

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 758

FINAL READING

Introduced by von Gillern, 4.

Read first time January 07, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to transfers on death; to amend section
2 60-142.12, Reissue Revised Statutes of Nebraska, and sections
3 30-2715 and 60-149, Revised Statutes Cumulative Supplement, 2024; to
4 change provisions relating to nontestamentary transfers; to provide
5 a method for a beneficiary charitable organization to receive
6 property or information as prescribed; to create a right of action;
7 to change provisions relating to evidence of ownership for purposes
8 of applying for a new certificate of title; and to repeal the
9 original sections.
10 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 30-2715, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 30-2715 (a) Subject to sections 30-2333 and 30-2354, a provision for
4 a nonprobate transfer on death in an insurance or annuity policy, account
5 with POD designation as defined in section 30-2716, contract of
6 employment, bond, mortgage, promissory note, certificated or
7 uncertificated security, security registered in beneficiary form, account
8 agreement, custodial agreement, deposit agreement, compensation plan,
9 pension plan, profit-sharing plan, individual retirement plan, employee
10 benefit plan, trust, marital property agreement, certificate of title, or
11 other written instrument of a similar nature is nontestamentary. This
12 subsection includes a written provision that:

13 (1) money or other benefits due to, controlled by, or owned by a
14 decedent before death must be paid after the decedent's death to a person
15 whom the decedent designates either in the instrument or in a separate
16 writing, including a will, executed either before or at the same time as
17 the instrument, or later;

18 (2) money due or to become due under the instrument ceases to be
19 payable in the event of death of the promisee or the promisor before
20 payment or demand; or

21 (3) any property controlled by or owned by the decedent before death
22 which is the subject of the instrument passes to a person the decedent
23 designates either in the instrument or in a separate writing, including a
24 will, executed either before or at the same time as the instrument, or
25 later.

26 (b) This section does not limit rights of creditors under other laws
27 of this state.

28 **Sec. 2.** (1) If a charitable organization that is tax exempt under
29 section 501(c)(3) of the Internal Revenue Code of 1986 is a beneficiary
30 of an interest in property of a decedent, such charitable organization
31 may present an affidavit to the holder of the interest in the property or

1 to any person with information about the property for the purpose of
2 obtaining the interest in the property or information about the property.
3 Such affidavit shall contain: (a) The decedent's name and last known
4 address; (b) a general description of the property; (c) the charitable
5 organization's name, address, and primary contact information; (d) a
6 statement that the charitable organization is a charitable organization;
7 (e) a request that the property be paid, delivered, or transferred to the
8 charitable organization or that information about the property be given
9 to the charitable organization; (f) a statement that the charitable
10 organization is entitled to payment, delivery, or transfer of the
11 property; (g) a statement that the affidavit has been signed by a duly
12 authorized representative of the charitable organization under penalty of
13 perjury before a notary public; and (h) a statement that the information
14 in the affidavit is true and correct.

15 (2) Such affidavit shall be accompanied by: (a) A copy of (i) the
16 charitable organization's determination letter from the Internal Revenue
17 Service recognizing the charitable organization's tax-exempt status or
18 (ii) the group exemption letter issued to the organization of which the
19 charitable organization is a part with proof that the charitable
20 organization is included in the group exemption letter from the Internal
21 Revenue Service; (b) a copy of the charitable organization's certificate
22 of existence or document of similar import from the organization's state
23 or country of incorporation; (c) a copy of the decedent's death
24 certificate, a probate notice published by the personal representative of
25 the decedent's estate, proof of payment of the decedent's funeral, or the
26 decedent's obituary; (d) a corporate resolution or similar statement of
27 authority for the affiant to act on behalf of the charitable
28 organization; and (e) Internal Revenue Service Form W-9 completed by an
29 authorized representative of the charitable organization.

30 (3) After receipt of an affidavit that meets the requirements of
31 subsections (1) and (2) of this section:

1 (a) The holder of the interest in property shall pay, deliver, or
2 transfer the property to or for the benefit of the charitable
3 organization, except that payment, delivery, or transfer shall not be
4 required under this section for distributions from a trust or a
5 decedent's estate but shall be made under terms of the trust or will or
6 as otherwise required by law; or

7 (b) The person with information about the property shall give the
8 information requested in the affidavit to the charitable organization.

9 (4) The person paying, delivering, or transferring the property or
10 giving the information pursuant to subsection (3) of this section is
11 discharged and released to the same extent as if such person dealt with a
12 personal representative of the decedent. Such person is not required to
13 see to the application of the property or information or to inquire into
14 the truth of any statement in the affidavit.

