

LEGISLATIVE BILL 663

Approved by the Governor March 16, 2006

Introduced by Cudaback, 36; Baker, 44

AN ACT relating to motor vehicles; to amend sections 60-101, 60-117, 60-139, 60-140, 60-142, 60-143, 60-144, 60-148, 60-149, 60-154, 60-159, 60-169, 60-193, 60-301, 60-333, 60-3,104, 60-3,130, 60-3,132, 60-3,133, and 60-3,175, Revised Statutes Supplement, 2005; to change and eliminate provisions relating to certificates of title, registration certificates, and license plates for assembled, kit, and historical vehicles; to change provisions relating to certificates of title for mobile homes and manufactured homes; to change provisions relating to odometer statements; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 60-101, Revised Statutes Supplement, 2005, is amended to read:

60-101 Sections 60-101 to 60-197 and sections 6 to 11 and 18 of this act shall be known and may be cited as the Motor Vehicle Certificate of Title Act.

Sec. 2. Section 60-117, Revised Statutes Supplement, 2005, is amended to read:

60-117 Historical vehicle means a motor vehicle or trailer of any age which is essentially unaltered from the original manufacturer's specifications and, because of its significance, is being collected, preserved, restored, or maintained by a hobbyist collector as a leisure pursuit. This category includes vehicles sometimes referred to by the classifications of antique, horseless carriage, classic, or action era.

Sec. 3. Section 60-139, Revised Statutes Supplement, 2005, is amended to read:

60-139 Except as provided in section 60-137 or 60-138 or section 6 of this act, no person shall sell or otherwise dispose of a vehicle without (1) delivering to the purchaser or transferee of such vehicle a certificate of title with such assignments thereon as may be are necessary to show title in the purchaser and (2) having affixed to the vehicle its vehicle identification number if it is not already affixed. No person shall bring into this state a vehicle for which a certificate of title is required in Nebraska, except for temporary use, without complying with the Motor Vehicle Certificate of Title Act.

No purchaser or transferee shall receive a certificate of title which does not contain such assignments as may be are necessary to show title in the purchaser or transferee. Possession of a certificate of title which does not ~~meet~~ comply with this requirement shall be prima facie evidence of a violation of this section, and such purchaser or transferee, upon conviction, shall be subject to the penalty provided by section 60-180.

Sec. 4. Section 60-140, Revised Statutes Supplement, 2005, is amended to read:

60-140 Except as provided in section 60-164, no person acquiring a vehicle from the owner thereof, whether such owner is a manufacturer, importer, dealer, or otherwise entity or person, shall acquire any right, title, claim, or interest in or to such vehicle until the acquiring person has had delivered to him or her physical possession of such vehicle and (1) a certificate of title, or a duly executed manufacturer's or importer's certificate with such assignments as may be are necessary to show title in the purchaser, or an instrument in writing (2) a written instrument as required by section 60-1417, or (3) an affidavit and notarized bill of sale as provided in section 6 of this act. No waiver or estoppel shall operate in favor of such person against a person having physical possession of such vehicle and such ~~certificate of title, manufacturer's or importer's certificate, or instrument in writing required by section 60-1417~~ documentation. No court in any case at law or in equity shall recognize the right, title, claim, or interest of any person in or to a vehicle, for which a certificate of title has been issued in Nebraska, sold, disposed of, mortgaged, or encumbered, unless there is compliance with this section.

Sec. 5. Section 60-142, Revised Statutes Supplement, 2005, is amended to read:

60-142 ~~(1)~~ (1) A collector who has assembled a vehicle meeting the specifications of a historical vehicle from parts obtained from a variety of

different sources and at various different times shall be issued a historical vehicle title upon furnishing a bill or bills of sale for the major component parts, and in cases when that evidence by itself is deemed inadequate, by executing an affidavit in verification. To be considered adequate, the bills of sale shall be notarized, shall indicate the source of the major component part, and shall list the identification or serial numbers of each.

(2) The sale or trade and subsequent legal transfer of ownership of a historical vehicle or parts vehicle shall not be contingent upon any condition that would require the historical vehicle or parts vehicle to be in operating condition at the time of the sale or transfer of ownership.

