

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 251

Introduced by Baker, 44

Read first time January 10, 2005

Committee: Rereferred to Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-6,297,
2 60-2404, and 60-2410, Reissue Revised Statutes of
3 Nebraska; to change provisions relating to towing; and to
4 repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-6,297, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-6,297. The provisions of subdivision (1)(b) of
4 section 60-6,290 and subsections (2) and (3) of section 60-6,294
5 shall not apply when a disabled combination of vehicles is towed if
6 the combination of vehicles, together with the wrecker or tow
7 truck, does not exceed one hundred ~~thirty~~ fifty feet, inclusive of
8 front and rear bumpers including load. Such exception shall apply
9 only if the disabled combination of vehicles is being towed
10 directly to the nearest place of secure safekeeping. The towing
11 vehicle shall be connected with the air brakes and brake lights of
12 the towed vehicle.

13 Sec. 2. Section 60-2404, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 60-2404. A motor vehicle towed away under sections
16 60-2401 to 60-2411, which is not claimed by the owner within ~~one~~
17 ~~hundred eighty~~ ninety days after towing, is subject to ~~liens~~ lien
18 and disposition under Chapter 52, article 6, by the person who
19 towed the vehicle. ~~under Chapter 52, article 6-~~

20 Sec. 3. Section 60-2410, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 60-2410. (1) The owner or other person lawfully entitled
23 to the possession of any vehicle towed or stored shall be charged
24 with the reasonable cost of towing and storage fees. Any such
25 towing or storage fee shall be a lien upon the vehicle under
26 Chapter 52, article 6, and, except as provided in subsection (3) of
27 this section, shall be prior to all other claims. Any person
28 towing or storing a vehicle ~~shall be entitled to~~ may retain

1 possession of such vehicle until such charges are paid or, after
2 ninety days, may dispose of such vehicle to satisfy the lien. The
3 lien provided for in this section shall not apply to the contents
4 of any vehicle.

5 (2) The person towing the motor vehicle shall, within
6 thirty days after towing, notify any lienholder appearing on the
7 certificate of title of the motor vehicle and the owner of the
8 motor vehicle of the towing of the motor vehicle. The notice shall
9 be sent by certified mail, return receipt requested, to the
10 last-known address of the lienholder and owner of the motor
11 vehicle. The notice shall contain:

12 (a) The make, model, color, year, and vehicle
13 identification number of the motor vehicle;

14 (b) The name, address, and telephone number of the person
15 who towed the motor vehicle;

16 (c) The date of towing;

17 (d) The daily storage fee and the storage fee accrued as
18 of the date of the notification; and

19 (e) A statement that the motor vehicle is subject to lien
20 and disposition under Chapter 52, article 6.

21 (3) Failure to provide notice as prescribed in subsection
22 (2) of this section shall result in the lien of the person who
23 towed the motor vehicle being subordinate to the lien of the
24 lienholder appearing on the certificate of title and render void
25 any disposition of the motor vehicle by the person who towed the
26 motor vehicle.

27 Sec. 4. Original sections 60-6,297, 60-2404, and
28 60-2410, Reissue Revised Statutes of Nebraska, are repealed.