

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 922**

Introduced by Bromm, 23

Read first time January 9, 2002

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicle title applications; to amend  
2 section 60-106, Revised Statutes Supplement, 2000; to  
3 authorize the acceptance of valid out-of-state motor  
4 vehicle titles as prescribed; and to repeal the original  
5 section.

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

1           Section 1. Section 60-106, Revised Statutes Supplement,  
2 2000, is amended to read:

3           60-106. (1) (a) The Department of Motor Vehicles in  
4 conjunction with the Department of Administrative Services and the  
5 counties shall develop an implementation plan to provide for  
6 adequate planning preceding a mandate for the implementation of the  
7 vehicle titling and registration component system of the statewide  
8 county automation project. The implementation plan shall include  
9 installation costs, training, and any other costs associated with  
10 the project.

11           (b) The Department of Motor Vehicles shall submit the  
12 implementation plan on or before December 1, 1993, to the Governor  
13 and the Clerk of the Legislature. Each member of the Legislature  
14 shall receive a copy of such report by making a request for it to  
15 the Director of Motor Vehicles or the Director of Administrative  
16 Services.

17           (c) Each county shall issue and file certificates of  
18 title using the vehicle titling and registration computer system  
19 prescribed by the Department of Motor Vehicles by January 1, 1996.

20           (2) (a) Application for a certificate of title shall be  
21 made upon a form prescribed by the Department of Motor Vehicles.  
22 All applications shall be accompanied by the fee prescribed in  
23 section 60-115.

24           (b) All applications for a certificate of title to a  
25 mobile home as defined in subdivision (2) of section 60-614 shall  
26 be accompanied by a mobile home transfer statement prescribed by  
27 the Property Tax Administrator. The mobile home transfer statement  
28 shall be filed by the applicant with the county clerk of the county

1 of application for title. The county clerk shall issue a  
2 certificate of title to a mobile home but shall not deliver the  
3 certificate of title unless the mobile home transfer statement  
4 accompanies the application for title, except that the failure to  
5 provide the mobile home transfer statement shall not prevent the  
6 notation of a lien on the face of the certificate of title to the  
7 mobile home pursuant to section 60-110 and delivery to the holder  
8 of the first lien. The county clerk shall retain the original copy  
9 of the mobile home transfer statement, forward two copies to the  
10 county assessor, and provide a copy to the applicant.

11 (3) (a) If the motor vehicle has situs in Nebraska, the  
12 application shall be filed with the county clerk of the county in  
13 which the vehicle has situs as defined in section 60-3001.

14 (b) If the applicant is a nonresident, the application  
15 shall be filed in the county in which the transaction is  
16 consummated.

17 (c) All applicants registering a vehicle pursuant to  
18 section 60-305.09 shall file the application for title to the  
19 vehicle with the Division of Motor Carrier Services of the  
20 Department of Motor Vehicles. The division shall deliver the  
21 certificate to the applicant if there are no liens on the vehicle.  
22 If there are any liens on the vehicle, the division shall deliver  
23 or mail the certificate of title to the holder of the first lien on  
24 the day of issuance. All certificates of title issued by the  
25 division shall be issued in the manner prescribed for the county  
26 clerk in section 60-107.

27 (4) If a certificate of title has previously been issued  
28 for the motor vehicle in this state, the application for a new

1 certificate of title shall be accompanied by the certificate of  
2 title duly assigned unless otherwise provided for in sections  
3 60-102 to 60-117. If a certificate of title has not previously  
4 been issued for the motor vehicle in this state or if a certificate  
5 of title is unavailable pursuant to subsection (4) of section  
6 52-1801, the application, unless otherwise provided for in sections  
7 60-102 to 60-117, shall be accompanied by a manufacturer's or  
8 importer's certificate, as provided for in such sections, a duly  
9 certified copy thereof, a certificate of title, a court order  
10 issued by a court of record, a manufacturer's certificate of  
11 origin, or an assigned registration certificate, if the law of the  
12 state from which the motor vehicle was brought into this state does  
13 not have a certificate of title law. If the application for a  
14 certificate of title in this state is accompanied by a valid  
15 certificate of title issued by another state which meets that  
16 state's requirements for transfer of ownership, then the  
17 application may be accepted by this state. For purposes of this  
18 subsection, certificate of title shall include a salvage  
19 certificate, a salvage certificate of title, or any other document  
20 of ownership issued by another state or jurisdiction for a salvage  
21 vehicle. Only a salvage certificate of title shall be issued to  
22 any vehicle conveyed upon a salvage certificate, a salvage  
23 certificate of title, or any other document of ownership issued by  
24 another state or jurisdiction for a salvage vehicle. If a  
25 certificate of title has not previously been issued for the vehicle  
26 in this state and the applicant is unable to provide such  
27 documentation, the applicant may apply for a bonded certificate of  
28 title as prescribed in section 60-111.01. The county clerk shall

1 retain the evidence of title presented by the applicant and on  
2 which the certificate of title is issued.

3 (5) The county clerk shall use reasonable diligence in  
4 ascertaining whether or not the statements in the application for a  
5 certificate of title are true by checking the application and  
6 documents accompanying the same with the records of motor vehicles  
7 in his or her office. If he or she is satisfied that the applicant  
8 is the owner of such motor vehicle and that the application is in  
9 the proper form, the county clerk shall issue a certificate of  
10 title over his or her signature and sealed with his or her seal.

