

AMENDMENTS TO LB561

(Amendments to Standing Committee amendments, AM316)

Introduced by McKeon, 41.

1 1. Insert the following new sections:

2 **Section 1.** Section 60-101, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 60-101 Sections 60-101 to 60-197 and section 6 of this act shall be
5 known and may be cited as the Motor Vehicle Certificate of Title Act.

6 **Sec. 2.** Section 60-137, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 60-137 (1) The Motor Vehicle Certificate of Title Act applies to all
9 vehicles as defined in the act, except:

10 (a) Farm trailers;

11 (b) Well-boring apparatus, backhoes, bulldozers, and front-end
12 loaders; and

13 (c) Trucks and buses from other jurisdictions required to pay
14 registration fees under the Motor Vehicle Registration Act, except a
15 vehicle registered or eligible to be registered as part of a fleet of
16 apportionable vehicles under section 60-3,198.

17 (2)(a) All new all-terrain vehicles and minibikes sold on or after
18 January 1, 2004, shall be required to have a certificate of title. An
19 owner of an all-terrain vehicle or minibike sold prior to such date may
20 apply for a certificate of title for such all-terrain vehicle or minibike
21 as provided in rules and regulations of the department.

22 (b) All new low-speed vehicles sold on or after January 1, 2012,
23 shall be required to have a certificate of title. An owner of a low-speed
24 vehicle sold prior to such date may apply for a certificate of title for
25 such low-speed vehicle as provided in rules and regulations of the
26 department.

1 (3) An owner of any of the following a utility trailer may apply for
2 a certificate of title upon compliance with the Motor Vehicle Certificate
3 of Title Act: -

4 (a) Any utility trailer;

5 (b) Beginning January 1, 2026, any self-propelled equipment designed
6 and used exclusively to carry and apply fertilizer, chemicals, or related
7 products to agricultural soil and crops, agricultural floater-spreader
8 implements, and other implements of husbandry designed for and used
9 primarily for tilling the soil and harvesting crops or feeding livestock;
10 or

11 (c) Beginning January 1, 2026, any power unit hay grinders or a
12 combination that includes a power unit and a hay grinder when operated
13 without cargo.

14 (4)(a) Every owner of a manufactured home or mobile home shall
15 obtain a certificate of title for the manufactured home or mobile home
16 prior to affixing it to real estate.

17 (b) If a manufactured home or mobile home has been affixed to real
18 estate and a certificate of title was not issued before it was so
19 affixed, the owner of such manufactured home or mobile home shall apply
20 for and be issued a certificate of title at any time for surrender and
21 cancellation as provided in section 60-169.

22 (5) All new utility-type vehicles sold on or after January 1, 2011,
23 shall be required to have a certificate of title. An owner of a utility-
24 type vehicle sold prior to such date may apply for a certificate of title
25 for such utility-type vehicle as provided in rules and regulations of the
26 department.

27 **Sec. 3.** Section 60-152, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 60-152 (1) The county treasurer shall issue a certificate of title
30 for a vehicle in duplicate and retain one copy in his or her office. An
31 electronic copy, in a form prescribed by the department, shall be

1 transmitted on the day of issuance to the department. The county
2 treasurer shall sign and affix the appropriate seal to the original
3 certificate of title and, if there are no liens on the vehicle, deliver
4 the certificate to the applicant. If there are one or more liens on the
5 vehicle, the certificate of title shall be handled as provided in section
6 60-164 or 60-165 or section 6 of this act.

7 (2) The county treasurers of the various counties shall adopt a
8 circular seal with the words County Treasurer of (insert
9 name) County thereon. Such seal shall be used by the county treasurer or
10 the deputy or legal authorized agent of such officer, without charge to
11 the applicant, on any certificate of title, application for certificate
12 of title, duplicate copy, assignment or reassignment, power of attorney,
13 statement, or affidavit pertaining to the issuance of a Nebraska
14 certificate of title.

15 (3) The department shall prescribe a uniform method of numbering
16 certificates of title.

