into shall require that the motor vehicle dealer provide the
11 required fee, a copy of the documents evidencing transfer of ownership,
12 and the make, model, vehicle identification number, and odometer reading
13 in a form and manner prescribed by the county sheriff, which shall
14 include a requirement to provide one or more photographs or digital
15 images of the vehicle, the vehicle identification number, and the
16 odometer reading. The county sheriff shall complete the identification
17 inspection as required under subdivision (a) of this subsection using
18 such information and return to the motor vehicle dealer the statement
19 that an identification inspection has been conducted for each motor
20 vehicle as provided in subsection (3) of this section. If the information
21 is incomplete or if there is reason to believe that further inspection is
22 necessary, the county sheriff shall inform the motor vehicle dealer. If
23 the motor vehicle dealer knowingly provides inaccurate or false
24 information, the motor vehicle dealer shall be liable for any damages
25 that result from the provision of such information. The motor vehicle
26 dealer shall keep the records for five years after the date the
27 identification inspection is complete.

28 (5) If there is cause to believe that odometer fraud exists, written
29 notification shall be given to the office of the Attorney General. If
30 after such inspection the sheriff or his or her designee determines that
31 the vehicle is not the vehicle described by the ownership records, no

1 statement shall be issued.

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

5 Sec. 3. Section 60-149, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 60-149 (1)(a) If a certificate of title has previously been issued
8 for a vehicle in this state, the application for a new certificate of
9 title shall be accompanied by the certificate of title duly assigned
10 except as otherwise provided in the Motor Vehicle Certificate of Title
11 Act.

12 (b) Except for manufactured homes or mobile homes as provided in
13 subsection (2) of this section, if a certificate of title has not
14 previously been issued for the vehicle in this state or if a certificate
15 of title is unavailable, the application shall be accompanied by:

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

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

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

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

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

27 (vi) Evidence of ownership as provided for in section 30-24,125,
28 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections
29 60-2401 to 60-2411;

30 (vii) Documentation prescribed in section 60-142.01, 60-142.02,
31 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of

1 compliance with section 76-1607;

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

4 (ix) In the case of a motor vehicle, a trailer, an all-terrain
5 vehicle, a utility-type vehicle, or a minibike, an affidavit by the
6 holder of a motor vehicle auction dealer's license as described in
7 subdivision (11) of section 60-1406 affirming that the certificate of
8 title is unavailable and that the vehicle (A) is a salvage vehicle or a
9 structurally totaled vehicle as defined in section 60-171 through payment
10 of a total loss settlement, (B) is a salvage vehicle or a structurally
11 totaled vehicle as defined in section 60-171 purchased by the auction
12 dealer, or (C) has been donated to an organization operating under
13 section 501(c)(3) of the Internal Revenue Code as defined in section
14 49-801.01.

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

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

23 (2)(a) If the application for a certificate of title for a
24 manufactured home or a mobile home is being made in accordance with
25 subdivision (4)(b) of section 60-137 or if the certificate of title for a
26 manufactured home or a mobile home is unavailable, the application shall
27 be accompanied by proof of ownership in the form of:

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

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

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

31 (iv) Evidence of ownership as provided for in section 30-24,125,

1 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections
2 60-2401 to 60-2411, or documentation of compliance with section 76-1607;
3 or

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

6 (b) If the applicant cannot produce proof of ownership described in
7 subdivision (a) of this subsection, he or she may submit to the
8 department such evidence as he or she may have, and the department may
9 thereupon, if it finds the evidence sufficient, issue the certificate of
10 title or authorize the county treasurer to issue a certificate of title,
11 as the case may be.

12 (3)(a) (3) For purposes of this section, certificate of title
13 includes a salvage certificate, a ~~salvage branded~~ certificate of title
14 issued pursuant to the Branded Certificate of Title Act, or any other
15 document of ownership issued by another state or jurisdiction for a
16 salvage vehicle or structurally totaled vehicle as defined in section
17 60-171.

18 (b) Only a salvage branded certificate of title shall be issued to
19 any vehicle conveyed upon a salvage certificate, a salvage branded
20 certificate of title, or any other document of ownership issued by
21 another state or jurisdiction for a salvage vehicle. A previously salvage
22 branded certificate of title may be issued if, prior to application, the
23 applicant's vehicle has been repaired and inspected as provided in
24 section 60-146.

25 (c) Only a destroyed-vehicle branded certificate of title shall be
26 issued to any vehicle conveyed upon a destroyed-vehicle branded
27 certificate of title or any other document of ownership issued by another
28 state or jurisdiction for a structurally totaled vehicle as defined in
29 section 60-171.

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

1 issued.