Sec. 6. If the owner does not have a certificate of title for a vehicle which was manufactured prior to 1940 and which has not had any major component part replaced, the department shall search its records for evidence of issuance of a Nebraska certificate of title for such vehicle at the request of the owner. If no certificate of title has been issued for such vehicle in the thirty-year period prior to application, the owner may transfer title to the vehicle by giving the transferee a notarized bill of sale, an affidavit in support of the application for title, a statement that an inspection has been conducted on the vehicle, and a statement from the department that no certificate of title has been issued for such vehicle in the thirty-year period prior to application. The transferee may apply for a certificate of title pursuant to section 60-149 by presenting the documentation described in this section in lieu of a certificate of title.

Sec. 7. If the owner does not have a certificate of title for a vehicle manufactured more than thirty years prior to application for a certificate of title and one or more major component parts have been replaced with one or more replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of the vehicle, the owner may apply for a certificate of title indicating that the year, make, and model of the vehicle is that originally designated by the manufacturer by presenting a notarized bill of sale for each major component part replaced, an affidavit in support of the application for title, a statement that an inspection has been conducted on the vehicle, a statement from a car club representative pursuant to section 8 of this act, and a vehicle identification number as described in section 60-148.

Sec. 8. (1) For purposes of this section, car club means an organization that has members with knowledge of and expertise pertaining to authentic vehicles and that has members with knowledge of and expertise pertaining to the restoration and preservation of specific makes and models of vehicles using replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for a specific year, make, and model of vehicle.

(2) To become a recognized car club, a car club shall apply to the department. For a car club to become recognized, it must be a nonprofit organization with established bylaws and at least twenty members. The applicant shall provide a copy of the bylaws and a membership list to the department. The department shall determine if a car club qualifies as a recognized car club. The determination of the department shall be final and nonappealable.

(3) A member of a recognized car club may apply to the department to become a qualified car club representative. Each qualified car club representative shall be designated by the president or director of the local chapter of the recognized car club of which he or she is a member. The department shall identify and maintain a list of qualified car club representatives. A qualified car club representative may apply to be placed on the list of qualified car club representatives by providing the department with his or her name, address, and telephone number, the name, address, and telephone number of the recognized car club he or she represents, a copy of the designation of the representative by the president or director of the local chapter of the recognized car club, and such other information as may be required by the department. The department may place a qualified car club representative on the list upon receipt of a completed application and may provide each representative with information for inspection of vehicles and parts. The determination of the department regarding designation of an individual as a qualified car club representative and placement on the list of qualified car club representatives shall be final and nonappealable. The department shall distribute the list to county clerks and designated county officials.

(4) When a qualified car club representative inspects vehicles and replacement parts, he or she shall determine whether all major component parts used in the assembly of a vehicle are original or essentially the

same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle, including the appropriate engine, body material, body shape, and other requirements as prescribed by the department. After such inspection, the representative shall provide the owner with a statement in the form prescribed by the department which includes the findings of the inspection. No qualified car club representative shall charge any fee for the inspection or the statement. No qualified car club representative shall provide a statement for any vehicle owned by such representative or any member of his or her immediate family.

(5) The director may summarily remove a person from the list of qualified car club representatives upon written notice. Such person may reapply for inclusion on the list upon presentation of suitable evidence satisfying the director that the cause for removal from the list has been corrected, eliminated, no longer exists, or will not affect or interfere with the person's judgment or qualifications for inspection of vehicles to determine whether or not any replacement parts are essentially the same in design and material to that originally supplied by the original manufacturer for the specific year, make, and model of vehicle.

(6) The department may adopt and promulgate rules and regulations to carry out this section.

Sec. 9. The owner of (1) an assembled vehicle or (2) a vehicle which was manufactured or assembled more than thirty years prior to application for a certificate of title with one or more major component parts replaced by replacement parts, other than replacement parts that are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle, may apply for a certificate of title by presenting a certificate of title for one major component part, a notarized bill of sale for all other major component parts replaced, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section 60-148. The certificate of title shall indicate the year of the vehicle as the year application for title was made and the make of the vehicle as assembled.