17 (4) The county treasurer shall (a) file all certificates of title
18 according to rules and regulations adopted and promulgated by the
19 department, (b) maintain in the office indices for such certificates of
20 title, (c) be authorized to destroy all previous records five years after
21 a subsequent transfer has been made on a vehicle, and (d) be authorized
22 to destroy all certificates of title and all supporting records and
23 documents which have been on file for a period of five years or more from
24 the date of filing the certificate or a notation of lien, whichever
25 occurs later.

26 **Sec. 4.** Section 60-164, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 60-164 (1) The department shall implement an electronic title and
29 lien system for vehicles. The holder of a security interest, trust
30 receipt, conditional sales contract, or similar instrument regarding a
31 vehicle, or beginning on the implementation date determined by the

1 director pursuant to subsection (7) of section 60-1507, a licensed
2 dealer, may file a lien electronically as prescribed by the department.
3 Upon receipt of an application for a certificate of title for a vehicle,
4 any lien filed electronically shall become part of the electronic
5 certificate of title record created by the county treasurer or department
6 maintained on the electronic title and lien system. If an application for
7 a certificate of title indicates that there is a lien or encumbrance on a
8 vehicle or if a lien or notice of lien has been filed electronically, the
9 department shall retain an electronic certificate of title record and
10 shall note and cancel such liens electronically on the system. The
11 department shall provide access to the electronic certificate of title
12 records for licensed dealers and lienholders who participate in the
13 system by a method determined by the director.

14 (2) Except as provided in section 60-165 or section 6 of this act,
15 the provisions of article 9, Uniform Commercial Code, shall never be
16 construed to apply to or to permit or require the deposit, filing, or
17 other record whatsoever of a security agreement, conveyance intended to
18 operate as a mortgage, trust receipt, conditional sales contract, or
19 similar instrument or any copy of the same covering a vehicle. Any
20 mortgage, conveyance intended to operate as a security agreement as
21 provided by article 9, Uniform Commercial Code, trust receipt,
22 conditional sales contract, or other similar instrument covering a
23 vehicle, if such instrument is accompanied by delivery of such
24 manufacturer's or importer's certificate and followed by actual and
25 continued possession of the same by the holder of such instrument or, in
26 the case of a certificate of title, if a notation of the same has been
27 made electronically as prescribed in subsection (1) of this section or by
28 the county treasurer or department on the face of the certificate of
29 title or on the electronic certificate of title record, shall be valid as
30 against the creditors of the debtor, whether armed with process or not,
31 and subsequent purchasers, secured parties, and other lienholders or

1 claimants but otherwise shall not be valid against them, except that
2 during any period in which a vehicle is inventory, as defined in section
3 9-102, Uniform Commercial Code, held for sale by a person or corporation
4 that is required to be licensed as provided in the Motor Vehicle Industry
5 Regulation Act and is in the business of selling such vehicles, the
6 filing provisions of article 9, Uniform Commercial Code, as applied to
7 inventory, shall apply to a security interest in such vehicle created by
8 such person or corporation as debtor without the notation of lien on the
9 certificate of title. A buyer of a vehicle at retail from a dealer
10 required to be licensed as provided in the Motor Vehicle Industry
11 Regulation Act shall take such vehicle free of any security interest. A
12 purchase-money security interest, as defined in section 9-103, Uniform
13 Commercial Code, in a vehicle is perfected against the rights of judicial
14 lien creditors and execution creditors on and after the date the
15 purchase-money security interest attaches.

16 (3) Subject to subsections (1) and (2) of this section, all liens,
17 security agreements, and encumbrances noted upon a certificate of title
18 or an electronic certificate of title record and all liens noted
19 electronically as prescribed in subsection (1) of this section shall take
20 priority according to the order of time in which the same are noted by
21 the county treasurer or department. Exposure for sale of any vehicle by
22 the owner thereof with the knowledge or with the knowledge and consent of
23 the holder of any lien, security agreement, or encumbrance on such
24 vehicle shall not render the same void or ineffective as against the
25 creditors of such owner or holder of subsequent liens, security
26 agreements, or encumbrances upon such vehicle.

