

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 765**

Introduced by Executive Board: Engel, 17, Chairperson

Read first time January 4, 2006

Committee: Placed on General File

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-123,  
2 60-137, 60-144, 60-146, 60-362, 60-385, and 60-3,187,  
3 Revised Statutes Supplement, 2005; to correct internal  
4 references relating to Laws 2005, LB 274, and Laws 2005,  
5 LB 276; to repeal the original sections; and to declare  
6 an emergency.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 60-123, Revised Statutes Supplement,  
2 2005, is amended to read:

3           60-123 Motor vehicle means any vehicle propelled  
4 by any power other than muscular power except (1) mopeds,  
5 (2) farm tractors, (3) self-propelled equipment designed and  
6 used exclusively to carry and apply fertilizer, chemicals, or  
7 related products to agricultural soil and crops, agricultural  
8 floater-spreader implements, and other implements of husbandry  
9 designed for and used primarily for tilling the soil and harvesting  
10 crops or feeding livestock, (4) power unit hay grinders or a  
11 combination which includes a power unit and a hay grinder when  
12 operated without cargo, (5) vehicles which run only on rails  
13 or tracks, (6) off-road designed vehicles, including, but not  
14 limited to, golf carts, go-carts, riding lawnmowers, garden  
15 tractors, all-terrain vehicles, snowmobiles registered or exempt  
16 from registration under sections ~~60-6,320 to 60-6,346~~ 60-3,207 to  
17 60-3,219, and minibikes, (7) road and general-purpose construction  
18 and maintenance machinery not designed or used primarily for the  
19 transportation of persons or property, including, but not limited  
20 to, ditchdigging apparatus, asphalt spreaders, bucket loaders,  
21 leveling graders, earthmoving carryalls, power shovels, earthmoving  
22 equipment, and crawler tractors, (8) self-propelled chairs used  
23 by persons who are disabled, and (9) electric personal assistive  
24 mobility devices.

25           Sec. 2. Section 60-137, Revised Statutes Supplement,

1 2005, is amended to read:

2           60-137 (1) The Motor Vehicle Certificate of Title Act  
3 applies to all vehicles as defined in the act, except:

4           (a) Farm trailers;

5           (b) Well-boring apparatus, backhoes, bulldozers, and  
6 front-end loaders; and

7           (c) Trucks and buses from other jurisdictions required  
8 to pay registration fees under ~~Chapter 60,~~ article 3 the Motor  
9 Vehicle Registration Act, except a vehicle registered or eligible  
10 to be registered as part of a fleet of apportionable vehicles under  
11 section ~~60-356~~ 60-3,198.

12           (2) All new all-terrain vehicles and minibikes sold on or  
13 after January 1, 2004, shall be required to have a certificate of  
14 title. An owner of an all-terrain vehicle or minibike sold prior to  
15 such date may apply for a certificate of title for such all-terrain  
16 vehicle or minibike as provided in rules and regulations of the  
17 department.

18           (3) An owner of a utility trailer may apply for a  
19 certificate of title upon compliance with the Motor Vehicle  
20 Certificate of Title Act.

21           Sec. 3. Section 60-144, Revised Statutes Supplement,  
22 2005, is amended to read:

23           60-144 (1)(a) Except as provided in subdivisions (b) and  
24 (c) of this subsection, the county clerk or designated county  
25 official shall be responsible for issuing and filing certificates

1 of title for vehicles, and each county shall issue and file such  
2 certificates of title using the vehicle titling and registration  
3 computer system prescribed by the department. Application for a  
4 certificate of title shall be made upon a form prescribed by  
5 the department. All applications shall be accompanied by the  
6 appropriate fee or fees.

7 (b) The department shall issue and file certificates  
8 of title for Nebraska-based fleet vehicles. Application for a  
9 certificate of title shall be made upon a form prescribed by  
10 the department. All applications shall be accompanied by the  
11 appropriate fee or fees.

12 (c) The department shall issue and file certificates of  
13 title for state-owned vehicles. Application for a certificate of  
14 title shall be made upon a form prescribed by the department. All  
15 applications shall be accompanied by the appropriate fee or fees.