Sec. 10. The owner of a kit vehicle may apply for a certificate of title by presenting a manufacturer's statement of origin for the kit, a notarized bill of sale for all major component parts not in the kit, a statement that an inspection has been conducted on the vehicle, and a vehicle identification number as described in section 60-148. The certificate of title shall indicate the year of the vehicle as the year application for title was made and the make of the vehicle as assembled.

Sec. 11. An owner of a vehicle which has previously been issued a certificate of title as an assembled vehicle in this state may have the vehicle inspected by a qualified car club representative who shall determine whether or not any modifications or replacement parts are essentially the same in design and material to that originally supplied by the manufacturer for the specific year, make, and model of vehicle and obtain a statement as provided in section 8 of this act. The owner may apply for a certificate of title indicating the year, make, and model of the vehicle by presenting the statement and an application for certificate of title to the department. After review of the application, the department shall issue the certificate of title to the owner if the vehicle meets the specifications provided in section 7 of this act.

Sec. 12. Section 60-143, Revised Statutes Supplement, 2005, is amended to read:

60-143 Vehicles with modifications or deviations An owner of a vehicle with a modification or deviation from the original specifications may be permitted under the classification of historical vehicle if such modifications or deviations are to apply for a certificate of title under sections 6 to 8 of this act if such modification or deviation is of historic nature and characteristic of the approximate era to which the vehicle belongs essentially the same in design and material to that originally supplied by the manufacturer for vehicles of that era or if they the modification or deviation could be considered to be in the category of safety features. Safety-related modifications include hydraulic brakes, sealed-beam headlights, and occupant protection systems as defined in section 60-6,265. Accessories acceptable under such classification are A modification or deviation involving accessories shall be limited to those accessories available in the era to which the vehicle belongs.

Sec. 13. Section 60-144, Revised Statutes Supplement, 2005, is amended to read:

60-144 (1)(a) Except as provided in subdivisions (b), and (c), and (d) of this subsection, the county clerk or designated county official shall be responsible for issuing and filing certificates of title for vehicles,

and each county shall issue and file such certificates of title using the vehicle titling and registration computer system prescribed by the department. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.

(b) The department shall issue and file certificates of title for Nebraska-based fleet vehicles. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.

(c) The department shall issue and file certificates of title for state-owned vehicles. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.

(d) The department shall issue certificates of title pursuant to section 11 of this act. Application for a certificate of title shall be made upon a form prescribed by the department. All applications shall be accompanied by the appropriate fee or fees.

(2) If the owner of an all-terrain vehicle or a minibike resides in Nebraska, the application shall be filed with the county clerk or designated county official of the county in which the owner resides.

(3) If a vehicle, other than an all-terrain vehicle or a minibike, has situs in Nebraska, the application shall be filed with the county clerk or designated county official of the county in which the vehicle has situs.

(4) If the owner of a vehicle is a nonresident, the application shall be filed in the county in which the transaction is consummated.

(5) The application shall be filed within thirty days after the delivery of the vehicle.

(6) All applicants registering a vehicle pursuant to section ~~60-356~~ 60-3,198 shall file the application for a certificate of title with the Division of Motor Carrier Services of the department. The division shall deliver the certificate to the applicant if there are no liens on the vehicle. If there are any liens on the vehicle, the division shall deliver or mail the certificate of title to the holder of the first lien on the day of issuance. All certificates of title issued by the division shall be issued in the manner prescribed for the county clerk or designated county official in section 60-152.

Sec. 14. Section 60-148, Revised Statutes Supplement, 2005, is amended to read:

60-148 (1) Whenever a person applies for a certificate of title for a vehicle, ~~the county clerk or designated county official, subject to the approval of the department,~~ shall assign a distinguishing identification number to the vehicle ~~whenever such~~ if the vehicle identification number is destroyed, obliterated, or missing. The owner of such a vehicle to which such number is assigned shall have such number affixed to such vehicle ~~in a manner prescribed by the department~~ as provided in subsection (2) of this section and sign an affidavit on a form prepared by the department that such number has been attached. Before the certificate of title for an assigned number is released to the applicant by the county clerk or designated county official, the applicant ~~must~~ shall also provide a statement that an ~~identification~~ inspection has been conducted, ~~pursuant to section 60-146.~~

