

AMENDMENTS TO LB 446

Introduced by Transportation and Telecommunications

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

3           Section 1. Section 60-171, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           60-171 For purposes of sections 60-171 to 60-177:

6           (1) Cost of repairs means the estimated or actual retail  
7 cost of parts needed to repair a vehicle plus the cost of labor  
8 computed by using the hourly labor rate and time allocations for  
9 repair that are customary and reasonable. Retail cost of parts  
10 and labor rates may be based upon collision estimating manuals  
11 or electronic computer estimating systems customarily used in the  
12 insurance industry;

13           (2) Late model vehicle means a vehicle which has (a) a  
14 manufacturer's model year designation of, or later than, the year  
15 in which the vehicle was wrecked, damaged, or destroyed, or any of  
16 the six preceding years or (b) (i) in the case of vehicles other  
17 than all-terrain vehicles, utility-type vehicles, and minibikes, a  
18 retail value of more than ten thousand five hundred dollars until  
19 January 1, 2010, and a retail value of more than ten thousand  
20 five hundred dollars increased by five hundred dollars every five  
21 years thereafter or (ii) in the case of all-terrain vehicles,  
22 utility-type vehicles, or minibikes, a retail value of more than  
23 one thousand seven hundred fifty dollars until January 1, 2010,

1 and a retail value of more than one thousand seven hundred fifty  
2 dollars increased by two hundred fifty dollars every five years  
3 thereafter;

4 (3) Manufacturer buyback means the designation of a  
5 vehicle with an alleged nonconformity when the vehicle (a) has  
6 been replaced by a manufacturer or (b) has been repurchased by a  
7 manufacturer as the result of court judgment, arbitration, or any  
8 voluntary agreement entered into between the manufacturer or its  
9 agent and a consumer;

10 (4) Previously salvaged means the designation of a  
11 rebuilt or reconstructed vehicle which was previously required  
12 to be issued a salvage branded certificate of title and which has  
13 been inspected as provided in section 60-146;

14 (5) Retail value means the actual cash value, fair market  
15 value, or retail value of a vehicle as (a) set forth in a  
16 current edition of any nationally recognized compilation, including  
17 automated data bases, of retail values or (b) determined pursuant  
18 to a market survey of comparable vehicles with respect to condition  
19 and equipment; and

20 (6) Salvage means the designation of a vehicle which is:

21 (a) A late model vehicle which has been wrecked, damaged,  
22 or destroyed to the extent that the estimated total cost of repair  
23 to rebuild or reconstruct the vehicle to its condition immediately  
24 before it was wrecked, damaged, or destroyed and to restore the  
25 vehicle to a condition for legal operation, meets or exceeds  
26 seventy-five percent of the retail value of the vehicle at the time  
27 it was wrecked, damaged, or destroyed; ~~or~~

1                   (b) Voluntarily designated by the owner of the vehicle  
2 as a salvage vehicle by obtaining a salvage branded certificate of  
3 title, without respect to the damage to, age of, or value of the  
4 vehicle; or-

5                   (c) Flood damaged resulting from being submerged in water  
6 to the point that rising water has reached over the floorboard,  
7 has entered the passenger compartment, and has caused damage to any  
8 electrical, computerized, or mechanical components. Flood damaged  
9 specifically does not apply to a vehicle that an inspection,  
10 conducted by an insurance claim representative or a vehicle  
11 repairer, indicates:

12                   (i) Has no electrical, computerized, or mechanical  
13 components damaged by water; or

14                   (ii) Had one or more electrical, computerized, or  
15 mechanical components damaged by water and all such damaged  
16 components were repaired or replaced.

17                   Sec. 2. Original section 60-171, Reissue Revised Statutes  
18 of Nebraska, is repealed.