

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 241

Introduced by Hadley, 37.

Read first time January 11, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-126,
2 60-139, 60-140, 60-142, and 60-344, Reissue Revised
3 Statutes of Nebraska; to redefine parts vehicle; to
4 require use of a bill of sale for a parts vehicle; to
5 provide a penalty; to harmonize provisions; and to repeal
6 the original sections.

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

1 Section 1. Section 60-126, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-126 Parts vehicle means a vehicle ~~generally in~~
4 ~~nonoperable condition which is owned by a collector to furnish parts~~
5 ~~that are usually not obtainable from normal sources, thus enabling a~~
6 ~~collector to preserve, restore, and maintain a historical vehicle.~~
7 the title to which has been surrendered (1) in accordance with
8 subdivision (1)(a) of section 60-169 or (2) to any other state by the
9 owner of the vehicle or an insurance company to render the vehicle
10 fit for sale for scrap and parts only.

11 Sec. 2. Section 60-139, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 60-139 Except as provided in section 60-137, 60-138,
14 60-142, or 60-142.01, no person shall sell or otherwise dispose of a
15 vehicle without (1) delivering to the purchaser or transferee of such
16 vehicle a certificate of title with such assignments thereon as are
17 necessary to show title in the purchaser and (2) having affixed to
18 the vehicle its vehicle identification number if it is not already
19 affixed. No person shall bring into this state a vehicle for which a
20 certificate of title is required in Nebraska, except for temporary
21 use, without complying with the Motor Vehicle Certificate of Title
22 Act.

23 No purchaser or transferee shall receive a certificate of
24 title which does not contain such assignments as are necessary to
25 show title in the purchaser or transferee. Possession of a

1 certificate of title which does not comply with this requirement
2 shall be prima facie evidence of a violation of this section, and
3 such purchaser or transferee, upon conviction, shall be subject to
4 the penalty provided by section 60-180.

5 Sec. 3. Section 60-140, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 60-140 (1) Except as provided in section 60-164, no
8 person acquiring a vehicle from the owner thereof, whether such owner
9 is a manufacturer, importer, dealer, or entity or person, shall
10 acquire any right, title, claim, or interest in or to such vehicle
11 until the acquiring person has had delivered to him or her physical
12 possession of such vehicle and ~~(1)-(a)~~ a certificate of title or a
13 duly executed manufacturer's or importer's certificate with such
14 assignments as are necessary to show title in the purchaser, ~~(2)-(b)~~
15 a written instrument as required by section 60-1417, ~~or (3)-(c)~~ an
16 affidavit and notarized bill of sale as provided in section
17 60-142.01, or (d) a bill of sale for a parts vehicle as required by
18 section 60-142.

19 (2) No waiver or estoppel shall operate in favor of such
20 person against a person having physical possession of such vehicle
21 and such documentation. No court shall recognize the right, title,
22 claim, or interest of any person in or to a vehicle, for which a
23 certificate of title has been issued in Nebraska, sold, disposed of,
24 mortgaged, or encumbered, unless there is compliance with this
25 section. Beginning on the implementation date of the electronic title

1 and lien system designated by the director pursuant to section
2 60-164, an electronic certificate of title record shall be evidence
3 of an owner's right, title, claim, or interest in a vehicle.

4 Sec. 4. Section 60-142, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-142 (1) The sale or trade and subsequent legal
7 transfer of ownership of a historical vehicle or parts vehicle shall
8 not be contingent upon any condition that would require the
9 historical vehicle or parts vehicle to be in operating condition at
10 the time of the sale or transfer of ownership.

11 (2) No owner of a parts vehicle shall sell or otherwise
12 dispose of the parts vehicle without delivering to the purchaser a
13 bill of sale for the parts vehicle prescribed by the department. The
14 bill of sale may include, but shall not be limited to, the vehicle
15 identification number, the year, make, and model of the vehicle, the
16 name and residential and mailing addresses of the owner and
17 purchaser, the acquisition date, and the odometer statement provided
18 for in section 60-192. A person who uses a bill of sale for a parts
19 vehicle to transfer ownership of any vehicle that does not meet the
20 definition of a parts vehicle shall be guilty of a Class III
21 misdemeanor.

22 Sec. 5. Section 60-344, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 60-344 Parts vehicle means a ~~motor~~ vehicle or trailer
25 ~~generally in nonoperable condition which is owned by a collector to~~

1 ~~furnish parts that are usually not obtainable from normal sources,~~
2 ~~thus enabling a collector to preserve, restore, and maintain a~~
3 ~~historical vehicle. the title to which has been surrendered (1) in~~
4 ~~accordance with subdivision (1)(a) of section 60-169 or (2) to any~~
5 ~~other state by the owner of the vehicle or an insurance company to~~
6 ~~render the vehicle fit for sale for scrap and parts only.~~

7 Sec. 6. Original sections 60-126, 60-139, 60-140, 60-142,
8 and 60-344, Reissue Revised Statutes of Nebraska, are repealed.