(2) The department shall develop a metallic assigned vehicle identification number plate which can be permanently secured to a vehicle by rivets or a permanent sticker or other form of marking or identifying the vehicle with the distinguishing identification number as determined by the director. All distinguishing identification ~~number~~ plates ~~numbers~~ shall display contain seventeen characters in conformance with national standards. When the manufacturer's vehicle identification number is known, it shall be used by the department as the assigned number. In the case of an assembled all-terrain vehicle or minibike or assembled vehicle, the department shall use a distinguishing identification number. ~~The number shall include seventeen positions, the last two being "NE".~~ The department shall, ~~at the request of the county clerk or designated county official~~ upon application by an owner, provide the county clerk ~~or designated county official~~ owner with a number plate or a permanent sticker or other form of marking or identification displaying a distinguishing identification number or the manufacturer's number, ~~provided by the county clerk or designated county official.~~

(3) Any vehicle to which a distinguishing identification number is assigned shall be titled under such distinguishing identification number when titling of the vehicle is required under the Motor Vehicle Certificate of Title Act.

Sec. 15. Section 60-149, Revised Statutes Supplement, 2005, is

amended to read:

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

(b) If a certificate of title has not previously been issued for the vehicle in this state or if a certificate of title is unavailable pursuant to subsection (4) of section 52-1801, the application shall be accompanied by:

(i) ~~A~~ a manufacturer's or importer's certificate; a

(ii) ~~A~~ duly certified copy thereof; ~~an~~

(iii) ~~An~~ affidavit by the owner affirming ownership in the case of an all-terrain vehicle or a minibike; a

(iv) ~~A~~ certificate of title from another state; ~~or a~~

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

(vi) ~~Documentation prescribed in section 6, 7, 9, or 10 of this act.~~

(c) If the application for a certificate of title in this state is accompanied by a valid certificate of title issued by another state which meets that state's requirements for transfer of ownership, then the application may be accepted by this state. ~~If the vehicle is a specially constructed vehicle, the application shall be accompanied by a kit manufacturer's certificate of origin and a bill of sale or manufacturer's certificates of origin and bills of sale for all major component parts.~~

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

(2) For purposes of this section, certificate of title includes a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle. Only a salvage branded certificate of title shall be issued to any vehicle conveyed upon a salvage certificate, a salvage branded certificate of title, or any other document of ownership issued by another state or jurisdiction for a salvage vehicle.

(3) The county clerk or designated county official shall retain the evidence of title presented by the applicant and on which the certificate of title is issued.

Sec. 16. Section 60-154, Revised Statutes Supplement, 2005, is amended to read:

60-154 (1)(a) For each original certificate of title issued by a county for a motor vehicle or trailer, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of odometer and motor vehicle fraud and motor vehicle licensing violations which may be referred by the Nebraska Motor Vehicle Industry Licensing Board; forty-five cents to the Nebraska State Patrol Cash Fund; and ten cents to the Nebraska Motor Vehicle Industry Licensing Fund for the purpose of conducting preliminary investigations of motor vehicle licensing violations relating to odometer and motor vehicle fraud.

(b) For each original certificate of title issued by a county for an all-terrain vehicle or a minibike, the fee shall be ten dollars. Three dollars and twenty-five cents shall be retained by the county. Four dollars shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund. Two dollars shall be remitted to the State Treasurer for credit to the General Fund. Seventy-five cents shall be remitted to the State Treasurer for credit as follows: Twenty cents to a fund to be administered by the Consumer Protection Division of the Department of Justice at the direction of the Attorney General for the purposes of the investigation and prosecution of fraud and theft of all-terrain vehicles and minibikes; and fifty-five cents to the Nebraska State Patrol Cash Fund.

(2) For each original certificate of title issued by the department for a vehicle except as provided in section 18 of this act, the fee shall be ten dollars, which shall be remitted to the State Treasurer for credit to the Motor Carrier Division Cash Fund.