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

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

17 (c) The mailing of notice and the expiration of thirty days under
18 subdivision (5)(a)(ii) of this section shall extinguish any lien or
19 security interest of a lienholder or security interest holder in the
20 property noted in the affidavit, unless the lienholder or security
21 interest holder has claimed such property within such thirty-day period.
22 The holder of a motor vehicle auction dealer's license shall transfer
23 possession of the property noted in the affidavit to the lienholder or
24 security interest holder claiming such property.

25 Sec. 4. Sections 60-171 to 60-177 and sections 4 and 9 of this act
26 shall be known and may be cited as the Branded Certificate of Title Act.

27 Sec. 5. Section 60-171, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-171 For purposes of the Branded Certificate of Title Act sections
30 60-171 to 60-177:

31 (1) Consumer care has the same meaning as in section 60-1401.10;

1 (2) ~~(1)~~ Cost of repairs means the estimated or actual retail cost of
2 parts needed to repair a vehicle plus the cost of labor computed by using
3 the hourly labor rate and time allocations for repair that are customary
4 and reasonable. Retail cost of parts and labor rates may be based upon
5 collision estimating manuals or electronic computer estimating systems
6 customarily used in the insurance industry;

7 (3) ~~(2)~~ Flood damaged means damage to a vehicle resulting from being
8 submerged in water to the point that rising water has reached over the
9 floorboard, has entered the passenger compartment, and has caused damage
10 to any electrical, computerized, or mechanical components. Flood damaged
11 specifically does not apply to a vehicle that an inspection, conducted by
12 an insurance claim representative or a vehicle repairer, indicates:

13 (a) Has no electrical, computerized, or mechanical components
14 damaged by water; or

15 (b) Had one or more electrical, computerized, or mechanical
16 components damaged by water and all such damaged components were repaired
17 or replaced;

18 (4) ~~(3)~~ Late model vehicle means a vehicle which has (a) a
19 manufacturer's model year designation of, or later than, the year in
20 which the vehicle was wrecked, damaged, or destroyed, or any of the six
21 preceding years or (b)(i) in the case of vehicles other than all-terrain
22 vehicles, utility-type vehicles, and minibikes, a retail value of more
23 than ten thousand five hundred dollars until January 1, 2010, and a
24 retail value of more than ten thousand five hundred dollars increased by
25 five hundred dollars every five years thereafter or (ii) in the case of
26 all-terrain vehicles, utility-type vehicles, or minibikes, a retail value
27 of more than one thousand seven hundred fifty dollars until January 1,
28 2010, and a retail value of more than one thousand seven hundred fifty
29 dollars increased by two hundred fifty dollars every five years
30 thereafter;

31 (5) ~~(4)~~ Manufacturer buyback means the designation of a vehicle with

1 an alleged nonconformity when the vehicle (a) has been replaced by a
2 manufacturer or (b) has been repurchased by a manufacturer as the result
3 of court judgment, arbitration, or any voluntary agreement entered into
4 between the manufacturer or its agent and a consumer;

5 (6) ~~(5)~~ Previously salvaged or rebuilt each mean the designation of
6 a rebuilt vehicle which was previously required to be issued a salvage
7 branded certificate of title and which has been inspected as provided in
8 section 60-146;

9 (7) ~~(6)~~ Retail value means the actual cash value, fair market value,
10 or retail value of a vehicle as (a) set forth in a current edition of any
11 nationally recognized compilation, including automated databases, of
12 retail values or (b) determined pursuant to a market survey of comparable
13 vehicles with respect to condition and equipment;~~and~~

14 (8) ~~(7)~~ Salvage means the designation of a vehicle which is:

15 (a) A late model vehicle which has been wrecked, damaged, or
16 destroyed to the extent that the estimated total cost of repair to
17 rebuild or reconstruct the vehicle to its condition immediately before it
18 was wrecked, damaged, or destroyed and to restore the vehicle to a
19 condition for legal operation, meets or exceeds seventy-five percent of
20 the retail value of the vehicle at the time it was wrecked, damaged, or
21 destroyed; or

22 (b) Voluntarily designated by the owner of the vehicle as a salvage
23 vehicle by obtaining a salvage branded certificate of title, without
24 respect to the damage to, age of, or value of the vehicle; and -

25 (9)(a) Structurally totaled vehicle means a vehicle:

26 (i) That has unrepairable damage to a structural component pursuant
27 to any manufacturer guideline, including unrepairable damage to an engine
28 cradle or a rear differential;

29 (ii) That has any damage to a structural component if no
30 manufacturer guideline exists for repair of such damage to the structural
31 component; or

1 (iii) Declared structurally totaled by any repair facility or
2 insurance company representative, regardless of the cost to perform
3 repairs compared to the actual cash value of the vehicle.

