

AMENDMENTS TO LB492

(Amendments to Standing Committee amendments, AM310)

Introduced by Harr, 8.

1 1. Insert the following new sections:

2 Sec. 10. Section 37-1278, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 37-1278 (1) Application for a certificate of title shall be
5 presented to the county treasurer, shall be made upon a form prescribed
6 by the Department of Motor Vehicles, and shall be accompanied by the fee
7 prescribed in section 37-1287. The owner of a motorboat for which a
8 certificate of title is required shall obtain a certificate of title
9 prior to registration required under section 37-1214. The buyer of
10 property sold pursuant to section 7 of this act shall present
11 documentation that such sale was completed in compliance with such
12 section.

13 (2)(a) If a certificate of title has previously been issued for the
14 motorboat in this state, the application for a new certificate of title
15 shall be accompanied by the certificate of title duly assigned. If a
16 certificate of title has not previously been issued for the motorboat in
17 this state, the application shall be accompanied by a certificate of
18 number from this state, a manufacturer's or importer's certificate, a
19 duly certified copy thereof, proof of purchase from a governmental agency
20 or political subdivision, a certificate of title from another state, or a
21 court order issued by a court of record, a manufacturer's certificate of
22 origin, or an assigned registration certificate, if the motorboat was
23 brought into this state from a state which does not have a certificate of
24 title law. The county treasurer shall retain the evidence of title
25 presented by the applicant on which the certificate of title is issued.
26 When the evidence of title presented by the applicant is a certificate of

1 title or an assigned registration certificate issued by another state,
2 the department shall notify the state of prior issuance that the
3 certificate has been surrendered. If a certificate of title has not
4 previously been issued for the motorboat in this state and the applicant
5 is unable to provide such documentation, the applicant may apply for a
6 bonded certificate of title as prescribed in section 37-1278.01.

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

19 (3) The county treasurer shall use reasonable diligence in
20 ascertaining whether or not the statements in the application for a
21 certificate of title are true by checking the application and documents
22 accompanying the same with the records of motorboats in his or her
23 office. If he or she is satisfied that the applicant is the owner of the
24 motorboat and that the application is in the proper form, the county
25 treasurer shall issue a certificate of title over his or her signature
26 and sealed with his or her seal.

27 (4) In the case of the sale of a motorboat, the certificate of title
28 shall be obtained in the name of the purchaser upon application signed by
29 the purchaser, except that for titles to be held by husband and wife,
30 applications may be accepted by the county treasurer upon the signature
31 of either spouse as a signature for himself or herself and as an agent

1 for his or her spouse.

2 (5) In all cases of transfers of motorboats, the application for a
3 certificate of title shall be filed within thirty days after the delivery
4 of the motorboat. A dealer need not apply for a certificate of title for
5 a motorboat in stock or acquired for stock purposes, but upon transfer of
6 a motorboat in stock or acquired for stock purposes, the dealer shall
7 give the transferee a reassignment of the certificate of title on the
8 motorboat or an assignment of a manufacturer's or importer's certificate.
9 If all reassignments printed on the certificate of title have been used,
10 the dealer shall obtain title in his or her name prior to any subsequent
11 transfer.

12 Sec. 11. Section 37-1283, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 37-1283 (1) In the event of the transfer of ownership of a motorboat
15 by operation of law as upon inheritance, devise, or bequest, order in
16 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a
17 motorboat is sold to satisfy storage or repair charges or under section 7
18 of this act, or (3) whenever repossession is had upon default in
19 performance of the terms of a chattel mortgage, trust receipt,
20 conditional sales contract, or other like agreement, the county treasurer
21 of any county or the Department of Motor Vehicles, upon the surrender of
22 the prior certificate of title or the manufacturer's or importer's
23 certificate, or when that is not possible, upon presentation of
24 satisfactory proof of ownership and right of possession to the motorboat,
25 and upon payment of the fee prescribed in section 37-1287 and the
26 presentation of an application for certificate of title, may issue to the
27 applicant a certificate of title thereto. If the prior certificate of
28 title issued for the motorboat provided for joint ownership with right of
29 survivorship, a new certificate of title shall be issued to a subsequent
30 purchaser upon the assignment of the prior certificate of title by the
31 surviving owner and presentation of satisfactory proof of death of the

1 deceased owner. Only an affidavit by the person or agent of the person to
2 whom possession of the motorboat has so passed, setting forth facts
3 entitling him or her to such possession and ownership, together with a
4 copy of the journal entry, court order, or instrument upon which such
5 claim of possession and ownership is founded shall be considered
6 satisfactory proof of ownership and right of possession, except that if
7 the applicant cannot produce such proof of ownership, he or she may
8 submit to the department such evidence as he or she may have and the
9 department may thereupon, if it finds the evidence sufficient, issue the
10 certificate of title or authorize any county treasurer to issue a
11 certificate of title, as the case may be. If from the records of the
12 county treasurer or the department there appear to be any liens on the
13 motorboat, the certificate of title shall comply with section 37-1282
14 regarding the liens unless the application is accompanied by proper
15 evidence of their satisfaction or extinction.

16 Sec. 12. Section 60-149, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 60-149 (1)(a) If a certificate of title has previously been issued
19 for a vehicle in this state, the application for a new certificate of
20 title shall be accompanied by the certificate of title duly assigned
21 except as otherwise provided in the Motor Vehicle Certificate of Title
22 Act.