Sec. 17. Section 60-159, Revised Statutes Supplement, 2005, is

amended to read:

60-159 For each application for a metallic assigned vehicle identification number plate or other form of marking or identification under section 60-148, the fee shall be twenty dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 18. For each certificate of title issued by the department under section 11 of this act, the fee shall be twenty-five dollars, which shall be remitted to the State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

Sec. 19. Section 60-169, Revised Statutes Supplement, 2005, is amended to read:

60-169 ~~(1)~~ Each (1)(a) Except as otherwise provided in subdivision (b) of this subsection, each owner of a vehicle and each person mentioned as owner in the last certificate of title, when the vehicle is dismantled, destroyed, or changed in such a manner that it loses its character as a vehicle or changed in such a manner that it is not the vehicle described in the certificate of title, shall surrender his or her certificate of title to the county clerk or designated county official of the county where such certificate of title was issued or, if issued by the department, to the department. If the certificate of title is surrendered to the county clerk or designated county official, he or she shall, with the consent of any holders of any liens noted thereon, enter a cancellation upon his or her records and shall notify the department of such cancellation. If the certificate is surrendered to the department, it shall, with the consent of any holder of any lien noted thereon, enter a cancellation upon its records.

(b)(i) In the case of a mobile home or manufactured home for which a certificate of title has been issued, if such mobile home or manufactured home is affixed to real property in which each owner of the mobile home or manufactured home has any ownership interest, the certificate of title may be surrendered for cancellation to the county clerk or designated county official of the county where such certificate of title is issued or, if issued by the department, to the department, if at the time of surrender the owner submits to the county clerk, the designated county official, or the department an affidavit of affixture on a form provided by the department that contains all of the following, as applicable:

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

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

(C) The legal description of the real property upon which the mobile home or manufactured home is affixed and the names of all of the owners of record of the real property;

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

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

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

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

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

(2) If a certificate of title of a mobile home or manufactured home is surrendered to the county clerk or designated county official, along with the affidavit required by subdivision (1)(b) of this section, he or she shall enter a cancellation upon his or her records, notify the department of such cancellation, forward a duplicate original of the affidavit to the department, and deliver a duplicate original of the executed affidavit under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The county clerk or designated county official shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. If the certificate of title is surrendered to the department, along with the affidavit required by subdivision (1)(b) of this section, the department shall enter a cancellation upon its records and deliver a duplicate original of the executed affidavit

under subdivision (1)(b) of this section to the register of deeds for the county in which the real property is located to be filed by the register of deeds. The department shall be entitled to collect fees from the person submitting the affidavit in accordance with sections 33-109 and 33-112 to cover the costs of filing such affidavit. Following the cancellation of a certificate of title for a mobile home or manufactured home, neither the county clerk, the designated county official, nor the department shall issue a certificate of title for such mobile home or manufactured home, except as provided in subsection (5) of this section.

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

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

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

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

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

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

(iii) The legal description of the real estate from which the mobile home or manufactured home is to be detached and the names of all of the owners of record of the real estate;

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

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

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

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

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

(7) For purposes of this section:

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

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

~~(2)~~ (8) Upon cancellation of a certificate of title in the manner prescribed by this section, the county clerk or designated county official and the department may cancel and destroy all certificates and all memorandum certificates in that chain of title.

Sec. 20. Section 60-193, Revised Statutes Supplement, 2005, is amended to read:

60-193 The statement required by section 60-192 shall be on a form prescribed by the department or shall appear on the certificate of title. Such statement shall be submitted with the application for certificate of title, and unless the statement appears on the certificate of title being submitted with the application. The statement required by section 60-192 shall appear on the new certificate of title issued in the name of the transferee, shall have recorded thereon the mileage shown by such statement and a notation that the recorded mileage is actual, not actual, or in excess of the mechanical odometer limit, whichever is applicable. No certificate of title shall be issued for a motor vehicle unless the application is accompanied by such statement or unless the information required by such statement appears on the certificate of title being submitted with the application.

Sec. 21. Section 60-301, Revised Statutes Supplement, 2005, is amended to read:

60-301 Sections 60-301 to 60-3,220 and sections 25 to 31 of this act shall be known and may be cited as the Motor Vehicle Registration Act.

Sec. 22. Section 60-333, Revised Statutes Supplement, 2005, is amended to read:

60-333 Historical vehicle means a motor vehicle or trailer of any age which is essentially unaltered from the original manufacturer's specifications and, because of its significance, is being collected, preserved, restored, or maintained by a collector as a leisure pursuit, and includes motor vehicles or trailers sometimes referred to by the classifications of antique, horseless carriage, classic, or action era.