11 (6) In the case of the sale of a motor vehicle, the  
12 certificate of title shall be obtained in the name of the purchaser  
13 upon application signed by the purchaser, except that (a) for  
14 titles to be held by husband and wife, applications may be accepted  
15 upon the signature of either one as a signature for himself or  
16 herself and as agent for his or her spouse and (b) for an applicant  
17 providing proof that he or she is a handicapped or disabled person  
18 as defined in section 18-1738, applications may be accepted upon  
19 the signature of the applicant's parent, legal guardian, foster  
20 parent, or agent.

21 (7) In all cases of transfers of motor vehicles,  
22 commercial trailers, semitrailers, or cabin trailers, the  
23 application for a certificate of title shall be filed within thirty  
24 days after the delivery of such vehicle or trailer. A licensed  
25 dealer need not apply for certificates of title for motor vehicles,  
26 commercial trailers, semitrailers, or cabin trailers in stock or  
27 acquired for stock purposes, but upon transfer of such vehicle or  
28 trailer in stock or acquired for stock purposes, the licensed

1 dealer shall give the transferee a reassignment of the certificate  
2 of title on such vehicle or trailer or an assignment of a  
3 manufacturer's or importer's certificate. If all reassignments on  
4 the certificate of title have been used, the licensed dealer shall  
5 obtain title in his or her name prior to any subsequent transfer.

6 (8) An application for a certificate of title shall  
7 include a statement that an identification inspection has been  
8 conducted on the vehicle unless (a) the title sought is a salvage  
9 certificate of title as defined in section 60-129 or a  
10 nontransferable certificate of title provided for in section  
11 60-131, (b) the surrendered ownership document is a Nebraska  
12 certificate of title, a manufacturer's statement of origin, an  
13 importer's statement of origin, a United States Government  
14 Certificate of Release of a motor vehicle, or a nontransferable  
15 certificate of title issued under section 60-131, (c) the  
16 application for a certificate of title contains a statement that  
17 such vehicle is to be registered under section 60-305.09, (d) the  
18 vehicle is a cabin trailer, (e) the title sought is the first title  
19 for a motor vehicle sold directly by the manufacturer of the motor  
20 vehicle to a licensed dealer franchised by the manufacturer, or (f)  
21 the vehicle was sold at an auction authorized by the manufacturer  
22 and purchased by a licensed dealer franchised by the manufacturer  
23 of the motor vehicle. The Department of Motor Vehicles shall  
24 prescribe a form to be executed by a dealer and submitted with an  
25 application for a certificate of title for vehicles exempt from  
26 inspection pursuant to subdivision (8)(e) or (f) of this section,  
27 which form shall clearly identify the vehicle and state under  
28 penalty of law that the vehicle is exempt from inspection. The

1 statement that an identification inspection has been conducted  
2 shall be furnished by the county sheriff of any county or by any  
3 other holder of a current certificate of training issued pursuant  
4 to section 60-121 and shall be in a format as determined by the  
5 department. The county clerk shall accept a certificate of  
6 inspection, approved by the Superintendent of Law Enforcement and  
7 Public Safety, from an officer of a state police agency of another  
8 state. For each inspection a fee of ten dollars shall be paid to  
9 the county treasurer. All such fees shall be credited to the  
10 county sheriff's vehicle inspection account within the county  
11 general fund. The identification inspection required by this  
12 subsection shall include examination and notation of the current  
13 odometer reading and a comparison of the vehicle identification  
14 number with the number listed on the ownership records, except that  
15 if a lien is registered against a vehicle and recorded on the  
16 vehicle's ownership records, the county clerk shall provide a copy  
17 of the ownership records for use in making such comparison. If  
18 such numbers are not identical, if there is reason to believe  
19 further inspection is necessary, or if the inspection is for a  
20 Nebraska assigned number, the person performing the inspection  
21 shall make a further inspection of the vehicle which may include,  
22 but shall not be limited to, examination of other identifying  
23 numbers placed on the vehicle by the manufacturer and an inquiry  
24 into the numbering system used by the state issuing such ownership  
25 records to determine ownership of a vehicle. The identification  
26 inspection shall also include a statement that the vehicle  
27 identification number has been checked for entry in the National  
28 Crime Information Center and the Nebraska Crime Information

1 Service. If there is cause to believe that odometer fraud exists,  
2 written notification shall be given to the office of the Attorney  
3 General. If after such inspection the sheriff or his or her  
4 designee determines that the vehicle is not the vehicle described  
5 by the ownership records, no statement shall be issued. In the  
6 case of an assembled vehicle such inspection shall include, but not  
7 be limited to, an examination of the records showing the date of  
8 receipt and source of each major component part as defined in  
9 section 60-2601.

10 (9) If a county board consolidates services under the  
11 office of a designated county official other than the county clerk  
12 pursuant to section 23-186:

13 (a) Applications under subsections (2) and (3) of this  
14 section shall be submitted to the designated county official;

15 (b) The designated county official shall perform the  
16 duties imposed on the county clerk under subsections (2) and (5) of  
17 this section;

18 (c) The designated county official may accept  
19 certificates of inspection under the conditions described in  
20 subsection (8) of this section; and

21 (d) The designated county official shall act as office of  
22 record for title documents, applications, odometer statements,  
23 certificates of inspections, and lien and cancellation of lien  
24 notations.

25 Sec. 2. Original section 60-106, Revised Statutes  
26 Supplement, 2000, is repealed.