

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 642

FINAL READING

Introduced by Garrett, 3; Stinner, 48.

Read first time January 21, 2015

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend
2 sections 60-3,122 and 60-3,124, Reissue Revised Statutes of
3 Nebraska, and sections 37-1214, 37-1278, 60-144, and 60-386, Revised
4 Statutes Cumulative Supplement, 2014; to change provisions relating
5 to motorboat, motor vehicle, and trailer registration and titling;
6 to eliminate a fee for certain license plates; and to repeal the
7 original sections.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 37-1214, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 37-1214 (1) Except as otherwise provided in section 37-1211, the
4 owner of each motorboat shall register such vessel or renew the
5 registration every three years as provided in section 37-1226. The owner
6 of such vessel shall file an initial application for a certificate of
7 number pursuant to section 37-1216 with a county treasurer on forms
8 approved and provided by the commission. The application shall be signed
9 by the owner of the vessel, shall contain the year manufactured, and
10 shall be accompanied by a fee for the three-year period of not less than
11 twenty dollars and not more than twenty-three dollars for Class 1 boats,
12 not less than forty dollars and not more than forty-six dollars for Class
13 2 boats, not less than sixty dollars and not more than sixty-seven
14 dollars and fifty cents for Class 3 boats, and not less than one hundred
15 dollars and not more than one hundred fifteen dollars for Class 4 boats,
16 as established by the commission pursuant to section 37-327.

17 (2) This subsection applies beginning on an implementation date
18 designated by the Director of Motor Vehicles in cooperation with the
19 commission. The director shall designate an implementation date on or
20 before January 1, 2020, for motorboat registration. In addition to the
21 information required under subsection (1) of this section, the
22 application for registration shall contain (a) the full legal name as
23 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
24 operator's license number or state identification card number of each
25 owner, if applicable, and one or more of the identification elements as
26 listed in section 60-484 of each owner, if applicable, and (ii) if any
27 owner is a business entity, a nonprofit organization, an estate, a trust,
28 or a church-controlled organization, its tax identification number.

29 Sec. 2. Section 37-1278, Revised Statutes Cumulative Supplement,
30 2014, is amended to read:

31 37-1278 (1) Application for a certificate of title shall be

1 presented to the county treasurer, shall be made upon a form prescribed
2 by the Department of Motor Vehicles, and shall be accompanied by the fee
3 prescribed in section 37-1287. The owner of a motorboat for which a
4 certificate of title is required shall obtain a certificate of title
5 prior to registration required under section 37-1214.

6 (2)(a) If a certificate of title has previously been issued for the
7 motorboat in this state, the application for a new certificate of title
8 shall be accompanied by the certificate of title duly assigned. If a
9 certificate of title has not previously been issued for the motorboat in
10 this state, the application shall be accompanied by a certificate of
11 number from this state, a manufacturer's or importer's certificate, a
12 duly certified copy thereof, proof of purchase from a governmental agency
13 or political subdivision, a certificate of title from another state, or a
14 court order issued by a court of record, a manufacturer's certificate of
15 origin, or an assigned registration certificate, if the motorboat was
16 brought into this state from a state which does not have a certificate of
17 title law. The county treasurer shall retain the evidence of title
18 presented by the applicant on which the certificate of title is issued.
19 When the evidence of title presented by the applicant is a certificate of
20 title or an assigned registration certificate issued by another state,
21 the department shall notify the state of prior issuance that the
22 certificate has been surrendered. If a certificate of title has not
23 previously been issued for the motorboat in this state and the applicant
24 is unable to provide such documentation, the applicant may apply for a
25 bonded certificate of title as prescribed in section 37-1278.01.

26 (b) This subdivision applies beginning on an implementation date
27 designated by the Director of Motor Vehicles. The director shall
28 designate an implementation date which is on or before January 1, 2020.
29 In addition to the information required under subdivision (2)(a) of this
30 section, the application for a certificate of title shall contain (i) the
31 full legal name as defined in section 60-468.01 of each owner and (ii)(A)

1 the motor vehicle operator's license number or state identification card
2 number of each owner, if applicable, and one or more of the
3 identification elements as listed in section 60-484 of each owner, if
4 applicable, and (B) if any owner is a business entity, a nonprofit
5 organization, an estate, a trust, or a church-controlled organization,
6 its tax identification number.