Sec. 23. Section 60-3,104, Revised Statutes Supplement, 2005, is amended to read:

60-3,104 The department shall issue the following types of license plates:

- (1) Amateur radio station license plates issued pursuant to section 60-3,126;
- (2) Boat dealer license plates issued pursuant to section 60-379;
- (3) Bus license plates issued pursuant to section 60-3,144;
- (4) Commercial truck and truck-tractor license plates issued pursuant to section 60-3,147;
- (5) Dealer or manufacturer license plates issued pursuant to sections 60-3,114 and 60-3,115;
- (6) Disabled veteran license plates issued pursuant to section 60-3,124;
- (7) Farm trailer license plates issued pursuant to section 60-3,151;
- (8) Farm truck license plates issued pursuant to section 60-3,146;
- (9) Farm trucks with a gross weight of over sixteen tons license plates issued pursuant to section 60-3,146;
- (10) Fertilizer trailer license plates issued pursuant to section 60-3,151;
- (11) Film vehicle license plates issued pursuant to section 60-383;
- (12) Fleets of apportionable commercial vehicles license plates issued pursuant to section 60-3,203;
- (13) Handicapped or disabled person license plates issued pursuant to section 60-3,113;
- (14) Historical vehicle license plates issued pursuant to sections 60-3,130 to 60-3,134 and sections 25 to 31 of this act;
- (15) Local truck license plates issued pursuant to section 60-3,145;
- (16) Motor vehicle license plates for motor vehicles owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,105;
- (17) Motor vehicles exempt pursuant to section 60-3,107;
- (18) Motorcycle license plates issued pursuant to section 60-3,100;
- (19) Nebraska Cornhusker Spirit Plates issued pursuant to sections 60-3,127 to 60-3,129;
- (20) Nonresident owner thirty-day license plates issued pursuant to section 60-382;
- (21) Passenger car having a seating capacity of ten persons or less and not used for hire issued pursuant to section 60-3,100;
- (22) Passenger car having a seating capacity of ten persons or less and used for hire issued pursuant to section 60-3,100;
- (23) Pearl Harbor license plates issued pursuant to section 60-3,122;
- (24) Personal-use dealer license plates issued pursuant to section 60-3,116;
- (25) Personalized message license plates for motor vehicles and

cabin trailers, except commercial trucks registered for over ten tons gross weight, issued pursuant to sections 60-3,118 to 60-3,121;

(26) Prisoner-of-war license plates issued pursuant to section 60-3,123;

(27) Purple Heart license plates issued pursuant to section 60-3,125;

(28) Recreational vehicle license plates issued pursuant to section 60-3,151;

(29) Repossession license plates issued pursuant to section 60-375;

(30) Trailer license plates issued for trailers owned or operated by the state, counties, municipalities, or school districts issued pursuant to section 60-3,106;

(31) Trailer license plates issued pursuant to section 60-3,100;

(32) Trailers exempt pursuant to section 60-3,108;

(33) Transporter license plates issued pursuant to section 60-378;

(34) Trucks or combinations of trucks, truck-tractors or trailers which are not for hire and engaged in soil and water conservation work and used for the purpose of transporting pipe and equipment exclusively used by such contractors for soil and water conservation construction license plates issued pursuant to section 60-3,149;

(35) Utility trailer license plates issued pursuant to section 60-3,151; and

(36) Well-boring apparatus and well-servicing equipment license plates issued pursuant to section 60-3,109.

Sec. 24. Section 60-3,130, Revised Statutes Supplement, 2005, is amended to read:

60-3,130 ~~(1) Any person who is the owner of a historical vehicle which is thirty or more years old at the time of making application for registration or transfer of title may upon application register the same as a historical vehicle upon payment of a fee of fifty dollars for each historical vehicle and be issued license plates of distinctive design in lieu of the usual license plates. Such plates, in addition to the registration number, shall display the words historical and Nebraska for identification. The registration shall be valid while the historical vehicle is owned by the applicant without the payment of any additional fee, tax, or license.~~

~~(2) In addition to the fee specified in subsection (1) of this section, there shall be an initial processing fee of ten dollars to defray the costs of issuing the first license plate to each collector and to establish a distinct license plate number for each collector.~~