27 (4) The holder of a security agreement, trust receipt, conditional
28 sales contract, or similar instrument, upon presentation of such
29 instrument to the department or to any county treasurer, together with
30 the certificate of title and the fee prescribed for notation of lien, may
31 have a notation of such lien made on the face of such certificate of

1 title. The owner of a vehicle may present a valid out-of-state
2 certificate of title issued to such owner for such vehicle with a
3 notation of lien on such certificate of title and the prescribed fee to
4 the county treasurer or department and have the notation of lien made on
5 the new certificate of title issued pursuant to section 60-144 without
6 presenting a copy of the lien instrument. The county treasurer or the
7 department shall enter the notation and the date thereof over the
8 signature of the person making the notation and the seal of the office.
9 If noted by a county treasurer, he or she shall on that day notify the
10 department which shall note the lien on its records. The county treasurer
11 or the department shall also indicate by appropriate notation and on such
12 instrument itself the fact that such lien has been noted on the
13 certificate of title.

14 (5) A transaction does not create a sale or a security interest in a
15 vehicle, other than an all-terrain vehicle, a utility-type vehicle, or a
16 minibike, merely because it provides that the rental price is permitted
17 or required to be adjusted under the agreement either upward or downward
18 by reference to the amount realized upon sale or other disposition of the
19 vehicle.

20 (6) The county treasurer or the department, upon receipt of a lien
21 instrument duly signed by the owner in the manner prescribed by law
22 governing such lien instruments together with the fee prescribed for
23 notation of lien, shall notify the first lienholder to deliver to the
24 county treasurer or the department, within fifteen days after the date of
25 notice, the certificate of title to permit notation of such other lien
26 and, after notation of such other lien, the county treasurer or the
27 department shall deliver the certificate of title to the first
28 lienholder. The holder of a certificate of title who refuses to deliver a
29 certificate of title to the county treasurer or the department for the
30 purpose of showing such other lien on such certificate of title within
31 fifteen days after the date of notice shall be liable for damages to such

1 other lienholder for the amount of damages such other lienholder suffered
2 by reason of the holder of the certificate of title refusing to permit
3 the showing of such lien on the certificate of title.

4 (7) Upon receipt of a subsequent lien instrument duly signed by the
5 owner in the manner prescribed by law governing such lien instruments or
6 a notice of lien filed electronically, together with an application for
7 notation of the subsequent lien, the fee prescribed in section 60-154,
8 and, if a printed certificate of title exists, the presentation of the
9 certificate of title, the county treasurer or department shall make
10 notation of such other lien. If the certificate of title is not an
11 electronic certificate of title record, the county treasurer or
12 department, upon receipt of a lien instrument duly signed by the owner in
13 the manner prescribed by law governing such lien instruments together
14 with the fee prescribed for notation of lien, shall notify the first
15 lienholder to deliver to the county treasurer or department, within
16 fifteen days after the date of notice, the certificate of title to permit
17 notation of such other lien. After such notation of lien, the lien shall
18 become part of the electronic certificate of title record created by the
19 county treasurer or department which is maintained on the electronic
20 title and lien system. The holder of a certificate of title who refuses
21 to deliver a certificate of title to the county treasurer or department
22 for the purpose of noting such other lien on such certificate of title
23 within fifteen days after the date when notified to do so shall be liable
24 for damages to such other lienholder for the amount of damages such other
25 lienholder suffered by reason of the holder of the certificate of title
26 refusing to permit the noting of such lien on the certificate of title.

27 (8) When a lien is discharged, the holder shall, within fifteen days
28 after payment is received, note a cancellation of the lien on the
29 certificate of title over his, her, or its signature and deliver the
30 certificate of title to the county treasurer or the department, which
31 shall note the cancellation of the lien on the face of the certificate of

1 title and on the records of such office. If delivered to a county
2 treasurer, he or she shall on that day notify the department which shall
3 note the cancellation on its records. The county treasurer or the
4 department shall then return the certificate of title to the owner or as
5 otherwise directed by the owner. The cancellation of lien shall be noted
6 on the certificate of title without charge. For an electronic certificate
7 of title record, the lienholder shall, within fifteen days after payment
8 is received when such lien is discharged, notify the department
9 electronically or provide written notice of such lien release, in a
10 manner prescribed by the department, to the county treasurer or
11 department. The department shall note the cancellation of lien and, if no
12 other liens exist, issue the certificate of title to the owner or as
13 otherwise directed by the owner or lienholder. If the holder of the title
14 cannot locate a lienholder, a lien may be discharged ten years after the
15 date of filing by presenting proof that thirty days have passed since the
16 mailing of a written notice by certified mail, return receipt requested,
17 to the last-known address of the lienholder.

