

AMENDMENTS TO LB834

Introduced by Strommen, 47.

1           1. Insert the following new sections:

2           **Sec. 3.** Section 60-149, Revised Statutes Cumulative Supplement,  
3           2024, is amended to read:

4           60-149 (1)(a) If a certificate of title has previously been issued  
5           for a vehicle in this state, the application for a new certificate of  
6           title shall be accompanied by the certificate of title duly assigned  
7           except as otherwise provided in the Motor Vehicle Certificate of Title  
8           Act.

9           (b) Except for manufactured homes or mobile homes as provided in  
10          subsection (2) of this section, if a certificate of title has not  
11          previously been issued for the vehicle in this state or if a certificate  
12          of title is unavailable, the application shall be accompanied by:

13          (i) A manufacturer's or importer's certificate except as otherwise  
14          provided in subdivision (viii) of this subdivision;

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

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

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

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

24          (vi) Evidence of ownership as provided for in section 30-24,125,  
25          sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections  
26          60-2401 to 60-2411;

27          (vii) Documentation prescribed in section 60-142.01, 60-142.02,

1 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of  
2 compliance with section 76-1607;

3 (viii) A manufacturer's or importer's certificate and an affidavit  
4 by the owner affirming ownership in the case of a minitruck;

5 (ix) In the case of a motor vehicle, a trailer, an all-terrain  
6 vehicle, a utility-type vehicle, or a minibike, an affidavit by the  
7 holder of a motor vehicle auction dealer's license as described in  
8 subdivision (11) of section 60-1406 affirming that the certificate of  
9 title is unavailable and that the vehicle (A) is a salvage vehicle  
10 through payment of a total loss settlement, (B) is a salvage vehicle  
11 purchased by the auction dealer, or (C) has been donated to an  
12 organization operating under section 501(c)(3) of the Internal Revenue  
13 Code as defined in section 49-801.01; or

14 (x) A United States Government Certificate to Obtain Title to a  
15 Vehicle.

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

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

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

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

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

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

1 (iv) Evidence of ownership as provided for in the Disposition of  
2 Personal Property Landlord and Tenant Act or section 30-24,125, sections  
3 52-601.01 to 52-605, sections 60-1901 to 60-1911, or sections 60-2401 to  
4 60-2411 , or documentation of compliance with section 76-1607; or

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

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

13 (3) For purposes of this section, certificate of title includes a  
14 salvage certificate, a salvage branded certificate of title, or any other  
15 document of ownership issued by another state or jurisdiction for a  
16 salvage vehicle. Only a salvage branded certificate of title shall be  
17 issued to any vehicle conveyed upon a salvage certificate, a salvage  
18 branded certificate of title, or any other document of ownership issued  
19 by another state or jurisdiction for a salvage vehicle. A previously  
20 salvage branded certificate of title may be issued if, prior to  
21 application, the applicant's vehicle has been repaired and inspected as  
22 provided in section 60-146.

23 (4) The county treasurer shall retain the evidence of title  
24 presented by the applicant and on which the certificate of title is  
25 issued.

26 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of  
27 this section, the holder of a motor vehicle auction dealer's license  
28 shall certify that (i) it has made at least two written attempts and has  
29 been unable to obtain the properly endorsed certificate of title to the  
30 property noted in the affidavit from the owner and (ii) thirty days have  
31 expired after the mailing of a written notice regarding the intended

1 disposition of the property noted in the affidavit by certified mail,  
2 return receipt requested, to the last-known address of the owner and to  
3 any lien or security interest holder of record of the property noted in  
4 the affidavit.

5 (b) The notice under subdivision (5)(a)(ii) of this section shall  
6 contain a description of the property noted in the affidavit and a  
7 statement that title to the property noted in the affidavit shall vest in  
8 the holder of the motor vehicle auction dealer's license thirty days  
9 after the date such notice was mailed.