~~(3) (1) Except as provided in section 60-3,134, a person presenting a certificate of title issued pursuant to section 6 or 7 of this act or a certificate of title indicating that the vehicle is thirty or more years old may apply for historical license plates or may use license plates of the year of manufacture in lieu of regular license plates as provided in sections 60-3,130 to 60-3,134 and sections 25 to 31 of this act.~~

~~(2) Each collector applying for registration under this section such license plates, other than a nonprofit organization described in sections 21-608 and 21-609, must own and have registered one or more motor vehicles with regular license plates which he or she uses for regular transportation.~~

~~(4) A collector, upon selling or otherwise relinquishing ownership of a historical vehicle, may have its registration and license plate transferred to another historical vehicle of the same category in his or her possession upon payment of a fee of twenty-five dollars.~~

~~(5) (3) A motor vehicle or trailer manufactured, assembled from a kit, or otherwise assembled as a reproduction or facsimile of a historical vehicle shall not be eligible for registration under this section historical license plates unless it has been in existence for thirty years or more. The age of the motor vehicle or trailer shall be calculated from the year reflected on the certificate of title.~~

~~(6) Collectors who, on August 24, 1975, have motor vehicles registered and licensed as antique vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the department sworn to by the antique vehicle owner that the antique vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the antique vehicle.~~

~~(7)(a) An owner of a historical vehicle eligible for registration under this section may use a license plate or plates issued by this state in the year corresponding to the model year date when the historical vehicle was manufactured in lieu of the license plates issued pursuant to subsection (1) of this section subject to the approval of the department. The department shall inspect the license plate or plates and may approve the license plate or plates if it is determined that the model year date license plate or plates~~

are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department.

(b) The department may consult with an organization of old car hobbyists in determining whether the date of the year of the license plate or plates to be used corresponds to the model year date when the historical vehicle was manufactured.

(c) If only one license plate is used on the historical vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the historical vehicle even for years in which two license plates were issued for motor vehicles in general.

(d) In addition to the fees specified in subsections (1) and (2) of this section, the department shall charge and collect a fee of twenty-five dollars for registration under this subsection. The registration shall be valid while the historical vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

(8) The department may adopt and promulgate rules and regulations to implement this section.

(9) The application for registration of a historical vehicle shall be made on a form prescribed and issued by the department. Such form shall contain a description of the historical vehicle owned and sought to be registered, including the make, body type, model, serial number, and year of manufacture. It shall also include a description of any motor vehicle owned by the applicant and registered by him or her with regular license plates and used for regular transportation, which description shall include make, body type, model, serial number, year of manufacture, and the Nebraska license plate number assigned to the motor vehicle. The application shall also include an affidavit sworn to by the historical vehicle owner that the historical vehicle is being collected, preserved, restored, and maintained by the applicant as a hobby and not for the general use of the historical vehicle for the same purposes and under the same circumstances as other motor vehicles of the same type.

Sec. 25. The application under section 60-3,130 shall be made on a form prescribed and furnished by the department. The form shall contain (1) a description of the vehicle owned and sought to be registered, including the make, body type, model, vehicle identification number, and year of manufacture, (2) a description of any vehicle owned by the applicant and registered by him or her with regular license plates and used for regular transportation, which description shall include make, body type, model, vehicle identification number, year of manufacture, and the Nebraska registration number assigned to the vehicle, and (3) an affidavit sworn to by the vehicle owner that the historical vehicle is being collected, preserved, restored, and maintained by the applicant as a hobby and not for the general use of the vehicle for the same purposes and under the same circumstances as other motor vehicles of the same type.

Sec. 26. (1) An initial processing fee of ten dollars shall be submitted with an application under section 60-3,130 to defray the costs of issuing the first plate to each collector and to establish a distinct identification number for each collector. A fee of fifty dollars for each vehicle so registered shall also be submitted with the application.

(2) For use of license plates as provided in section 28 of this act, a fee of twenty-five dollars shall be submitted with the application in addition to the fees specified in subsection (1) of this section.

