

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 749

FINAL READING

Introduced by Friesen, 34.

Read first time January 05, 2022

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act;
- 2 to amend section 60-146, Reissue Revised Statutes of Nebraska; to
- 3 change an identification inspection provision; to repeal the
- 4 original section; and to declare an emergency.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-146, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 60-146 (1) An application for a certificate of title for a vehicle
4 shall include a statement that an identification inspection has been
5 conducted on the vehicle unless (a) the title sought is a salvage branded
6 certificate of title or a nontransferable certificate of title, (b) the
7 surrendered ownership document is a Nebraska certificate of title, a
8 manufacturer's statement of origin, an importer's statement of origin, a
9 United States Government Certificate of Release of a vehicle, or a
10 nontransferable certificate of title, (c) the application contains a
11 statement that the vehicle is to be registered under section 60-3,198,
12 (d) the vehicle is a cabin trailer, (e) the title sought is the first
13 title for the vehicle sold directly by the manufacturer of the vehicle to
14 a dealer franchised by the manufacturer, or (f) the vehicle was sold at
15 an auction authorized by the manufacturer and purchased by a dealer
16 franchised by the manufacturer of the vehicle.

17 (2) The department shall prescribe a form to be executed by a dealer
18 and submitted with an application for a certificate of title for vehicles
19 exempt from inspection pursuant to subdivision (1)(e) or (f) of this
20 section. The form shall clearly identify the vehicle and state under
21 penalty of law that the vehicle is exempt from inspection.

22 (3) The statement that an identification inspection has been
23 conducted shall be furnished by the county sheriff of any county or by
24 any other holder of a certificate of training issued pursuant to section
25 60-183, shall be in a format as determined by the department, and shall
26 expire ninety days after the date of the inspection. The county treasurer
27 shall accept a certificate of inspection, approved by the superintendent,
28 from an officer of a state police agency of another state unless an
29 inspection is required under section 60-174.

30 (4)(a) Except as provided in subdivision (b) of this subsection, the
31 identification inspection shall include examination and notation of the

1 then current odometer reading, if any, and a comparison of the vehicle
2 identification number with the number listed on the ownership records,
3 except that if a lien is registered against a vehicle and recorded on the
4 vehicle's ownership records, the county treasurer shall provide a copy of
5 the ownership records for use in making such comparison. If such numbers
6 are not identical, if there is reason to believe further inspection is
7 necessary, or if the inspection is for a Nebraska assigned number, the
8 person performing the inspection shall make a further inspection of the
9 vehicle which may include, but shall not be limited to, examination of
10 other identifying numbers placed on the vehicle by the manufacturer and
11 an inquiry into the numbering system used by the state issuing such
12 ownership records to determine ownership of a vehicle. The identification
13 inspection shall also include a statement that the vehicle identification
14 number has been checked for entry in the National Crime Information
15 Center and the Nebraska Crime Information Service. In the case of an
16 assembled vehicle, a vehicle designated as reconstructed, or a vehicle
17 designated as replica, the identification inspection shall include, but
18 not be limited to, an examination of the records showing the date of
19 receipt and source of each major component part. No identification
20 inspection shall be conducted unless all major component parts are
21 properly attached to the vehicle in the correct location.

22 (b) Each county sheriff shall establish a process by which to enter
23 into an agreement with any motor vehicle dealer as defined in section
24 60-1401.26 with an established place of business as defined in section
25 60-1401.15 in the county in which the sheriff has jurisdiction in order
26 to collect information for the identification inspection on motor
27 vehicles which are in sold by the motor vehicle dealer. ~~Such information~~
28 ~~shall be collected at the time of sale on each motor vehicle sold from~~
29 the inventory of the motor vehicle dealer at the dealer's established
30 place of business in such county. The agreement entered into shall
31 require that the motor vehicle dealer provide the required fee, a copy of

1 the documents evidencing transfer of ownership, and the make, model,
2 vehicle identification number, and odometer reading in a form and manner
3 prescribed by the county sheriff, which shall include a requirement to
4 provide one or more photographs or digital images of the vehicle, the
5 vehicle identification number, and the odometer reading. The county
6 sheriff shall complete the identification inspection as required under
7 subdivision (a) of this subsection using such information and return to
8 the motor vehicle dealer the statement that an identification inspection
9 has been conducted for each motor vehicle as provided in subsection (3)
10 of this section. If the information is incomplete or if there is reason
11 to believe that further inspection is necessary, the county sheriff shall
12 inform the motor vehicle dealer. If the motor vehicle dealer knowingly
13 provides inaccurate or false information, the motor vehicle dealer shall
14 be liable for any damages that result from the provision of such
15 information. The motor vehicle dealer shall keep the records for five
16 years after the date the identification inspection is complete.

17 (5) If there is cause to believe that odometer fraud exists, written
18 notification shall be given to the office of the Attorney General. If
19 after such inspection the sheriff or his or her designee determines that
20 the vehicle is not the vehicle described by the ownership records, no
21 statement shall be issued.

22 (6) The county treasurer or the department may also request an
23 identification inspection of a vehicle to determine if it meets the
24 definition of motor vehicle as defined in section 60-123.

25 Sec. 2. Original section 60-146, Reissue Revised Statutes of
26 Nebraska, is repealed.

27 Sec. 3. Since an emergency exists, this act takes effect when
28 passed and approved according to law.