

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 446
Final Reading

Introduced by Avery, 28.

Read first time January 22, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to
2 amend section 60-171, Reissue Revised Statutes of
3 Nebraska; to redefine salvage to include flood damage;
4 and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

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

3 60-171 For purposes of sections 60-171 to 60-177:

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

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

24 (3) Manufacturer buyback means the designation of a
25 vehicle with an alleged nonconformity when the vehicle (a) has been

1 replaced by a manufacturer or (b) has been repurchased by a
2 manufacturer as the result of court judgment, arbitration, or any
3 voluntary agreement entered into between the manufacturer or its
4 agent and a consumer;

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

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

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

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

23 (b) Voluntarily designated by the owner of the vehicle as
24 a salvage vehicle by obtaining a salvage branded certificate of
25 title, without respect to the damage to, age of, or value of the

1 vehicle; or -

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

9 (i) Has no electrical, computerized, or mechanical
10 components damaged by water; or

11 (ii) Had one or more electrical, computerized, or
12 mechanical components damaged by water and all such damaged
13 components were repaired or replaced.

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