

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 108

Introduced by Carlson, 38.

Read first time January 09, 2009

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to all-terrain vehicles; to amend section
2 60-146, Revised Statutes Cumulative Supplement, 2008; to
3 exempt certain vehicles from identification inspection
4 requirements; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-146, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 60-146 (1) An application for a certificate of title
4 for a vehicle shall include a statement that an identification
5 inspection has been conducted on the vehicle unless (a) the
6 title sought is a salvage branded certificate of title or a
7 nontransferable certificate of title, (b) the surrendered ownership
8 document is a Nebraska certificate of title, a manufacturer's
9 statement of origin, an importer's statement of origin, a United
10 States Government Certificate of Release of a vehicle, or a
11 nontransferable certificate of title, (c) the application contains
12 a statement that the vehicle is to be registered under section
13 60-3,198, (d) the vehicle is a cabin trailer, (e) the title
14 sought is the first title for the vehicle sold directly by
15 the manufacturer of the vehicle to a dealer franchised by the
16 manufacturer, ~~or~~ (f) the vehicle was sold at an auction authorized
17 by the manufacturer and purchased by a dealer franchised by the
18 manufacturer of the vehicle, or (g) the vehicle is an all-terrain
19 vehicle purchased by a dealer complying with subsection (7) of this
20 section.

21 (2) The department shall prescribe a form to be executed
22 by a dealer and submitted with an application for a certificate of
23 title for vehicles exempt from inspection pursuant to subdivision
24 (1)(e), ~~or~~ (f), or (g) of this section. The form shall clearly
25 identify the vehicle and state under penalty of law that the

1 vehicle is exempt from inspection.

2 (3) The statement that an identification inspection has
3 been conducted shall be furnished by the county sheriff of any
4 county or by any other holder of a certificate of training issued
5 pursuant to section 60-183, shall be in a format as determined by
6 the department, and shall expire ninety days after the date of the
7 inspection. The county clerk or designated county official shall
8 accept a certificate of inspection, approved by the superintendent,
9 from an officer of a state police agency of another state.

10 (4) The identification inspection shall include
11 examination and notation of the then current odometer reading,
12 if any, and a comparison of the vehicle identification number
13 with the number listed on the ownership records, except that
14 if a lien is registered against a vehicle and recorded on the
15 vehicle's ownership records, the county clerk or designated county
16 official shall provide a copy of the ownership records for use
17 in making such comparison. If such numbers are not identical,
18 if there is reason to believe further inspection is necessary,
19 or if the inspection is for a Nebraska assigned number, the
20 person performing the inspection shall make a further inspection
21 of the vehicle which may include, but shall not be limited to,
22 examination of other identifying numbers placed on the vehicle by
23 the manufacturer and an inquiry into the numbering system used by
24 the state issuing such ownership records to determine ownership
25 of a vehicle. The identification inspection shall also include a

1 statement that the vehicle identification number has been checked
2 for entry in the National Crime Information Center and the Nebraska
3 Crime Information Service. In the case of an assembled vehicle, the
4 identification inspection shall include, but not be limited to, an
5 examination of the records showing the date of receipt and source
6 of each major component part. No identification inspection shall be
7 conducted unless all major component parts are properly attached to
8 the vehicle in the correct location.

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

14 (6) The department, county clerk, or designated county
15 official may also request an identification inspection of a vehicle
16 to determine if it meets the definition of motor vehicle as defined
17 in section 60-123.

18 (7) A dealer licensed under Chapter 60, article 14, may
19 apply for a certificate of title for an all-terrain vehicle without
20 an identification inspection meeting the requirements of subsection
21 (4) of this section if the dealer purchased the vehicle from a
22 person who provides the dealer with a signed affidavit stating that
23 the vehicle is not stolen, that the person has the authority to
24 sell the vehicle, and the name and address of the person. In order
25 to obtain the certificate of title, the dealer shall present to the

1 county clerk or designated county official the signed affidavit and
2 a statement from a county sheriff that the vehicle identification
3 number or a reasonable description of the vehicle has been checked
4 for entry in the National Crime Information Center and the Nebraska
5 Crime Information Service and there is no reason to suspect the
6 vehicle has been stolen. The county sheriff shall respond by email,
7 fax, or other electronic or written communication within five days
8 after receiving the request from the dealer.

9 Sec. 2. Original section 60-146, Revised Statutes
10 Cumulative Supplement, 2008, is repealed.