

LEGISLATIVE BILL 701

Approved by the Governor April 10, 2014

Introduced by Dubas, 34.

FOR AN ACT relating to the Motor Vehicle Certificate of Title Act; to amend section 60-173, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to salvage branded certificates of title and the acquisition of such certificates of title by insurance companies; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-173, Revised Statutes Cumulative Supplement, 2012, is amended to read:

60-173 (1) When an insurance company acquires a salvage vehicle through payment of a total loss settlement on account of damage, the company shall obtain the certificate of title from the owner, surrender such certificate of title to the county treasurer, and make application for a salvage branded certificate of title which shall be assigned when the company transfers ownership. An insurer shall take title to a salvage vehicle for which a total loss settlement is made unless the owner of the salvage vehicle elects to retain the salvage vehicle.

(2) If the owner elects to retain the salvage vehicle, the insurance company shall notify the department of such fact in a format prescribed by the department. The department shall immediately enter the salvage brand onto the computerized record of the vehicle. The insurance company shall also notify the owner of the owner's responsibility to comply with this section. The owner shall, within thirty days after the settlement of the loss, forward the properly endorsed acceptable certificate of title to the county treasurer in the county designated in section 60-144. The county treasurer shall, upon receipt of the certificate of title, issue a salvage branded certificate of title for the vehicle.

(3) An insurance company may apply to the department for a salvage branded certificate of title without obtaining a properly endorsed certificate of title from the owner or other evidence of ownership as prescribed by the department if it has been at least thirty days since the company obtained oral or written acceptance by the owner of an offer in an amount in settlement of a total loss. The insurance company shall submit an application form prescribed by the department for a salvage branded certificate of title accompanied by an affidavit from the insurance company that it has made at least two written attempts and has been unable to obtain the proper endorsed certificate of title from the owner following an oral or written acceptance by the owner of an offer of an amount in settlement of a total loss and evidence of settlement.

Sec. 2. Original section 60-173, Revised Statutes Cumulative Supplement, 2012, is repealed.