15 (5) The charitable organization may bring an action against the
16 holder of the interest in the property to obtain the property or the
17 person with information about the property to obtain the property or the
18 information if the holder or person:

19 (a)(i) Does not pay, deliver, or transfer such interest in property
20 within forty-five days of receiving the affidavit; or

21 (ii) Does not respond in writing to provide the information
22 requested within thirty days of receiving the affidavit; and

23 (b) Does not inform the requesting party, within thirty days of
24 receiving the affidavit, of a reasonable delay or inability to comply
25 with the affidavit. A reasonable delay or inability to comply includes:

26 (i) A delay in the transfer of property to the charitable
27 organization which is subject to a court order; and

28 (ii) If compliance would cause a financial institution to violate:

29 (A) 12 U.S.C. 1829b, 12 U.S.C. 1951 to 1960, 31 U.S.C. 5311 to 5314,
30 31 U.S.C. 5316 to 5336, or 31 C.F.R. 1000 to 1019, as such sections and
31 regulations existed on January 1, 2026; or

1 (B) The rules of a self-regulatory organization registered under the
2 federal Security Exchange Act of 1934.

3 (6) The holder of the property or the person with the information
4 shall not:

5 (a) Require the charitable organization to open an account with or
6 otherwise become a customer of the holder of the property;

7 (b) Require co-beneficiaries to submit claims simultaneously or
8 impose coordination deadlines among co-beneficiaries;

9 (c) Delay payment, delivery, or transfer to any co-beneficiary
10 because other co-beneficiaries have not submitted their claim
11 documentation; or

12 (d) Request personal information from any individual employed by or
13 serving on the board of the charitable organization.

14 (7) This section does not limit rights of creditors under other laws
15 of this state.

16 (8) This section does not apply to any organization, society, or
17 person subject to regulation under any insurance law of this or another
18 state.

19 **Sec. 3.** Section 60-142.12, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 60-142.12 The owner of a former military vehicle may apply for a
22 certificate of title by presenting (1) a manufacturer's certificate of
23 origin, (2) a certificate of title from another state, (3) a court order
24 issued by a court of record, (4) an assigned registration certificate, if
25 the law of the state from which the vehicle was brought into this state
26 does not require a certificate of title, (5) a United States Government
27 Certificate to Obtain Title to a Vehicle, or (6) evidence of ownership as
28 provided for in section 30-24,125, sections 52-601.01 to 52-605, sections
29 60-1901 to 60-1911, ~~or~~ sections 60-2401 to 60-2411, or section 2 of this
30 act, or documentation of compliance with section 76-1607.

31 **Sec. 4.** Section 60-149, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 60-149 (1)(a) If a certificate of title has previously been issued
3 for a vehicle in this state, the application for a new certificate of
4 title shall be accompanied by the certificate of title duly assigned
5 except as otherwise provided in the Motor Vehicle Certificate of Title
6 Act.

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

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

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

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

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

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

22 (vi) Evidence of ownership as provided for in section 30-24,125,
23 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections
24 60-2401 to 60-2411, or section 2 of this act;

25 (vii) Documentation prescribed in section 60-142.01, 60-142.02,
26 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of
27 compliance with section 76-1607;

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

30 (ix) In the case of a motor vehicle, a trailer, an all-terrain
31 vehicle, a utility-type vehicle, or a minibike, an affidavit by the

1 holder of a motor vehicle auction dealer's license as described in
2 subdivision (11) of section 60-1406 affirming that the certificate of
3 title is unavailable and that the vehicle (A) is a salvage vehicle
4 through payment of a total loss settlement, (B) is a salvage vehicle
5 purchased by the auction dealer, or (C) has been donated to an
6 organization operating under section 501(c)(3) of the Internal Revenue
7 Code as defined in section 49-801.01; or

8 (x) A United States Government Certificate to Obtain Title to a
9 Vehicle.

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

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

18 (2)(a) If the application for a certificate of title for a
19 manufactured home or a mobile home is being made in accordance with
20 subdivision (4)(b) of section 60-137 or if the certificate of title for a
21 manufactured home or a mobile home is unavailable, the application shall
22 be accompanied by proof of ownership in the form of:

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

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

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

26 (iv) Evidence of ownership as provided for in section 30-24,125,
27 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections
28 60-2401 to 60-2411, or section 2 of this act, or documentation of
29 compliance with section 76-1607; or

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

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

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

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 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of
21 this section, the holder of a motor vehicle auction dealer's license
22 shall certify that (i) it has made at least two written attempts and has
23 been unable to obtain the properly endorsed certificate of title to the
24 property noted in the affidavit from the owner and (ii) thirty days have
25 expired after the mailing of a written notice regarding the intended
26 disposition of the property noted in the affidavit by certified mail,
27 return receipt requested, to the last-known address of the owner and to
28 any lien or security interest holder of record of the property noted in
29 the affidavit.

30 (b) The notice under subdivision (5)(a)(ii) of this section shall
31 contain a description of the property noted in the affidavit and a

1 statement that title to the property noted in the affidavit shall vest in
2 the holder of the motor vehicle auction dealer's license thirty days
3 after the date such notice was mailed.

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

12 **Sec. 5.** Original section 60-142.12, Reissue Revised Statutes of
13 Nebraska, and sections 30-2715 and 60-149, Revised Statutes Cumulative
14 Supplement, 2024, are repealed.