(3) The fees shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

Sec. 27. The department shall design historical license plates with a distinctive design which, in addition to the identification number, includes the words historical and Nebraska for identification. The department may adopt and promulgate rules and regulations to implement sections 60-3,130 to 60-3,134 and sections 25 to 31 of this act.

Sec. 28. (1) An owner of a historical vehicle eligible for registration under section 60-3,130 may use a license plate or plates designed by this state in the year corresponding to the model year when the vehicle was manufactured in lieu of the plates designed pursuant to section 27 of this act subject to the approval of the department. The department shall inspect the plate or plates and may approve the plate or plates if it is determined that the model-year license plate or plates are legible and serviceable and that the license plate numbers do not conflict with or duplicate other numbers assigned and in use. An original-issued license plate or plates that have been restored to original condition may be used when approved by the department.

(2) The department may consult with a recognized car club in

determining whether the year of the license plate or plates to be used corresponds to the model year when the vehicle was manufactured.

(3) If only one license plate is used on the vehicle, the license plate shall be placed on the rear of the vehicle. The owner of a historical vehicle may use only one plate on the vehicle even for years in which two license plates were issued for vehicles in general.

Sec. 29. License plates issued or used pursuant to section 60-3,130 or section 28 of this act shall be valid while the vehicle is owned by the applicant without the payment of any additional fee, tax, or license.

Sec. 30. A collector, upon loss of possession of a historical vehicle registered pursuant to section 60-3,130, may have the registration and license plate transferred to another vehicle in his or her possession, which is eligible for such registration, upon payment of a fee of twenty-five dollars. The fee shall be remitted to the State Treasurer for credit to the Highway Trust Fund.

Sec. 31. Collectors who, on August 24, 1975, had vehicles registered and licensed as historical vehicles shall be permitted to retain such registration and license if the collector submits an affidavit to the department sworn to by the vehicle owner that the vehicle is being collected, preserved, restored, and maintained as a hobby and not for the general use of the vehicle.

Sec. 32. Section 60-3,132, Revised Statutes Supplement, 2005, is amended to read:

60-3,132 Subject to land-use regulations of a county or municipality, a collector may store any motor vehicles, ~~or~~ trailers, or parts vehicles, licensed or unlicensed, operable or inoperable, on his or her property if such motor vehicles, trailers, and parts vehicles and any outdoor storage areas are maintained in such a manner that they do not constitute a health hazard, ~~and~~ if the motor vehicles, ~~or~~ trailers, and parts vehicles are located away from ordinary public view or are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery, opaque covering, or other appropriate means.

Sec. 33. Section 60-3,133, Revised Statutes Supplement, 2005, is amended to read:

60-3,133 (1) Unless the presence of equipment specifically named by Nebraska law was a prior condition for legal sale within Nebraska at the time ~~the~~ a specific model of historical vehicle was manufactured for first use, the presence of such equipment shall not be required as a condition for ~~current~~ legal use of any such model of historical vehicle as authorized in section 60-3,131.

(2) Any historical vehicle manufactured prior to the date emission controls were standard equipment on that particular make or model of historical vehicle is exempted from statutes requiring the inspection and use of such emission controls.

(3) Any safety equipment that was manufactured as part of the historical vehicle's original equipment must be in proper operating condition.

Sec. 34. Section 60-3,175, Revised Statutes Supplement, 2005, is amended to read:

60-3,175 It shall be unlawful to own or operate a motor vehicle or trailer with historical license plates in violation of section 60-3,130, 60-3,131, or 60-3,134. Upon ~~and upon~~ conviction of a violation of any provision of such sections, ~~such~~ a person shall be guilty of a Class V misdemeanor.

Sec. 35. Sections 19 and 37 of this act become operative on June 1, 2006. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 36. Original sections 60-101, 60-117, 60-139, 60-140, 60-142, 60-143, 60-144, 60-148, 60-149, 60-154, 60-159, 60-301, 60-333, 60-3,104, 60-3,130, 60-3,132, 60-3,133, and 60-3,175, Revised Statutes Supplement, 2005, are repealed

Sec. 37. Original section 60-169, Revised Statutes Supplement, 2005, is repealed.

Sec. 38. Original section 60-193, Revised Statutes Supplement, 2005, is repealed.

Sec. 39. Since an emergency exists, this act takes effect when passed and approved according to law.