4 (b) Structurally totaled vehicle does not include a vehicle:

5 (i) Declared a total loss due to hail or cosmetic damage; or

6 (ii) Except as provided in subdivision (9)(a)(iii) of this section,
7 if the cost to perform repairs to the vehicle does not exceed seventy-
8 five percent of the actual cash value of the vehicle.

9 Sec. 6. Section 60-172, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 60-172 A certificate of title issued on or after January 1, 2003,
12 shall disclose in writing, from any records readily accessible to the
13 department or county officials or a law enforcement officer, anything
14 which indicates that the vehicle was previously issued a title in another
15 jurisdiction that bore any word or symbol signifying that the vehicle was
16 damaged, including, but not limited to, destroyed vehicle, older model
17 salvage, unbuildable, parts only, scrap, junk, nonrepairable,
18 reconstructed, rebuilt, flood damaged, damaged, buyback, or any other
19 indication, symbol, or word of like kind, and the name of the
20 jurisdiction issuing the previous title.

21 Sec. 7. Section 60-174, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 60-174 Whenever a title is issued in this state for a vehicle that
24 is designated as destroyed, a salvage, previously salvaged or rebuilt,
25 flood damaged, or manufacturer buyback, the following title brands shall
26 be required: Destroyed vehicle, salvage ~~Salvage~~, previously salvaged,
27 flood damaged, or manufacturer buyback. A certificate branded destroyed
28 vehicle, salvage, previously salvaged, flood damaged, or manufacturer
29 buyback shall be administered in the same manner and for the same fee or
30 fees as provided for a certificate of title in sections 60-154 to 60-160.
31 When a salvage branded certificate of title is surrendered for a

1 certificate of title branded previously salvaged, the application for a
2 certificate of title shall be accompanied by a statement of inspection as
3 provided in section 60-146.

4 Sec. 8. Section 60-175, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-175 Any person who acquires ownership of a destroyed, salvage,
7 flood-damaged, or manufacturer buyback vehicle for which he or she does
8 not obtain a destroyed-vehicle branded, salvage branded, flood-damaged
9 branded, or manufacturer buyback branded certificate of title shall
10 surrender the certificate of title to the county treasurer and make
11 application for a destroyed-vehicle branded, salvage branded, flood-
12 damaged branded, or manufacturer buyback branded certificate of title
13 within thirty days after acquisition or prior to the sale or resale of
14 the vehicle or any major component part of such vehicle or use of any
15 major component part of the vehicle, whichever occurs earlier.

16 Sec. 9. (1)(a) A facility that provides consumer care to a vehicle
17 may declare such vehicle structurally totaled.

18 (b) An insurance company that insured the vehicle at the time the
19 vehicle sustained the damage that caused it to be declared a structurally
20 totaled vehicle may declare such vehicle structurally totaled.

21 (2) When an insurance company acquires a structurally totaled
22 vehicle through payment of a total loss settlement on account of damage,
23 the company shall obtain the certificate of title from the owner,
24 surrender such certificate of title to the county treasurer, and make
25 application for a destroyed-vehicle branded certificate of title, which
26 shall be assigned when the company transfers ownership. An insurance
27 company shall take title to a structurally totaled vehicle for which a
28 total loss settlement is made unless the owner of the structurally
29 totaled vehicle elects to retain such vehicle.

30 (3)(a) If the owner elects to retain the structurally totaled
31 vehicle, the insurance company shall notify the department of such fact

1 in a format prescribed by the department. The department shall
2 immediately enter the destroyed-vehicle brand onto the computerized
3 record of the vehicle.

4 (b) The department shall notify each owner that elects to retain a
5 structurally totaled vehicle under subdivision (a) of this subsection of
6 such owner's rights and obligations relating to such structurally totaled
7 vehicle under the Branded Certificate of Title Act.

8 (c) Beginning on the implementation date designated by the director
9 pursuant to subsection (5) of section 60-1508, the insurance company
10 shall report electronically to the department using the electronic
11 reporting system. The insurance company shall also notify the owner of
12 the owner's responsibility to comply with this section.

13 (d) The owner shall, within thirty days after the settlement of the
14 loss, forward the properly endorsed acceptable certificate of title to
15 the county treasurer in the county designated in section 60-144. Upon
16 receipt of the certificate of title, the county treasurer shall issue a
17 destroyed-vehicle branded certificate of title for the vehicle.