18 **Sec. 5.** Section 60-166, Reissue Revised Statutes of Nebraska, 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
13 section 30-24,125, sections 52-601.01 to 52-605, sections 60-1901 to
14 60-1911, and sections 60-2401 to 60-2411, (ii) the engine of a vehicle
15 being replaced by another engine, (iii) a vehicle being sold to satisfy
16 storage or repair charges or under section 76-1607, or (iv) repossession
17 being had upon default in performance of the terms of a chattel mortgage,
18 trust receipt, conditional sales contract, or other like agreement, and
19 upon acceptance of an electronic certificate of title record after
20 repossession, in addition to the title requirements in this section, the
21 county treasurer of any county or the department, 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 such vehicle,
25 and upon payment of the appropriate fee and the presentation of an
26 application for certificate of title, may issue to the applicant a
27 certificate of title thereto.

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

1 presentation of satisfactory proof of death of the deceased owner.

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

12 (5) If from the records of the county treasurer or the department
13 there appear to be any liens on such vehicle, such certificate of title
14 shall comply with section 60-164 or 60-165 or section 6 of this act
15 regarding such liens unless the application is accompanied by proper
16 evidence of their satisfaction or extinction.

17 **Sec. 6.** (1) For purposes of this section, device means any of the
18 following for which a certificate of title has been issued under
19 subsection (3) of section 60-137:

20 (a) Any utility trailer;

21 (b) Any self-propelled equipment designed and used exclusively to
22 carry and apply fertilizer, chemicals, or related products to
23 agricultural soil and crops, agricultural floater-spreader implements,
24 and other implements of husbandry designed for and used primarily for
25 tilling the soil and harvesting crops or feeding livestock; or

26 (c) Any power unit hay grinders or a combination that includes a
27 power unit and a hay grinder when operated without cargo.

28 (2) Any security interest in a device that is perfected pursuant to
29 article 9, Uniform Commercial Code, before, on, or after January 1, 2026,
30 shall continue to be perfected until (a) the financing statement
31 perfecting such security interest is terminated or lapses in the absence

1 of the filing of a continuation statement pursuant to article 9, Uniform
2 Commercial Code, or (b) a certificate of title is issued and a notation
3 of lien is made for the device as provided in section 60-164.

4 (3) Any lien noted on the face of a certificate of title for the
5 device or on an electronic certificate of title record for the device
6 pursuant to subsection (2), (4), or (5) of this section, on behalf of the
7 holder of a security interest in the device that was previously perfected
8 pursuant to article 9, Uniform Commercial Code, shall have priority as of
9 the date such security interest was originally perfected.

10 (4) The holder of a certificate of title for a device shall, upon
11 request, surrender the certificate of title to a holder of a previously
12 perfected security interest in the device to permit notation of a lien on
13 the certificate of title or on an electronic certificate of title record
14 and shall do such other acts as may be required to permit such notation.

15 (5) If the owner of a device subject to a security interest
16 perfected pursuant to article 9, Uniform Commercial Code, fails or
17 refuses to obtain a certificate of title after January 1, 2026, the
18 security interest holder may obtain a certificate of title in the name of
19 the owner of the device following the procedures of section 60-144 and
20 may have a lien noted on the certificate of title or on an electronic
21 certificate of title record pursuant to section 60-164.

22 (6) The assignment, release, or satisfaction of a security interest
23 in a device shall be governed by the laws under which it was perfected.

24 2. Renumber the remaining sections and correct internal references
25 and the repealer accordingly.