

AMENDMENTS TO LB 1215

Introduced by Transportation and Telecommunications Committee:

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

3 Section 1. Section 60-169, Revised Statutes Supplement,
4 2005, is amended to read:

5 60-169 ~~(1)~~ Each (1)(a) Except as otherwise provided in
6 subdivision (b) of this subsection, each owner of a vehicle and
7 each person mentioned as owner in the last certificate of title,
8 when the vehicle is dismantled, destroyed, or changed in such a
9 manner that it loses its character as a vehicle or changed in such
10 a manner that it is not the vehicle described in the certificate
11 of title, shall surrender his or her certificate of title to the
12 county clerk or designated county official of the county where such
13 certificate of title was issued or, if issued by the department,
14 to the department. If the certificate of title is surrendered
15 to the county clerk or designated county official, he or she
16 shall, with the consent of any holders of any liens noted thereon,
17 enter a cancellation upon his or her records and shall notify the
18 department of such cancellation. If the certificate is surrendered
19 to the department, it shall, with the consent of any holder of any
20 lien noted thereon, enter a cancellation upon its records.

21 (b)(i) In the case of a mobile home for which a
22 certificate of title has been issued, if such mobile home is
23 affixed to real property in which the owner of the mobile home has

1 an ownership interest, the certificate of title may be surrendered
2 for cancellation to the county clerk or designated county official
3 of the county where such certificate of title is issued or, if
4 issued by the department, to the department, if at the time of
5 surrender, the owner submits to the county clerk, designated county
6 official, or to the department an affidavit of affixture on a form
7 provided by the department that contains all of the following, as
8 applicable: (A) The names and addresses of all of the owners of
9 record of the mobile home; (B) a description of the mobile home
10 that includes the name of the manufacturer of the mobile home,
11 the year of manufacture, the model, and the manufacturer's serial
12 number; (C) the legal description of the real property upon which
13 the mobile home is affixed; (D) a statement that the mobile home
14 is affixed to the real property; (E) the written consent of each
15 holder of a lien duly noted on the certificate of title to the
16 release of such lien and the cancellation of the certificate of
17 title; (F) a copy of the certificate of title surrendered for
18 cancellation; and (G) the name and address of an owner, a financial
19 institution, or other entity to which notice of cancellation of the
20 certificate of title may be delivered.

21 (ii) The person submitting an affidavit of affixture
22 pursuant to this subdivision shall swear or affirm that all
23 statements in the affidavit are true and material and further
24 acknowledge that any false statement in the affidavit may subject
25 the person to penalties relating to perjury under section 28-915.

26 (2) If a certificate of title of a mobile home is
27 surrendered to the county clerk or designated county official,

1 along with the affidavit required by subdivision (1)(b) of this
2 section, he or she shall enter a cancellation upon his or her
3 records, notify the department of such cancellation, and forward a
4 duplicate original of the affidavit to the department and deliver
5 a duplicate original of the executed affidavit under subdivision
6 (1)(b) of this section to the register of deeds for the county in
7 which the real property is located which shall be filed by the
8 register of deeds. The county clerk or designated county official
9 shall be entitled to collect fees from the person submitting the
10 affidavit in accordance with sections 33-109 and 33-112 to cover
11 the costs of filing such affidavit. If the certificate of title is
12 surrendered to the department, along with the affidavit required by
13 subdivision (1)(b) of this section, the department shall enter a
14 cancellation upon its records and deliver a duplicate original of
15 the executed affidavit under subsection (1)(b) of this section to
16 the register of deeds for the county in which the real property
17 is located which shall be filed by the register of deeds. The
18 department shall be entitled to collect fees from the person
19 submitting the affidavit in accordance with sections 33-109 and
20 33-112 to cover the costs of filing such affidavit. Following
21 the cancellation of a mobile home certificate of title, neither
22 the county clerk, designated county official, nor the department
23 shall issue a certificate of title for such mobile home, except as
24 provided in subsection (5) of this section.

25 (3) If a mobile home is affixed to real estate before the
26 effective date of this act, a person who is the holder of a lien
27 or security interest in both the mobile home and the real estate to

1 which it is affixed on such date may enforce its liens or security
2 interests by accepting a deed in lieu of foreclosure or in the
3 manner provided by law for enforcing liens on the real estate.

4 (4) A mobile home for which the certificate of title has
5 been canceled and for which an affidavit of affixture has been
6 duly recorded pursuant to subsection (2) of this section shall be
7 treated as part of the real estate upon which such mobile home is
8 located and any lien thereon shall be perfected and enforced in
9 the same manner as a lien on real estate and the owner may convey
10 ownership of the mobile home only as a part of the real estate to
11 which it is affixed.

12 (5) If an owner of both the mobile home and the real
13 estate described in subdivision (1)(b) of this section intends to
14 detach the mobile home from the real estate, the owner shall do
15 both of the following: (a) Before detaching the mobile home, record
16 an affidavit of detachment in the office of the register of deeds
17 in the county in which the affidavit is recorded under subdivision
18 (1)(b) of this section; and (b) apply for a certificate of title
19 for the mobile home pursuant to section 60-147. The affidavit of
20 detachment shall contain all of the following: (i) The names and
21 addresses of all of the owners of record of the mobile home;
22 (ii) a description of the mobile home that includes the name of
23 the manufacturer of the mobile home, the year of manufacture,
24 the model, and the manufacturer's serial number; (iii) the legal
25 description of the real estate from which the mobile home is to be
26 detached; (iv) a statement that the mobile home is to be detached
27 from the real property; (v) a statement that the mobile home

1 certificate of title has previously been canceled, (vi) the name
2 of each holder of a lien of record against the real estate from
3 which the mobile home is to be detached, with the written consent
4 of each holder to the detachment; and (vii) the name and address
5 of an owner, financial institution, or other entity to which the
6 certificate of title may be delivered.

7 (6) An owner of an affixed mobile home for which the
8 certificate of title has previously been canceled pursuant to
9 subsection (2) of this section shall not detach the mobile home
10 from the real estate before a certificate of title for the mobile
11 home is issued by the county clerk, designated county official,
12 or department. If a certificate of title is issued by the county
13 clerk, designated county official, or department, the mobile home
14 is no longer considered part of the real property and any lien
15 thereon shall be perfected pursuant to section 60-164 and the owner
16 may convey ownership of the mobile home only by way of certificate
17 of title.

18 (7) For purposes of this section:

19 (a) A mobile home is affixed to real estate if the
20 wheels, towing hitches, and running gear are removed and it is
21 permanently attached to a foundation or other support system; and

22 (b) Ownership interest means the fee simple interest in
23 real estate or an interest as the lessee under a lease of the real
24 property that has a term that continues for at least twenty years
25 after the recording of the affidavit under subsection (2) of this
26 section.

27 ~~(2)~~ (8) Upon cancellation of a certificate of title

1 in the manner prescribed by this section, the county clerk or
2 designated county official and the department may cancel and
3 destroy all certificates and all memorandum certificates in that
4 chain of title.