18 (4) An insurance company may apply to the department for a
19 destroyed-vehicle branded certificate of title without obtaining a
20 properly endorsed certificate of title from the owner or other evidence
21 of ownership as prescribed by the department if it has been at least
22 thirty days since the company obtained oral or written acceptance by the
23 owner of an offer in an amount in settlement of a total loss. The
24 insurance company shall submit an application form prescribed by the
25 department for a destroyed-vehicle branded certificate of title
26 accompanied by an affidavit from the insurance company that it has made
27 at least two written attempts and has been unable to obtain the proper
28 endorsed certificate of title from the owner following an oral or written
29 acceptance by the owner of an offer of an amount in settlement of a total
30 loss and evidence of settlement.

31 (5) A vehicle with a destroyed-vehicle branded certificate of title

1 shall not be registered under the Motor Vehicle Registration Act.

2 Sec. 10. Section 60-176, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-176 Any person who knowingly transfers a wrecked, damaged, or
5 destroyed vehicle in violation of the Branded Certificate of Title Act
6 ~~sections 60-171 to 60-177~~ is guilty of a Class IV felony.

7 Sec. 11. Section 60-177, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 60-177 Nothing in the Branded Certificate of Title Act sections
10 ~~60-171 to 60-177~~ shall be construed to require the actual repair of a
11 wrecked, damaged, or destroyed vehicle to be designated as salvage.

12 Sec. 12. Section 60-385, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 60-385 Every owner of a motor vehicle or trailer required to be
15 registered shall make application for registration to the county
16 treasurer of the county in which the motor vehicle or trailer has situs.
17 The application shall be by any means designated by the department. An
18 approved licensed dealer participating in the electronic dealer services
19 system pursuant to section 60-1507 may submit such application
20 electronically to the appropriate county treasurer or the department. A
21 ~~salvage branded~~ certificate of title issued pursuant to the Branded
22 Certificate of Title Act and a nontransferable certificate of title
23 provided for in section 60-170 shall not be valid for registration
24 purposes.

25 Sec. 13. Section 60-395, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 60-395 (1) Except as otherwise provided in subsection (2) of this
28 section and sections 60-3,121, 60-3,122.02, 60-3,122.04, 60-3,128,
29 60-3,224, 60-3,227, 60-3,231, 60-3,233, 60-3,235, 60-3,238, 60-3,240,
30 60-3,242, 60-3,244, 60-3,246, 60-3,248, 60-3,250, 60-3,252, 60-3,254,
31 60-3,256, and 60-3,258, the registration shall expire and the registered

1 owner or lessee may, by returning the registration certificate, the
2 license plates, and, when appropriate, the validation decals and by
3 either making application on a form prescribed by the department to the
4 county treasurer of the occurrence of an event described in subdivisions
5 (a) through (e) of this subsection or, in the case of a change in situs,
6 displaying to the county treasurer the registration certificate of such
7 other state as evidence of a change in situs, receive a refund of that
8 part of the unused fees and taxes on motor vehicles or trailers based on
9 the number of unexpired months remaining in the registration period from
10 the date of any of the following events:

- 11 (a) Upon transfer of ownership of any motor vehicle or trailer;
- 12 (b) In case of loss of possession because of fire, natural disaster,
13 theft, dismantlement, or junking;
- 14 (c) When a ~~salvage-branded~~ certificate of title is issued pursuant
15 to the Branded Certificate of Title Act;
- 16 (d) Whenever a type or class of motor vehicle or trailer previously
17 registered is subsequently declared by legislative act or court decision
18 to be illegal or ineligible to be operated or towed on the public roads
19 and no longer subject to registration fees, the motor vehicle tax imposed
20 in section 60-3,185, the motor vehicle fee imposed in section 60-3,190,
21 and the alternative fuel fee imposed in section 60-3,191;
- 22 (e) Upon a trade-in or surrender of a motor vehicle under a lease;
23 or
- 24 (f) In case of a change in the situs of a motor vehicle or trailer
25 to a location outside of this state.

26 (2) If the date of the event falls within the same calendar month in
27 which the motor vehicle or trailer is acquired, no refund shall be
28 allowed for such month.

29 (3) If the transferor or lessee acquires another motor vehicle at
30 the time of the transfer, trade-in, or surrender, the transferor or
31 lessee shall have the credit provided for in this section applied toward

1 payment of the motor vehicle fees and taxes then owing. Otherwise, the
2 transferor or lessee shall file a claim for refund with the county
3 treasurer upon an application form prescribed by the department.

4 (4) The registered owner or lessee shall make a claim for refund or
5 credit of the fees and taxes for the unexpired months in the registration
6 period within sixty days after the date of the event or shall be deemed
7 to have forfeited his or her right to such refund or credit.