10 (c) The mailing of notice and the expiration of thirty days under  
11 subdivision (5)(a)(ii) of this section shall extinguish any lien or  
12 security interest of a lienholder or security interest holder in the  
13 property noted in the affidavit, unless the lienholder or security  
14 interest holder has claimed such property within such thirty-day period.  
15 The holder of a motor vehicle auction dealer's license shall transfer  
16 possession of the property noted in the affidavit to the lienholder or  
17 security interest holder claiming such property.

18 **Sec. 4.** Section 60-166, Revised Statutes Supplement, 2025, is  
19 amended to read:

20 60-166 (1)(a) This subsection applies prior to the implementation  
21 date designated by the Director of Motor Vehicles pursuant to subsection  
22 (2) of section 60-1508.

23 (b) In the event of (i) the transfer of ownership of a vehicle by  
24 operation of law as upon inheritance, devise, bequest, order in  
25 bankruptcy, insolvency, replevin, or execution sale or as provided in  
26 sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911, and 60-2401  
27 to 60-2411, (ii) the engine of a vehicle being replaced by another  
28 engine, (iii) a vehicle being sold to satisfy storage or repair charges  
29 or under section 76-1607, or (iv) repossession being had upon default in  
30 performance of the terms of a chattel mortgage, trust receipt,  
31 conditional sales contract, or other like agreement, the county treasurer

1 of any county or the department, upon the surrender of the prior  
2 certificate of title or the manufacturer's or importer's certificate, or  
3 when that is not possible, upon presentation of satisfactory proof of  
4 ownership and right of possession to such vehicle, and upon payment of  
5 the appropriate fee and the presentation of an application for  
6 certificate of title, may issue to the applicant a certificate of title  
7 thereto.

8 (2)(a) This subsection applies beginning on the implementation date  
9 designated by the director pursuant to subsection (2) of section 60-1508.

10 (b) In the event of (i) the transfer of ownership of a vehicle by  
11 operation of law as upon inheritance, devise, bequest, order in  
12 bankruptcy, insolvency, replevin, or execution sale or as provided in the  
13 Disposition of Personal Property Landlord and Tenant Act or section  
14 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, and  
15 sections 60-2401 to 60-2411, (ii) the engine of a vehicle being replaced  
16 by another engine, (iii) a vehicle being sold to satisfy storage or  
17 repair charges or under section 76-1607, or (iv) repossession being had  
18 upon default in performance of the terms of a chattel mortgage, trust  
19 receipt, conditional sales contract, or other like agreement, and upon  
20 acceptance of an electronic certificate of title record after  
21 repossession, in addition to the title requirements in this section, the  
22 county treasurer of any county or the department, upon the surrender of  
23 the prior certificate of title or the manufacturer's or importer's  
24 certificate, or when that is not possible, upon presentation of  
25 satisfactory proof of ownership and right of possession to such vehicle,  
26 and upon payment of the appropriate fee and the presentation of an  
27 application for certificate of title, may issue to the applicant a  
28 certificate of title thereto.

29 (3) If the prior certificate of title issued for such vehicle  
30 provided for joint ownership with right of survivorship, a new  
31 certificate of title shall be issued to a subsequent purchaser upon the

1 assignment of the prior certificate of title by the surviving owner and  
2 presentation of satisfactory proof of death of the deceased owner.

3 (4) Only an affidavit by the person or agent of the person to whom  
4 possession of such vehicle has so passed, setting forth facts entitling  
5 him or her to such possession and ownership, together with a copy of a  
6 court order or an instrument upon which such claim of possession and  
7 ownership is founded, shall be considered satisfactory proof of ownership  
8 and right of possession, except that if the applicant cannot produce such  
9 proof of ownership, he or she may submit to the department such evidence  
10 as he or she may have, and the department may thereupon, if it finds the  
11 evidence sufficient, issue the certificate of title or authorize any  
12 county treasurer to issue a certificate of title, as the case may be.

13 (5) If from the records of the county treasurer or the department  
14 there appear to be any liens on such vehicle, such certificate of title  
15 shall comply with section 60-164, 60-165, or 60-165.02 regarding such  
16 liens unless the application is accompanied by proper evidence of their  
17 satisfaction or extinction.

