

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 719**

FINAL READING

Introduced by Hughes, 44.

Read first time January 23, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title  
2 Act; to amend section 60-169, Revised Statutes Cumulative  
3 Supplement, 2018; to require the reporting of certain information  
4 related to certificates of title; to harmonize provisions; and to  
5 repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,  
2 2018, is amended to read:

3 60-169 (1)(a) Except as otherwise provided in subdivision (c) ~~(b)~~ of  
4 this subsection, each owner of a vehicle and each person mentioned as  
5 owner in the last certificate of title, when the vehicle is dismantled,  
6 destroyed, or changed in such a manner that it loses its character as a  
7 vehicle or changed in such a manner that it is not the vehicle described  
8 in the certificate of title, shall surrender his or her certificate of  
9 title to any county treasurer or to the department. If the certificate of  
10 title is surrendered to a county treasurer, he or she shall, with the  
11 consent of any holders of any liens noted thereon, enter a cancellation  
12 upon the records and shall notify the department of such cancellation.  
13 Beginning on the implementation date designated by the director pursuant  
14 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall  
15 report electronically to the department using the electronic reporting  
16 system. If the certificate is surrendered to the department, it shall,  
17 with the consent of any holder of any lien noted thereon, enter a  
18 cancellation upon its records.

19 (b) This subdivision applies to all licensed wrecker or salvage  
20 dealers and, except as otherwise provided in this subdivision, to each  
21 vehicle located on the premises of such dealer. For each vehicle required  
22 to be reported under 28 C.F.R. 25.56, as such regulation existed on  
23 January 1, 2019, the information obtained by the department under this  
24 section may be reported to the National Motor Vehicle Title Information  
25 System in a format that will satisfy the requirement for reporting under  
26 28 C.F.R. 25.56, as such regulation existed on January 1, 2019. Such  
27 report shall include:

28 (i) The name, address, and contact information for the reporting  
29 entity;

30 (ii) The vehicle identification number;

31 (iii) The date the reporting entity obtained such motor vehicle;

1        (iv) The name of the person from whom such motor vehicle was  
2 obtained, for use only by a law enforcement or other appropriate  
3 government agency;

4        (v) A statement of whether the motor vehicle was or will be crushed,  
5 disposed of, offered for sale, or used for another purpose; and

6        (vi) Whether the motor vehicle is intended for export outside of the  
7 United States.

8        The department may set and collect a fee, not to exceed the cost of  
9 reporting to the National Motor Vehicle Title Information System, from  
10 wrecker or salvage dealers for electronic reporting to the National Motor  
11 Vehicle Title Information System, which shall be remitted to the State  
12 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This  
13 subdivision does not apply to any vehicle reported by a wrecker or  
14 salvage dealer to the National Motor Vehicle Title Information System as  
15 required under 28 C.F.R. 25.56, as such regulation existed on January 1,  
16 2019.

17        (c)(i) ~~(b)(i)~~ In the case of a mobile home or manufactured home for  
18 which a certificate of title has been issued, if such mobile home or  
19 manufactured home is affixed to real property in which each owner of the  
20 mobile home or manufactured home has any ownership interest, the  
21 certificate of title may be surrendered for cancellation to the county  
22 treasurer of the county where such mobile home or manufactured home is  
23 affixed to real property if at the time of surrender the owner submits to  
24 the county treasurer an affidavit of affixture on a form provided by the  
25 department that contains all of the following, as applicable:

26        (A) The names and addresses of all of the owners of record of the  
27 mobile home or manufactured home;

28        (B) A description of the mobile home or manufactured home that  
29 includes the name of the manufacturer, the year of manufacture, the  
30 model, and the manufacturer's serial number;

31        (C) The legal description of the real property upon which the mobile

1 home or manufactured home is affixed and the names of all of the owners  
2 of record of the real property;

3 (D) A statement that the mobile home or manufactured home is affixed  
4 to the real property;

5 (E) The written consent of each holder of a lien duly noted on the  
6 certificate of title to the release of such lien and the cancellation of  
7 the certificate of title;

8 (F) A copy of the certificate of title surrendered for cancellation;  
9 and

10 (G) The name and address of an owner, a financial institution, or  
11 another entity to which notice of cancellation of the certificate of  
12 title may be delivered.

13 (ii) The person submitting an affidavit of affixture pursuant to  
14 subdivision (c)(i) ~~(b)(i)~~ of this subsection shall swear or affirm that  
15 all statements in the affidavit are true and material and further  
16 acknowledge that any false statement in the affidavit may subject the  
17 person to penalties relating to perjury under section 28-915.