23 (b) Except for manufactured homes or mobile homes as provided in
24 subsection (2) of this section, if a certificate of title has not
25 previously been issued for the vehicle in this state or if a certificate
26 of title is unavailable pursuant to subsection (4) of section 52-1801,
27 the application shall be accompanied by:

28 (i) A manufacturer's or importer's certificate except as otherwise
29 provided in subdivision (vii) of this subdivision;

30 (ii) A duly certified copy of the manufacturer's or importer's
31 certificate;

1 (iii) An affidavit by the owner affirming ownership in the case of
2 an all-terrain vehicle, a utility-type vehicle, or a minibike;

3 (iv) A certificate of title from another state;

4 (v) A court order issued by a court of record, a manufacturer's
5 certificate of origin, or an assigned registration certificate, if the
6 law of the state from which the vehicle was brought into this state does
7 not have a certificate of title law;

8 (vi) Documentation prescribed in section 60-142.01, 60-142.02,
9 60-142.04, or 60-142.05 or documentation of compliance with section 7 of
10 this act; or

11 (vii) A manufacturer's or importer's certificate and an affidavit by
12 the owner affirming ownership in the case of a minitruck.

13 (c) If the application for a certificate of title in this state is
14 accompanied by a valid certificate of title issued by another state which
15 meets that state's requirements for transfer of ownership, then the
16 application may be accepted by this state.

17 (d) If a certificate of title has not previously been issued for the
18 vehicle in this state and the applicant is unable to provide such
19 documentation, the applicant may apply for a bonded certificate of title
20 as prescribed in section 60-167.

21 (2)(a) If the application for a certificate of title for a
22 manufactured home or a mobile home is being made in accordance with
23 subdivision (4)(b) of section 60-137 or if the certificate of title for a
24 manufactured home or a mobile home is unavailable pursuant to section
25 52-1801, the application shall be accompanied by proof of ownership in
26 the form of:

27 (i) A duly assigned manufacturer's or importer's certificate;

28 (ii) A certificate of title from another state;

29 (iii) A court order issued by a court of record;

30 (iv) Evidence of ownership as provided for in section 30-24,125,
31 52-601.01 to 52-605, 60-1901 to 60-1911, ~~or~~ 60-2401 to 60-2411, or

1 documentation of compliance with section 7 of this act; or

2 (v) Assessment records for the manufactured home or mobile home from
3 the county assessor and an affidavit by the owner affirming ownership.

4 (b) If the applicant cannot produce proof of ownership described in
5 subdivision (a) of this subsection, he or she may submit to the
6 department such evidence as he or she may have, and the department may
7 thereupon, if it finds the evidence sufficient, issue the certificate of
8 title or authorize the county treasurer to issue a certificate of title,
9 as the case may be.

10 (3) For purposes of this section, certificate of title includes a
11 salvage certificate, a salvage branded certificate of title, or any other
12 document of ownership issued by another state or jurisdiction for a
13 salvage vehicle. Only a salvage branded certificate of title shall be
14 issued to any vehicle conveyed upon a salvage certificate, a salvage
15 branded certificate of title, or any other document of ownership issued
16 by another state or jurisdiction for a salvage vehicle.

17 (4) The county treasurer shall retain the evidence of title
18 presented by the applicant and on which the certificate of title is
19 issued.

20 Sec. 13. Section 60-166, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 60-166 (1) In the event of (a) the transfer of ownership of a
23 vehicle by operation of law as upon inheritance, devise, or bequest,
24 order in bankruptcy, insolvency, replevin, or execution sale or as
25 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,
26 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by
27 another engine, (c) a vehicle being sold to satisfy storage or repair
28 charges or under section 7 of this act, or (d) repossession being had
29 upon default in performance of the terms of a chattel mortgage, trust
30 receipt, conditional sales contract, or other like agreement, the county
31 treasurer of any county or the department, upon the surrender of the

1 prior certificate of title or the manufacturer's or importer's
2 certificate, or when that is not possible, upon presentation of
3 satisfactory proof of ownership and right of possession to such vehicle,
4 and upon payment of the appropriate fee and the presentation of an
5 application for certificate of title, may issue to the applicant a
6 certificate of title thereto. If the prior certificate of title issued
7 for such vehicle provided for joint ownership with right of survivorship,
8 a new certificate of title shall be issued to a subsequent purchaser upon
9 the assignment of the prior certificate of title by the surviving owner
10 and presentation of satisfactory proof of death of the deceased owner.
11 Only an affidavit by the person or agent of the person to whom possession
12 of such vehicle has so passed, setting forth facts entitling him or her
13 to such possession and ownership, together with a copy of the journal
14 entry, court order, or instrument upon which such claim of possession and
15 ownership is founded, shall be considered satisfactory proof of ownership
16 and right of possession, except that if the applicant cannot produce such
17 proof of ownership, he or she may submit to the department such evidence
18 as he or she may have, and the department may thereupon, if it finds the
19 evidence sufficient, issue the certificate of title or authorize any
20 county treasurer to issue a certificate of title, as the case may be.

21 (2) If from the records of the county treasurer or the department
22 there appear to be any liens on such vehicle, such certificate of title
23 shall comply with section 60-164 or 60-165 regarding such liens unless
24 the application is accompanied by proper evidence of their satisfaction
25 or extinction.

26 Sec. 14. Original sections 37-1278 and 37-1283, Reissue Revised
27 Statutes of Nebraska, and sections 60-149 and 60-166, Revised Statutes
28 Cumulative Supplement, 2016, are repealed.

29 2. On page 5, line 31, after the period insert "If the property is a
30 vehicle, watercraft, or trailer, such sale shall extinguish any lien or
31 security interest in the property of any holder of such lien or security

1 interest to whom notice of the sale was sent in compliance with this
2 section.".