18 **Sec. 5.** Section 69-2302, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 69-2302 For purposes of the Disposition of Personal Property  
21 Landlord and Tenant Act:

22 (1) Landlord means the owner, lessor, or sublessor of furnished or  
23 unfurnished premises, including self-service storage units or facilities,  
24 for rent or his or her agent or successor in interest;

25 (2) Mobile home has the same meaning as in section 76-1463;

26 (3) Mobile home park has the same meaning as in section 76-1464;

27 (4) Mobile home space has the same meaning as in section 76-1465;

28 (5) {2} Owner means one or more persons, jointly or severally, in  
29 whom is vested (a) all or part of the legal title to property or (b) all  
30 or part of the beneficial ownership and a right to present use and  
31 enjoyment of premises and shall include a mortgagee in possession;

1           (6) Personal property means movable property not affixed to land.  
2           Personal property includes, but is not limited to, goods, wares,  
3           merchandise, motor vehicles, mobile homes, watercraft, household items,  
4           and furnishings;

5           (7) (3) Premises means:

6           (a) A a dwelling unit as defined in section 76-1410 or section  
7           76-1459 or a distinct portion of a dwelling unit, the facilities and  
8           appurtenances in such dwelling unit, and the grounds, areas, and  
9           facilities held out for the use of tenants generally or the use of which  
10          is promised to the tenants;

11          (b) A mobile home space or mobile home park; or

12          (c) Self-service (b) self-service storage units or facilities;

13          (8) (4) Reasonable belief means the knowledge or belief a prudent  
14          person should have without making an investigation, including any  
15          investigation of public records, except that when the landlord has  
16          specific information indicating that such an investigation would more  
17          probably than not reveal pertinent information and the cost of such an  
18          investigation would be reasonable in relation to the probable value of  
19          the personal property involved, reasonable belief shall include the  
20          actual knowledge or belief a prudent person would have if such  
21          investigation were made;

22          (9) (5) Reasonable costs of storage includes:

23          (a) Reasonable costs actually incurred, the reasonable value of  
24          labor actually provided, or both in removing personal property from its  
25          original location on the vacated premises to the place of storage,  
26          including disassembly and transportation; and

27          (b) Reasonable storage costs actually incurred which shall not  
28          exceed the fair rental value of the space reasonably required for the  
29          storage of the personal property; and

30          (10) (6) Tenant means a person entitled under a rental agreement to  
31          occupy any premises for rent or storage uses to the exclusion of others

1 whether such premises are used as a dwelling unit or self-service storage  
2 unit or facility or not.

3 **Sec. 6.** Section 69-2303, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 69-2303 (1) Except as otherwise provided in subsection (5) of  
6 section 76-1414, when personal property remains on the premises after a  
7 tenancy has terminated or expired and the premises have been vacated by  
8 the tenant, the landlord shall give written notice as provided in  
9 subsection (2) of this section to such tenant and to any other person the  
10 landlord reasonably believes to be the owner of the property.

11 (2)(a) The notice required by subsection (1) of this section shall  
12 describe the property in a manner reasonably adequate to permit the owner  
13 of the property to identify it. The notice may describe all or a portion  
14 of the property, but the limitation of liability provided by section  
15 69-2309 shall not protect the landlord from any liability arising from  
16 the disposition of property not described in the notice, except that the  
17 notice need not describe the contents of any:

18 (i) Trunk ~~a trunk~~, valise, box, or other container which is locked,  
19 fastened, or tied in a manner which deters immediate access to its  
20 contents; or

21 (ii) Mobile home which is locked in a manner which deters immediate  
22 access to its interior may be described as such without describing its  
23 contents.

24 (b) The notice shall state that reasonable costs of storage may be  
25 charged before the property is returned, the location where the property  
26 may be claimed, and the date on or before which such property must be  
27 claimed.

28 (c) The date specified in the notice shall be a date not less than  
29 seven days after the notice is personally delivered or, if mailed, not  
30 less than fourteen days after the notice is deposited in the mail.

31 (d) The notice shall be given within six months of the date of

1 expiration of the lease of the property or the date of discovery of the  
2 abandonment, whichever is later.