16 (2) If the owner of an all-terrain vehicle or a minibike  
17 resides in Nebraska, the application shall be filed with the county  
18 clerk or designated county official of the county in which the  
19 owner resides.

20 (3) If a vehicle, other than an all-terrain vehicle or  
21 a minibike, has situs in Nebraska, the application shall be filed  
22 with the county clerk or designated county official of the county  
23 in which the vehicle has situs.

24 (4) If the owner of a vehicle is a nonresident, the  
25 application shall be filed in the county in which the transaction

1 is consummated.

2 (5) The application shall be filed within thirty days  
3 after the delivery of the vehicle.

4 (6) All applicants registering a vehicle pursuant  
5 to section ~~60-356~~ 60-3,198 shall file the application for a  
6 certificate of title with the Division of Motor Carrier Services  
7 of the department. The division shall deliver the certificate to  
8 the applicant if there are no liens on the vehicle. If there are  
9 any liens on the vehicle, the division shall deliver or mail the  
10 certificate of title to the holder of the first lien on the day of  
11 issuance. All certificates of title issued by the division shall be  
12 issued in the manner prescribed for the county clerk or designated  
13 county official in section 60-152.

14 Sec. 4. Section 60-146, Revised Statutes Supplement,  
15 2005, is amended to read:

16 60-146 (1) An application for a certificate of title  
17 for a vehicle shall include a statement that an identification  
18 inspection has been conducted on the vehicle unless (a) the  
19 title sought is a salvage branded certificate of title or a  
20 nontransferable certificate of title, (b) the surrendered ownership  
21 document is a Nebraska certificate of title, a manufacturer's  
22 statement of origin, an importer's statement of origin, a United  
23 States Government Certificate of Release of a vehicle, or a  
24 nontransferable certificate of title, (c) the application contains  
25 a statement that the vehicle is to be registered under section

1 ~~60-356~~ 60-3,198, (d) the vehicle is a cabin trailer, (e) the  
2 title sought is the first title for the vehicle sold directly  
3 by the manufacturer of the vehicle to a dealer franchised by the  
4 manufacturer, or (f) the vehicle was sold at an auction authorized  
5 by the manufacturer and purchased by a dealer franchised by the  
6 manufacturer of the vehicle.

7 (2) The department shall prescribe a form to be executed  
8 by a dealer and submitted with an application for a certificate of  
9 title for vehicles exempt from inspection pursuant to subdivision  
10 (1)(e) or (f) of this section. The form shall clearly identify the  
11 vehicle and state under penalty of law that the vehicle is exempt  
12 from inspection.

13 (3) The statement that an identification inspection has  
14 been conducted shall be furnished by the county sheriff of any  
15 county or by any other holder of a certificate of training issued  
16 pursuant to section 60-183, shall be in a format as determined by  
17 the department, and shall expire ninety days after the date of the  
18 inspection. The county clerk or designated county official shall  
19 accept a certificate of inspection, approved by the superintendent,  
20 from an officer of a state police agency of another state.

21 (4) The identification inspection shall include  
22 examination and notation of the then current odometer reading,  
23 if any, and a comparison of the vehicle identification number  
24 with the number listed on the ownership records, except that  
25 if a lien is registered against a vehicle and recorded on the

1 vehicle's ownership records, the county clerk or designated county  
2 official shall provide a copy of the ownership records for use  
3 in making such comparison. If such numbers are not identical,  
4 if there is reason to believe further inspection is necessary,  
5 or if the inspection is for a Nebraska assigned number, the  
6 person performing the inspection shall make a further inspection  
7 of the vehicle which may include, but shall not be limited to,  
8 examination of other identifying numbers placed on the vehicle by  
9 the manufacturer and an inquiry into the numbering system used by  
10 the state issuing such ownership records to determine ownership  
11 of a vehicle. The identification inspection shall also include a  
12 statement that the vehicle identification number has been checked  
13 for entry in the National Crime Information Center and the Nebraska  
14 Crime Information Service. In the case of an assembled vehicle, the  
15 identification inspection shall include, but not be limited to, an  
16 examination of the records showing the date of receipt and source  
17 of each major component part.