8 (5) For purposes of this section, the date of the event shall be:

- 9 (a) In the case of a transfer or loss, the date of the transfer or loss;
10 (b) in the case of a change in the situs, the date of registration in
11 another state; (c) in the case of a trade-in or surrender under a lease,
12 the date of trade-in or surrender; (d) in the case of a legislative act,
13 the effective date of the act; and (e) in the case of a court decision,
14 the date the decision is rendered.

15 (6) Application for registration or for reassignment of license
16 plates and, when appropriate, validation decals to another motor vehicle
17 or trailer shall be made within thirty days of the date of purchase.

18 (7) If a motor vehicle or trailer was reported stolen under section
19 60-178, a refund under this section shall not be reduced for a lost plate
20 charge and a credit under this section may be reduced for a lost plate
21 charge but the applicant shall not be required to pay the plate fee for
22 new plates.

23 (8) The county treasurer shall refund the motor vehicle fee and
24 registration fee from the fees which have not been transferred to the
25 State Treasurer. The county treasurer shall make payment to the claimant
26 from the undistributed motor vehicle taxes of the taxing unit where the
27 tax money was originally distributed. No refund of less than two dollars
28 shall be paid.

29 Sec. 14. Section 60-397, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-397 If a motor vehicle or trailer has a ~~salvage~~ branded

1 certificate of title issued pursuant to the Branded Certificate of Title
2 Act as a result of an insurance company acquiring the motor vehicle or
3 trailer through a total loss settlement, the prior owner of the motor
4 vehicle or trailer who is a party to the settlement may receive a refund
5 or credit of unused fees and taxes by (1) filing an application with the
6 county treasurer within sixty days after the date of the settlement
7 stating that title to the motor vehicle or trailer was transferred as a
8 result of the settlement and (2) returning the registration certificate,
9 the license plates, and, when appropriate, the validation decals or, in
10 the case of the unavailability of the registration certificate, license
11 plates, or validation decals, filing an affidavit with the county
12 treasurer regarding the transfer of title due to the settlement and the
13 unavailability of the certificate, license plates, or validation decals.
14 The owner may receive a refund or credit of the registration fees and
15 motor vehicle taxes and fees for the unexpired months remaining in the
16 registration year determined based on the date when the motor vehicle or
17 trailer was damaged and became unavailable for service. When the owner
18 registers a replacement motor vehicle or trailer at the time of filing
19 such affidavit, the credit may be immediately applied against the
20 registration fee and the motor vehicle tax and fee for the replacement
21 motor vehicle or trailer. When no such replacement motor vehicle or
22 trailer is so registered, the county treasurer shall refund the unused
23 registration fees. If the motor vehicle or trailer was damaged and became
24 unavailable for service during the same month in which it was registered,
25 no refund or credit shall be allowed for such month. When any such motor
26 vehicle or trailer is reregistered within the same registration year in
27 which its registration has been canceled, the taxes and fees shall be
28 that portion of the registration fee and the motor vehicle tax and fee
29 for the remainder of the registration year.

30 Sec. 15. Section 60-3,198, Revised Statutes Cumulative Supplement,
31 2022, is amended to read:

1 60-3,198 (1)(a) Any owner engaged in operating a fleet of
2 apportionable vehicles in this state in interjurisdiction commerce may,
3 in lieu of registration of such apportionable vehicles under the general
4 provisions of the Motor Vehicle Registration Act, register and license
5 such fleet for operation in this state by filing a statement and the
6 application required by section 60-3,203 with the Division of Motor
7 Carrier Services of the department. The statement shall be in such form
8 and contain such information as the division requires, declaring the
9 total mileage operated by such vehicles in all jurisdictions and in this
10 state during the preceding year and describing and identifying each such
11 apportionable vehicle to be operated in this state during the ensuing
12 license period.

13 (b)(i) Until July 1, 2021, upon receipt of such statement and
14 application, the division shall determine the total fee payment, which
15 shall be equal to the amount of fees due pursuant to section 60-3,203 and
16 the amount obtained by applying the formula provided in section 60-3,204
17 to a fee of thirty-two dollars per ton based upon gross vehicle weight of
18 the empty weights of a truck or truck-tractor and the empty weights of
19 any trailer or combination thereof with which it is to be operated in
20 combination at any one time plus the weight of the maximum load to be
21 carried thereon at any one time, and shall notify the applicant of the
22 amount of payment required to be made. Mileage operated in noncontracting
23 reciprocity jurisdictions by apportionable vehicles based in Nebraska
24 shall be applied to the portion of the formula for determining the
25 Nebraska injurisdiction fleet distance.