7 (3) The county treasurer shall use reasonable diligence in
8 ascertaining whether or not the statements in the application for a
9 certificate of title are true by checking the application and documents
10 accompanying the same with the records of motorboats in his or her
11 office. If he or she is satisfied that the applicant is the owner of the
12 motorboat and that the application is in the proper form, the county
13 treasurer shall issue a certificate of title over his or her signature
14 and sealed with his or her seal.

15 (4) In the case of the sale of a motorboat, the certificate of title
16 shall be obtained in the name of the purchaser upon application signed by
17 the purchaser, except that for titles to be held by husband and wife,
18 applications may be accepted by the county treasurer upon the signature
19 of either spouse as a signature for himself or herself and as an agent
20 for his or her spouse.

21 (5) In all cases of transfers of motorboats, the application for a
22 certificate of title shall be filed within thirty days after the delivery
23 of the motorboat. A dealer need not apply for a certificate of title for
24 a motorboat in stock or acquired for stock purposes, but upon transfer of
25 a motorboat in stock or acquired for stock purposes, the dealer shall
26 give the transferee a reassignment of the certificate of title on the
27 motorboat or an assignment of a manufacturer's or importer's certificate.
28 If all reassignments printed on the certificate of title have been used,
29 the dealer shall obtain title in his or her name prior to any subsequent
30 transfer.

31 Sec. 3. Section 60-144, Revised Statutes Cumulative Supplement,

1 2014, is amended to read:

2 60-144 (1)(a)(i) Except as provided in subdivisions (b), (c), and
3 (d) of this subsection, the county treasurer shall be responsible for
4 issuing and filing certificates of title for vehicles, and each county
5 shall issue and file such certificates of title using the vehicle titling
6 and registration computer system prescribed by the department.
7 Application for a certificate of title shall be made upon a form
8 prescribed by the department. All applications shall be accompanied by
9 the appropriate fee or fees.

10 (ii) This subdivision applies beginning on an implementation date
11 designated by the director. The director shall designate an
12 implementation date which is on or before January 1, 2020. In addition to
13 the information required under subdivision (1)(a)(i) of this section, the
14 application for a certificate of title shall contain (A) the full legal
15 name as defined in section 60-468.01 of each owner and (B)(I) the motor
16 vehicle operator's license number or state identification card number of
17 each owner, if applicable, and one or more of the identification elements
18 as listed in section 60-484 of each owner, if applicable, and (II) if any
19 owner is a business entity, a nonprofit organization, an estate, a trust,
20 or a church-controlled organization, its tax identification number.

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

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

29 (d) The department shall issue certificates of title pursuant to
30 section 60-142.06. Application for a certificate of title shall be made
31 upon a form prescribed by the department. All applications shall be

1 accompanied by the appropriate fee or fees.

2 (2) If the owner of an all-terrain vehicle, a utility-type vehicle,
3 or a minibike resides in Nebraska, the application shall be filed with
4 the county treasurer of the county in which the owner resides.

5 (3)(a) Except as otherwise provided in subdivision (b) of this
6 subsection, if a vehicle, other than an all-terrain vehicle, a utility-
7 type vehicle, or a minibike, has situs in Nebraska, the application shall
8 be filed with the county treasurer of the county in which the vehicle has
9 situs.

10 (b) If a motor vehicle dealer licensed under the Motor Vehicle
11 Industry Regulation Act, applies for a certificate of title for a
12 vehicle, the application may be filed with the county treasurer of any
13 county.

14 (4) If the owner of a vehicle is a nonresident, the application
15 shall be filed in the county in which the transaction is consummated.

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

18 (6) All applicants registering a vehicle pursuant to section
19 60-3,198 shall file the application for a certificate of title with the
20 Division of Motor Carrier Services of the department. The division shall
21 deliver the certificate to the applicant if there are no liens on the
22 vehicle. If there are one or more liens on the vehicle, the certificate
23 of title shall be handled as provided in section 60-164. All certificates
24 of title issued by the division shall be issued in the manner prescribed
25 for the county treasurer in section 60-152.