3 (3) The notice shall be personally delivered or sent by first-class  
4 mail, postage prepaid, to the person to be notified at his or her last-  
5 known address and, if there is reason to believe that the notice sent to  
6 that address will not be received by him or her, also delivered or sent  
7 to such other address, if any, known to the landlord at which such person  
8 may reasonably be expected to receive the notice.

9 **Sec. 7.** Section 69-2308, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 69-2308 (1) If the personal property is not released pursuant to  
12 section 69-2307, it shall be sold at public sale by competitive bidding,  
13 except that if the landlord reasonably believes that the total resale  
14 value of the property not released is less than two thousand dollars, he  
15 or she may retain such property for his or her own use or dispose of it  
16 in any manner he or she chooses. At such time as the decision to sell or  
17 to retain is made, any locked mobile home or trunk, valise, box, or other  
18 container shall be opened, if practicable, with as little damage as  
19 possible, and its contents evaluated. Nothing in this section shall be  
20 construed to preclude the landlord or the tenant from bidding on the  
21 property at the public sale. The successful bidder's title shall be  
22 subject to ownership rights, liens, and security interests which have  
23 priority by law.

24 (2) Notice of the time and place of the public sale shall be given  
25 by advertisement of the sale published once a week for two consecutive  
26 weeks in a newspaper of general circulation in the county where the sale  
27 is to be held. If there is no newspaper of general circulation in the  
28 county where the sale is to be held, the advertisement shall be posted no  
29 fewer than ten days before the sale in not less than six conspicuous  
30 places in the neighborhood of the proposed sale. The sale shall be held  
31 at the nearest suitable place to the place where the personal property is

1 held or stored. The advertisement shall include a description of the  
2 goods, the name of the former tenant, and the time and place of the sale.  
3 The sale shall take place no sooner than ten days after the first  
4 publication. The last publication shall be no less than five days before  
5 the sale is to be held. Notice of sale may be published before the last  
6 of the dates specified for taking possession of the property in any  
7 notice given pursuant to section 69-2303.

8 (3) The notice of the sale shall describe the property to be sold in  
9 a manner reasonably adequate to permit the owner of the property to  
10 identify it. The notice may describe all or a portion of the property,  
11 but the limitation of liability provided by section 69-2309 shall not  
12 release the landlord from any liability arising from the disposition of  
13 property not described in the notice.

14 (4) After deduction of the reasonable costs of storage, advertising,  
15 and sale, any proceeds of the sale not claimed by the former tenant, an  
16 owner other than such tenant, or another person having an interest in the  
17 proceeds shall, not later than thirty days after the date of sale, be  
18 remitted to the State Treasurer for disposition pursuant to the Uniform  
19 Disposition of Unclaimed Property Act. The former tenant, other owner, or  
20 other person having interest in the proceeds may claim the proceeds by  
21 complying with the act. If the State Treasurer pays the proceeds or any  
22 part thereof to a claimant, neither the State Treasurer nor any employee  
23 thereof shall be liable to any other claimant as to the amount paid.

24 **Sec. 8.** Section 76-14,109, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 76-14,109 (1) If a tenant abandons a mobile home on a mobile home  
27 space, the mobile home shall ~~may~~ not be removed from the mobile home  
28 space by the tenant or his or her agent without:

29 (a) A signed written authorization from the landlord granting  
30 clearance for removal, showing all money due and owing paid in full; ~~or~~

31 (b) Compliance with the Disposition of Personal Property Landlord

1 and Tenant Act; or

2 (c) ~~An~~ agreement reached with the legal owner and the landlord.

3 (2) A mobile home shall be considered to be abandoned if the tenant  
4 has defaulted in rent and has, by absence of at least thirty days or by  
5 words or actions, reasonably indicated an intention not to continue the  
6 tenancy.

7 (3) Nothing in this section shall prohibit a landlord from removing  
8 an abandoned mobile home from the mobile home space and placing it in  
9 storage at the owner's expense or from utilizing any other legal remedy.

10 2. Renumber the remaining sections and correct the repealer  
11 accordingly.