26 (ii) Beginning July 1, 2021, and until July 1, 2025, upon receipt of
27 such statement and application, the division shall determine the total
28 fee payment, which shall be equal to the amount of fees due pursuant to
29 section 60-3,203 and the amount obtained by applying the formula provided
30 in section 60-3,204 to a fee of thirty-five dollars per ton based upon
31 gross vehicle weight of the empty weights of a truck or truck-tractor and

1 the empty weights of any trailer or combination thereof with which it is
2 to be operated in combination at any one time plus the weight of the
3 maximum load to be carried thereon at any one time, and shall notify the
4 applicant of the amount of payment required to be made. Mileage operated
5 in noncontracting reciprocity jurisdictions by apportionable vehicles
6 based in Nebraska shall be applied to the portion of the formula for
7 determining the Nebraska injurisdiction fleet distance.

8 (iii) Beginning July 1, 2025, upon receipt of such statement and
9 application, the division shall determine the total fee payment, which
10 shall be equal to the amount of fees due pursuant to section 60-3,203 and
11 the amount obtained by applying the formula provided in section 60-3,204
12 to a fee of thirty-three dollars and fifty cents per ton based upon gross
13 vehicle weight of the empty weights of a truck or truck-tractor and the
14 empty weights of any trailer or combination thereof with which it is to
15 be operated in combination at any one time plus the weight of the maximum
16 load to be carried thereon at any one time, and shall notify the
17 applicant of the amount of payment required to be made. Mileage operated
18 in noncontracting reciprocity jurisdictions by apportionable vehicles
19 based in Nebraska shall be applied to the portion of the formula for
20 determining the Nebraska injurisdiction fleet distance.

21 (c) Temporary authority which permits the operation of a fleet or an
22 addition to a fleet in this state while the application is being
23 processed may be issued upon application to the division if necessary to
24 complete processing of the application.

25 (d) Upon completion of such processing and receipt of the
26 appropriate fees, the division shall issue to the applicant a sufficient
27 number of distinctive registration certificates which provide a list of
28 the jurisdictions in which the apportionable vehicle has been
29 apportioned, the weight for which registered, and such other evidence of
30 registration for display on the apportionable vehicle as the division
31 determines appropriate for each of the apportionable vehicles of his or

1 her fleet, identifying it as a part of an interjurisdiction fleet
2 proportionately registered. Such registration certificates may be
3 displayed as a legible paper copy or electronically as authorized by the
4 department. All fees received as provided in this section shall be
5 remitted to the State Treasurer for credit to the Motor Carrier Services
6 Division Distributive Fund.

7 (e) The apportionable vehicles so registered shall be exempt from
8 all further registration and license fees under the Motor Vehicle
9 Registration Act for movement or operation in the State of Nebraska
10 except as provided in section 60-3,203. The proportional registration and
11 licensing provision of this section shall apply to apportionable vehicles
12 added to such fleets and operated in this state during the license period
13 except with regard to permanent license plates issued under section
14 60-3,203.

15 (f) The right of applicants to proportional registration under this
16 section shall be subject to the terms and conditions of any reciprocity
17 agreement, contract, or consent made by the division.

18 (g) When a nonresident fleet owner has registered his or her
19 apportionable vehicles, his or her apportionable vehicles shall be
20 considered as fully registered for both interjurisdiction and
21 intrajurisdiction commerce when the jurisdiction of base registration for
22 such fleet accords the same consideration for fleets with a base
23 registration in Nebraska. Each apportionable vehicle of a fleet
24 registered by a resident of Nebraska shall be considered as fully
25 registered for both interjurisdiction and intrajurisdiction commerce.

26 (2) Mileage proportions for interjurisdiction fleets not operated in
27 this state during the preceding year shall be determined by the division
28 upon the application of the applicant on forms to be supplied by the
29 division which shall show the operations of the preceding year in other
30 jurisdictions and estimated operations in Nebraska or, if no operations
31 were conducted the previous year, a full statement of the proposed method

1 of operation.

2 (3) Any owner complying with and being granted proportional
3 registration shall preserve the records on which the application is made
4 for a period of three years following the current registration period.
5 Upon request of the division, the owner shall make such records available
6 to the division at its office for audit as to accuracy of computation and
7 payments or pay the costs of an audit at the home office of the owner by
8 a duly appointed representative of the division if the office where the
9 records are maintained is not within the State of Nebraska. The division
10 may enter into agreements with agencies of other jurisdictions
11 administering motor vehicle registration laws for joint audits of any
12 such owner. All payments received to cover the costs of an audit shall be
13 remitted by the division to the State Treasurer for credit to the Motor
14 Carrier Division Cash Fund. No deficiency shall be assessed and no claim
15 for credit shall be allowed for any license registration period for which
16 records on which the application was made are no longer required to be
17 maintained.