18 (5) If there is cause to believe that odometer fraud  
19 exists, written notification shall be given to the office of the  
20 Attorney General. If after such inspection the sheriff or his  
21 or her designee determines that the vehicle is not the vehicle  
22 described by the ownership records, no statement shall be issued.

23 Sec. 5. Section 60-362, Revised Statutes Supplement,  
24 2005, is amended to read:

25 60-362 Unless otherwise expressly provided, no motor

1 vehicle shall be operated or parked and no trailer shall be towed  
2 or parked on the highways of this state unless the motor vehicle  
3 or trailer is registered in accordance with the Motor Vehicle  
4 Registration Act. There shall be a rebuttable presumption that any  
5 motor vehicle or trailer stored and kept more than thirty days in  
6 the state is being operated, parked, or towed on the highways of  
7 this state, and such motor vehicle or trailer shall be registered  
8 in accordance with the act, from the date of title of the motor  
9 vehicle or trailer or, if no transfer in ownership of the motor  
10 vehicle or trailer has occurred, from the expiration of the last  
11 registration period for which the motor vehicle or trailer was  
12 registered. No motor vehicle or trailer shall be eligible for  
13 initial registration in this state, except a motor vehicle or  
14 trailer registered or eligible to be registered as part of a fleet  
15 of apportionable vehicles under section 60-3,198, unless ~~Chapter~~  
16 ~~60, article 1,~~ the Motor Vehicle Certificate of Title Act has been  
17 complied with insofar as the motor vehicle or trailer is concerned.

18           Sec. 6. Section 60-385, Revised Statutes Supplement,  
19 2005, is amended to read:

20           60-385 Every owner of a motor vehicle or trailer required  
21 to be registered shall make application for registration to the  
22 county treasurer or designated county official of the county in  
23 which the motor vehicle or trailer has situs. The application  
24 shall be a copy of a certificate of title or, in the case of a  
25 renewal of a registration, the application shall be the previous

1 registration period's certificate, or any other means as designated  
 2 by the department. A salvage branded certificate of title and a  
 3 nontransferable certificate of title provided for in section ~~60-131~~  
 4 60-170 shall not be valid for registration purposes.

5 Sec. 7. Section 60-3,187, Revised Statutes Supplement  
 6 2005, is amended to read:

7 60-3,187 (1) The motor vehicle tax schedules are set out  
 8 in this section.

9 (2) The motor vehicle tax shall be calculated by  
 10 multiplying the base tax times the fraction which corresponds  
 11 to the age category of the vehicle as shown in the following table:

12 YEAR	FRACTION
13 First	1.00
14 Second	0.90
15 Third	0.80
16 Fourth	0.70
17 Fifth	0.60
18 Sixth	0.51
19 Seventh	0.42
20 Eighth	0.33
21 Ninth	0.24
22 Tenth and Eleventh	0.15
23 Twelfth and Thirteenth	0.07
24 Fourteenth and older	0.00

25 (3) The base tax shall be:

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1 (a) Automobiles — An amount determined using the  
2 following table:

3 Value when new	Base tax
4 Up to \$9,999	\$ 60
5 \$10,000 to \$11,999	100
6 \$12,000 to \$13,999	140
7 \$14,000 to \$15,999	180
8 \$16,000 to \$17,999	220
9 \$18,000 to \$19,999	260
10 \$20,000 to \$21,999	300
11 \$22,000 to \$23,999	340
12 \$24,000 to \$25,999	380
13 \$26,000 to \$27,999	420
14 \$28,000 to \$29,999	460
15 \$30,000 to \$31,999	500
16 \$32,000 to \$33,999	540
17 \$34,000 to \$35,999	580
18 \$36,000 to \$37,999	620
19 \$38,000 to \$39,999	660
20 \$40,000 to \$41,999	700
21 \$42,000 to \$43,999	740
22 \$44,000 to \$45,999	780
23 \$46,000 to \$47,999	820
24 \$48,000 to \$49,999	860
25 \$50,000 to \$51,999	900