26 Sec. 4. Section 60-386, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 60-386 (1) Each new application shall contain, in addition to other
29 information as may be required by the department, the name and
30 residential and mailing address of the applicant and a description of the
31 motor vehicle or trailer, including the color, the manufacturer, the

1 identification number, the United States Department of Transportation
2 number if required by 49 C.F.R. 390.5 and 390.19, as such regulations
3 existed on January 1, 2015, and the weight of the motor vehicle or
4 trailer required by the Motor Vehicle Registration Act. With the
5 application the applicant shall pay the proper registration fee and shall
6 state whether the motor vehicle is propelled by alternative fuel and, if
7 alternative fuel, the type of fuel. The application shall also contain a
8 notification that bulk fuel purchasers may be subject to federal excise
9 tax liability. The department shall include such notification in the
10 notices required by section 60-3,186.

11 (2) This subsection applies beginning on an implementation date
12 designated by the director. The director shall designate an
13 implementation date which is on or before January 1, 2020. In addition to
14 the information required under subsection (1) of this section, the
15 application for registration shall contain (a) the full legal name as
16 defined in section 60-468.01 of each owner and (b)(i) the motor vehicle
17 operator's license number or state identification card number of each
18 owner, if applicable, and one or more of the identification elements as
19 listed in section 60-484 of each owner, if applicable, and (ii) if any
20 owner is a business entity, a nonprofit organization, an estate, a trust,
21 or a church-controlled organization, its tax identification number.

22 Sec. 5. Section 60-3,122, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 60-3,122 (1) Any person may, in addition to the application required
25 by section 60-385, apply to the department for license plates designed by
26 the department to indicate that he or she is a survivor of the Japanese
27 attack on Pearl Harbor if he or she:

28 (a) Was a member of the United States Armed Forces on December 7,
29 1941;

30 (b) Was on station on December 7, 1941, during the hours of 7:55
31 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or

1 offshore at a distance not to exceed three miles;

2 (c) Was discharged or otherwise separated with a characterization of
3 honorable from the United States Armed Forces; and

4 (d) Holds a current membership in a Nebraska Chapter of the Pearl
5 Harbor Survivors Association.

6 (2) The license plates shall be issued upon the applicant paying the
7 regular license fee ~~and an additional fee of five dollars~~ and furnishing
8 proof satisfactory to the department that the applicant fulfills the
9 requirements provided by subsection (1) of this section. ~~The additional~~
10 ~~fee shall be remitted to the State Treasurer for credit to the Nebraska~~
11 ~~Veteran Cemetery System Operation Fund.~~ Any number of motor vehicles,
12 trailers, semitrailers, or cabin trailers owned by the applicant may be
13 so licensed at any one time. Motor vehicles and trailers registered under
14 section 60-3,198 shall not be so licensed.

15 (3) If the license plates issued pursuant to this section are lost,
16 stolen, or mutilated, the recipient of the plates shall be issued
17 replacement license plates upon request and without charge.

18 Sec. 6. Section 60-3,124, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 60-3,124 (1) Any person who is a veteran of the United States Armed
21 Forces, who was discharged or otherwise separated with a characterization
22 of honorable or general (under honorable conditions), and who is
23 classified by the United States Department of Veterans Affairs as one
24 hundred percent service-connected disabled may, in addition to the
25 application required in section 60-385, apply to the Department of Motor
26 Vehicles for license plates designed by the department to indicate that
27 the applicant is a disabled veteran. The inscription on the license
28 plates shall be D.A.V. immediately below the license plate number to
29 indicate that the holder of the license plates is a disabled veteran.

30 (2) The plates shall be issued upon the applicant paying the regular
31 license fee ~~and an additional fee of five dollars~~ and furnishing proof

1 satisfactory to the department that the applicant is a disabled veteran.
2 ~~The additional fee shall be remitted to the State Treasurer for credit to~~
3 ~~the Nebraska Veteran Cemetery System Operation Fund.~~ Any number of motor
4 vehicles, trailers, semitrailers, or cabin trailers owned by the
5 applicant may be so licensed at any one time. Motor vehicles and trailers
6 registered under section 60-3,198 shall not be so licensed.

7 (3) If the license plates issued under this section are lost,
8 stolen, or mutilated, the recipient of the plates shall be issued
9 replacement license plates as provided in section 60-3,157.

10 Sec. 7. Original sections 60-3,122 and 60-3,124, Reissue Revised
11 Statutes of Nebraska, and sections 37-1214, 37-1278, 60-144, and 60-386,
12 Revised Statutes Cumulative Supplement, 2014, are repealed.