18 (4) If the division claims that a greater amount of fee is due under
19 this section than was paid, the division shall notify the owner of the
20 additional amount claimed to be due. The owner may accept such claim and
21 pay the amount due, or he or she may dispute the claim and submit to the
22 division any information which he or she may have in support of his or
23 her position. If the dispute cannot otherwise be resolved within the
24 division, the owner may petition for an appeal of the matter. The
25 director shall appoint a hearing officer who shall hear the dispute and
26 issue a written decision. Any appeal shall be in accordance with the
27 Administrative Procedure Act. Upon expiration of the time for perfecting
28 an appeal if no appeal is taken or upon final judicial determination if
29 an appeal is taken, the division shall deny the owner the right to
30 further registration for a fleet license until the amount finally
31 determined to be due, together with any costs assessed against the owner,

1 has been paid.

2 (5) Every applicant who licenses any apportionable vehicles under
3 this section and section 60-3,203 shall have his or her registration
4 certificates issued only after all fees under such sections are paid and,
5 if applicable, proof has been furnished of payment, in the form
6 prescribed by the director as directed by the United States Secretary of
7 the Treasury, of the federal heavy vehicle use tax imposed by 26 U.S.C.
8 4481 of the Internal Revenue Code as defined in section 49-801.01.

9 (6)(a) In the event of the transfer of ownership of any registered
10 apportionable vehicle, (b) in the case of loss of possession because of
11 fire, natural disaster, theft, or wrecking, junking, or dismantling of
12 any registered apportionable vehicle, (c) when a ~~salvage~~-branded
13 certificate of title is issued pursuant to the Branded Certificate of
14 Title Act for any registered apportionable vehicle, (d) whenever a type
15 or class of registered apportioned vehicle is subsequently declared by
16 legislative act or court decision to be illegal or ineligible to be
17 operated or towed on the public roads and no longer subject to
18 registration fees and taxes, (e) upon trade-in or surrender of a
19 registered apportionable vehicle under a lease, or (f) in case of a
20 change in the situs of a registered apportionable vehicle to a location
21 outside of this state, its registration shall expire, except that if the
22 registered owner or lessee applies to the division after such transfer or
23 loss of possession and accompanies the application with a fee of one
24 dollar and fifty cents, he or she may have any remaining credit of
25 vehicle fees and taxes from the previously registered apportionable
26 vehicle applied toward payment of any vehicle fees and taxes due and
27 owing on another registered apportionable vehicle. If such registered
28 apportionable vehicle has a greater gross vehicle weight than that of the
29 previously registered apportionable vehicle, the registered owner or
30 lessee of the registered apportionable vehicle shall additionally pay
31 only the registration fee for the increased gross vehicle weight for the

1 remaining months of the registration period based on the factors
2 determined by the division in the original fleet application.

3 (7) Whenever a Nebraska-based fleet owner files an application with
4 the division to delete a registered apportionable vehicle from a fleet of
5 registered apportionable vehicles (a) because of a transfer of ownership
6 of the registered apportionable vehicle, (b) because of loss of
7 possession due to fire, natural disaster, theft, or wrecking, junking, or
8 dismantling of the registered apportionable vehicle, (c) because a
9 ~~salvage-branded~~ certificate of title is issued pursuant to the Branded
10 Certificate of Title Act for the registered apportionable vehicle, (d)
11 because a type or class of registered apportioned vehicle is subsequently
12 declared by legislative act or court decision to be illegal or ineligible
13 to be operated or towed on the public roads and no longer subject to
14 registration fees and taxes, (e) because of a trade-in or surrender of
15 the registered apportionable vehicle under a lease, or (f) because of a
16 change in the situs of the registered apportionable vehicle to a location
17 outside of this state, the registered owner may, by returning the
18 registration certificate or certificates and such other evidence of
19 registration used by the division or, if such certificate or certificates
20 or such other evidence of registration is unavailable, then by making an
21 affidavit to the division of such transfer or loss, receive a refund of
22 that portion of the unused registration fee based upon the number of
23 unexpired months remaining in the registration period from the date of
24 transfer or loss. No refund shall be allowed for any fees paid under
25 section 60-3,203. When such apportionable vehicle is transferred or lost
26 within the same month as acquired, no refund shall be allowed for such
27 month. Such refund may be in the form of a credit against any
28 registration fees that have been incurred or are, at the time of the
29 refund, being incurred by the registered apportionable vehicle owner. The
30 Nebraska-based fleet owner shall make a claim for a refund under this
31 subsection within the registration period or shall be deemed to have

1 forfeited his or her right to the refund.

