

## LEGISLATIVE BILL 961

Approved by the Governor May 4, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 69-109, 69-109.01, 69-110, and 69-111, Revised Statutes Supplement, 1969, relating to personal property; to clarify the provisions thereof; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 69-109, Revised Statutes Supplement, 1969, be amended to read as follows:

69-109. Any person who, after having conveyed any created any security interest in any article of personal property, either presently-owned or after-acquired, for the benefit of another, to--another by-secured-instrument, shall, during the existence of the lien-or-title-created-by--such--secured--instrument security interest, sell, transfer, or in any manner dispose of the said personal property, or any part thereof so given as security, to any person or body corporate, without first procuring the consent, in writing, of the owner and holder of the debt-secured--by said-secured-instrument security interest, to any such sale, transfer or disposal, shall be deemed guilty of a felony, and upon conviction thereof shall be fined in any sum not less than one hundred dollars or imprisoned in the Nebraska Penal and Correctional Complex for a term not less than one year nor more than ten years, or both be both so fined and imprisoned.

Sec. 2. That section 69-109.01, Revised Statutes Supplement, 1969, be amended to read as follows:

69-109.01. The auctioneer, who in good faith and without notice of a secured--instrument--thereon security interest therein, sells personal property at auction, which is in fact subject to a secured instrument security interest, for a principal whose identity has been disclosed, in which property the auctioneer has no interest but acts only as an intermediary of the owner is not liable to the holder of the secured-instrument security interest for any damage sustained as a result of such sale.

Sec. 3. That section 69-110, Revised Statutes Supplement, 1969, be amended to read as follows:

69-110. Any person who, after having conveyed created any security interest in any article of personal property, whether presently-owned or after-acquired, for the benefit of to another, by--a--secured--instrument, shall, during the existence of the-lien-or-title-created by--such--secured--instrument such interest, remove, permit, or cause to be removed, said property covered-by the-secured-instrument; or any part thereof, out of the county within which such property covered-by-the-secured instrument was situated at--the--time--such---secured instrument-was-given-thereon; with intent to deprive the owner or owners of the security interest said--secured instrument of his or their security, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the Nebraska Penal and Correctional Complex for a term not exceeding ten years, and be fined in a sum not exceeding one thousand dollars.

Sec. 4. That section 69-111, Revised Statutes Supplement, 1969, be amended to read as follows:

69-111. Any person who, after having conveyed created any security interest in any article of personal property, whether presently-owned or after-acquired, for the benefit of another, to---another---by---secured instrument, shall, during the existence of the lien or title created-by of such secured--instrument security interest, fail to give, from time to time upon the demand of the holder of the secured-instrument security interest, an accounting for such property, covered--by the-secured-instrument; or who, when the holder of the secured--instrument security interest has reason to believe his security insufficient or when the issuer creator of the secured--instrument security interest requests an extension of the time of payment, shall fail, on demand of the holder of the secured--instrument security interest or his agent, to identify and exhibit for inspection the property covered by the secured instrument security interest at reasonable hours; or who, in case of loss or death of such articles covered by the secured-instrument security interest, shall fail to produce within ten days after knowledge of the loss or death, notice in writing to the holder of the secured instrument security interest of such death or loss, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five dollars nor more than one hundred dollars, or imprisoned in the county jail not exceeding thirty days.

Sec. 5. That original sections 69-109, 69-109.01, 69-110, and 69-111, Revised Statutes Supplement, 1969, are repealed.

Sec. 6. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.