18 (2) If a certificate of title of a mobile home or manufactured home  
19 is surrendered to the county treasurer, along with the affidavit required  
20 by subdivision (1)(c) ~~(1)(b)~~ of this section, he or she shall enter a  
21 cancellation upon his or her records, notify the department of such  
22 cancellation, forward a duplicate original of the affidavit to the  
23 department, and deliver a duplicate original of the executed affidavit  
24 under subdivision (1)(c) ~~(1)(b)~~ of this section to the register of deeds  
25 for the county in which the real property is located to be filed by the  
26 register of deeds. The county treasurer shall be entitled to collect fees  
27 from the person submitting the affidavit in accordance with section  
28 33-109 to cover the costs of filing such affidavit. Following the  
29 cancellation of a certificate of title for a mobile home or manufactured  
30 home, the county treasurer or designated county official shall not issue  
31 a certificate of title for such mobile home or manufactured home, except

1 as provided in subsection (5) of this section.

2 (3) If a mobile home or manufactured home is affixed to real estate  
3 before June 1, 2006, a person who is the holder of a lien or security  
4 interest in both the mobile home or manufactured home and the real estate  
5 to which it is affixed on such date may enforce its liens or security  
6 interests by accepting a deed in lieu of foreclosure or in the manner  
7 provided by law for enforcing liens on the real estate.

8 (4) A mobile home or manufactured home for which the certificate of  
9 title has been canceled and for which an affidavit of affixture has been  
10 duly recorded pursuant to subsection (2) of this section shall be treated  
11 as part of the real estate upon which such mobile home or manufactured  
12 home is located. Any lien thereon shall be perfected and enforced in the  
13 same manner as a lien on real estate. The owner of such mobile home or  
14 manufactured home may convey ownership of the mobile home or manufactured  
15 home only as a part of the real estate to which it is affixed.

16 (5)(a) If each owner of both the mobile home or manufactured home  
17 and the real estate described in subdivision ~~(1)(c)~~ ~~(1)(b)~~ of this  
18 section intends to detach the mobile home or manufactured home from the  
19 real estate, the owner shall do both of the following: (i) Before  
20 detaching the mobile home or manufactured home, record an affidavit of  
21 detachment in the office of the register of deeds in the county in which  
22 the affidavit is recorded under subdivision ~~(1)(c)~~ ~~(1)(b)~~ of this  
23 section; and (ii) apply for a certificate of title for the mobile home or  
24 manufactured home pursuant to section 60-147.

25 (b) The affidavit of detachment shall contain all of the following:

26 (i) The names and addresses of all of the owners of record of the  
27 mobile home or manufactured home;

28 (ii) A description of the mobile home or manufactured home that  
29 includes the name of the manufacturer, the year of manufacture, the  
30 model, and the manufacturer's serial number;

31 (iii) The legal description of the real estate from which the mobile

1 home or manufactured home is to be detached and the names of all of the  
2 owners of record of the real estate;

3 (iv) A statement that the mobile home or manufactured home is to be  
4 detached from the real property;

5 (v) A statement that the certificate of title of the mobile home or  
6 manufactured home has previously been canceled;

7 (vi) The name of each holder of a lien of record against the real  
8 estate from which the mobile home or manufactured home is to be detached,  
9 with the written consent of each holder to the detachment; and

10 (vii) The name and address of an owner, a financial institution, or  
11 another entity to which the certificate of title may be delivered.

12 (6) An owner of an affixed mobile home or manufactured home for  
13 which the certificate of title has previously been canceled pursuant to  
14 subsection (2) of this section shall not detach the mobile home or  
15 manufactured home from the real estate before a certificate of title for  
16 the mobile home or manufactured home is issued by the county treasurer or  
17 department. If a certificate of title is issued by the county treasurer  
18 or department, the mobile home or manufactured home is no longer  
19 considered part of the real property. Any lien thereon shall be perfected  
20 pursuant to section 60-164. The owner of such mobile home or manufactured  
21 home may convey ownership of the mobile home or manufactured home only by  
22 way of a certificate of title.

23 (7) For purposes of this section:

24 (a) A mobile home or manufactured home is affixed to real estate if  
25 the wheels, towing hitches, and running gear are removed and it is  
26 permanently attached to a foundation or other support system; and

27 (b) Ownership interest means the fee simple interest in real estate  
28 or an interest as the lessee under a lease of the real property that has  
29 a term that continues for at least twenty years after the recording of  
30 the affidavit under subsection (2) of this section.

31 (8) Upon cancellation of a certificate of title in the manner

1 prescribed by this section, the county treasurer and the department may  
2 cancel and destroy all certificates and all memorandum certificates in  
3 that chain of title.

4       Sec. 2.     Original section 60-169, Revised Statutes Cumulative  
5 Supplement, 2018, is repealed.