2 (8) In case of addition to the registered fleet during the
3 registration period, the owner engaged in operating the fleet shall pay
4 the proportionate registration fee from the date the vehicle was placed
5 into service or, if the vehicle was previously registered, the date the
6 prior registration expired or the date Nebraska became the base
7 jurisdiction for the fleet, whichever is first, for the remaining balance
8 of the registration period. The fee for any permanent license plate
9 issued for such addition pursuant to section 60-3,203 shall be the full
10 fee required by such section, regardless of the number of months
11 remaining in the license period.

12 (9) In lieu of registration under subsections (1) through (8) of
13 this section, the title holder of record may apply to the division for
14 special registration, to be known as an unladen-weight registration, for
15 any commercial motor vehicle or combination of vehicles which have been
16 registered to a Nebraska-based fleet owner within the current or previous
17 registration period. Such registration shall be valid only for a period
18 of thirty days and shall give no authority to operate the vehicle except
19 when empty. The fee for such registration shall be twenty dollars for
20 each vehicle, which fee shall be remitted to the State Treasurer for
21 credit to the Highway Trust Fund. The issuance of such permits shall be
22 governed by section 60-3,179.

23 (10) Any person may, in lieu of registration under subsections (1)
24 through (8) of this section or for other jurisdictions as approved by the
25 director, purchase a trip permit for any nonresident truck, truck-
26 tractor, bus, or truck or truck-tractor combination. A trip permit shall
27 be issued before any person required to obtain a trip permit enters this
28 state with such vehicle. The trip permit shall be issued by the director
29 through Internet sales from the department's website. The trip permit
30 shall be valid for a period of seventy-two hours. The fee for the trip
31 permit shall be twenty-five dollars for each truck, truck-tractor, bus,

1 or truck or truck-tractor combination. The fee collected by the director
2 shall be remitted to the State Treasurer for credit to the Highway Cash
3 Fund.

4 Sec. 16. Section 60-1401, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 60-1401 Sections 60-1401 to 60-1441 and sections 18 to 20 of this
7 act shall be known and may be cited as the Motor Vehicle Industry
8 Regulation Act.

9 Any amendments to the act shall apply to franchises subject to the
10 act which are entered into, amended, altered, modified, renewed, or
11 extended after the date of the amendments to the act except as otherwise
12 specifically provided in the act.

13 All amendments to the act shall apply upon the issuance or renewal
14 of a dealer's or manufacturer's license.

15 Sec. 17. Section 60-1401.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 60-1401.02 For purposes of the Motor Vehicle Industry Regulation
18 Act, the definitions found in sections 60-1401.03 to 60-1401.40,
19 60-1401.42, and 60-1401.43 and sections 18 and 19 of this act apply.

20 Sec. 18. Original equipment manufacturer part means a part for a
21 motor vehicle that is manufactured by the manufacturer of the motor
22 vehicle.

23 Sec. 19. Original equipment manufacturer procedure means the best
24 practice to provide consumer care through manuals and guidance provided
25 by the manufacturer of the motor vehicle receiving such consumer care.

26 Sec. 20. Any person performing consumer care shall follow the
27 original equipment manufacturer procedures for all repairs to motor
28 vehicles except for use of original equipment manufacturer parts.

29 Sec. 21. Section 60-1508, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 60-1508 (1) It is the intent of the Legislature that the Department

1 of Motor Vehicles maintain and further improve the Vehicle Title and
2 Registration System which is the statewide system for the collection,
3 storage, and transfer of data on vehicle titles and registrations as
4 described in section 60-1505.

5 (2) The department shall provide for technological updates to
6 electronic certificates of title. The Director of Motor Vehicles shall
7 designate an implementation date for the updates which date is on or
8 before January 1, 2021.

9 (3) The department shall provide for an electronic reporting system
10 for salvage and junked motorboats and vehicles. The director shall
11 designate an implementation date for the system which date is on or
12 before January 1, 2021.

13 (4) The department shall provide for the use of identification
14 numbers for trailers which do not have a certificate of title. The
15 director shall designate an implementation date for such use which date
16 is on or before January 1, 2021.

17 (5) The department shall provide for an electronic reporting system
18 for structurally totaled vehicles. The director shall designate an
19 implementation date for the system which date is on or before January 1,
20 2025.

21 Sec. 22. Original sections 60-101, 60-171, 60-172, 60-174, 60-175,
22 60-176, 60-177, 60-385, 60-395, 60-397, 60-1401, 60-1401.02, and 60-1508,
23 Reissue Revised Statutes of Nebraska, and sections 60-146, 60-149, and
24 60-3,198, Revised Statutes Cumulative Supplement, 2022, are repealed.