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1	\$52,000 to \$53,999	940
2	\$54,000 to \$55,999	980
3	\$56,000 to \$57,999	1,020
4	\$58,000 to \$59,999	1,060
5	\$60,000 to \$61,999	1,100
6	\$62,000 to \$63,999	1,140
7	\$64,000 to \$65,999	1,180
8	\$66,000 to \$67,999	1,220
9	\$68,000 to \$69,999	1,260
10	\$70,000 to \$71,999	1,300
11	\$72,000 to \$73,999	1,340
12	\$74,000 to \$75,999	1,380
13	\$76,000 to \$77,999	1,420
14	\$78,000 and over	1,460

15 (b) Assembled automobiles — \$60

16 (c) Motorcycles — An amount determined using the  
 17 following table:

18	Value when new	Base tax
19	Up to \$3,999	\$ 25
20	\$ 4,000 to \$ 5,999	50
21	\$ 6,000 to \$ 7,999	75
22	\$ 8,000 to \$ 9,999	100
23	\$10,000 to \$11,999	125
24	\$12,000 to \$13,999	150

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1    \$14,000 to \$15,999	175
2    \$16,000 to \$17,999	200
3    \$18,000 to \$19,999	225
4    \$20,000 and over	250
5	
6            (d) Assembled motorcycles — \$25	
7            (e) Cabin trailers, up to one thousand pounds — \$10	
8            (f) Cabin trailers, one thousand pounds and over and less	
9    than two thousand pounds — \$25	
10           (g) Cabin trailers, two thousand pounds and over — \$40	
11           (h) Recreational vehicles, less than eight thousand	
12    pounds — \$160	
13           (i) Recreational vehicles, eight thousand pounds and over	
14    and less than twelve thousand pounds — \$410	
15           (j) Recreational vehicles, twelve thousand pounds and	
16    over — \$860	
17           (k) Assembled recreational vehicles and buses shall	
18    follow the schedules for body type and registered weight	
19           (l) Trucks — Over seven tons and less than ten tons —	
20    \$360	
21           (m) Trucks — Ten tons and over and less than thirteen	
22    tons — \$560	
23           (n) Trucks — Thirteen tons and over and less than	
24    sixteen tons — \$760	

1           (o) Trucks — Sixteen tons and over and less than  
2 twenty-five tons — \$960

3           (p) Trucks — Twenty-five tons and over — \$1,160

4           (q) Buses — \$360

5           (r) Trailers other than semitrailers — \$10

6           (s) Semitrailers — \$110

7           (t) All other motor vehicles not listed in subdivisions  
8 (3) (a) through (s) of this section — \$310

9           (4) For purposes of subsection (3) of this section,  
10 truck means all trucks and combinations of trucks except those  
11 trucks, trailers, or combinations thereof registered under section  
12 60-3,198, and the tax is based on the gross vehicle weight rating  
13 as reported by the manufacturer.

14           (5) Current model year vehicles are designated as  
15 first-year motor vehicles for purposes of the schedules.

16           (6) When a motor vehicle is registered which is newer  
17 than the current model year by the manufacturer's designation, the  
18 motor vehicle is subject to the initial motor vehicle tax in the  
19 first registration period and ninety-five percent of the initial  
20 motor vehicle tax in the second registration period.

21           (7) Assembled cabin trailers, assembled recreational  
22 vehicles, and assembled buses shall be designated as sixth-year  
23 motor vehicles in their first year of registration for purposes of  
24 the schedules.

25           (8) When a motor vehicle is registered which is

1 required to have a title branded as previous salvage pursuant to  
2 section ~~60-130~~ 60-175, the motor vehicle tax shall be reduced by  
3 twenty-five percent.

4           Sec. 8. Original sections 60-123, 60-137, 60-144, 60-146,  
5 60-362, 60-385, and 60-3,187, Revised Statutes Supplement, 2005,  
6 are repealed.

7           Sec. 9. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.