

AMENDMENTS TO LB719

Introduced by Transportation and Telecommunications.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 60-169 (1)(a) Except as otherwise provided in subdivision (c) ~~(b)~~ of
6 this subsection, each owner of a vehicle and each person mentioned as
7 owner in the last certificate of title, when the vehicle is dismantled,
8 destroyed, or changed in such a manner that it loses its character as a
9 vehicle or changed in such a manner that it is not the vehicle described
10 in the certificate of title, shall surrender his or her certificate of
11 title to any county treasurer or to the department. If the certificate of
12 title is surrendered to a county treasurer, he or she shall, with the
13 consent of any holders of any liens noted thereon, enter a cancellation
14 upon the records and shall notify the department of such cancellation.
15 Beginning on the implementation date designated by the director pursuant
16 to subsection (3) of section 60-1508, a wrecker or salvage dealer shall
17 report electronically to the department using the electronic reporting
18 system. If the certificate is surrendered to the department, it shall,
19 with the consent of any holder of any lien noted thereon, enter a
20 cancellation upon its records.

21 (b) This subdivision applies to all licensed wrecker or salvage
22 dealers and, except as otherwise provided in this subdivision, to each
23 vehicle located on the premises of such dealer. For each vehicle required
24 to be reported under 28 C.F.R. 25.56, as such regulation existed on
25 January 1, 2019, the information obtained by the department under this
26 section may be reported to the National Motor Vehicle Title Information
27 System in a format that will satisfy the requirement for reporting under

1 28 C.F.R. 25.56, as such regulation existed on January 1, 2019. Such
2 report shall include:

3 (i) The name, address, and contact information for the reporting
4 entity;

5 (ii) The vehicle identification number;

6 (iii) The date the reporting entity obtained such motor vehicle;

7 (iv) The name of the person from whom such motor vehicle was
8 obtained, for use only by a law enforcement or other appropriate
9 government agency;

10 (v) A statement of whether the motor vehicle was or will be crushed,
11 disposed of, offered for sale, or used for another purpose; and

12 (vi) Whether the motor vehicle is intended for export outside of the
13 United States.

14 The department may set and collect a fee, not to exceed the cost of
15 reporting to the National Motor Vehicle Title Information System, from
16 wrecker or salvage dealers for electronic reporting to the National Motor
17 Vehicle Title Information System, which shall be remitted to the State
18 Treasurer for credit to the Department of Motor Vehicles Cash Fund. This
19 subdivision does not apply to any vehicle reported by a wrecker or
20 salvage dealer to the National Motor Vehicle Title Information System as
21 required under 28 C.F.R. 25.56, as such regulation existed on January 1,
22 2019.

23 (c)(i) ~~(b)(i)~~ In the case of a mobile home or manufactured home for
24 which a certificate of title has been issued, if such mobile home or
25 manufactured home is affixed to real property in which each owner of the
26 mobile home or manufactured home has any ownership interest, the
27 certificate of title may be surrendered for cancellation to the county
28 treasurer of the county where such mobile home or manufactured home is
29 affixed to real property if at the time of surrender the owner submits to
30 the county treasurer an affidavit of affixture on a form provided by the
31 department that contains all of the following, as applicable:

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

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

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

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

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

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

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

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

24 (2) If a certificate of title of a mobile home or manufactured home
25 is surrendered to the county treasurer, along with the affidavit required
26 by subdivision (1)(c) ~~(1)(b)~~ of this section, he or she shall enter a
27 cancellation upon his or her records, notify the department of such
28 cancellation, forward a duplicate original of the affidavit to the
29 department, and deliver a duplicate original of the executed affidavit
30 under subdivision (1)(c) ~~(1)(b)~~ of this section to the register of deeds
31 for the county in which the real property is located to be filed by the

1 register of deeds. The county treasurer shall be entitled to collect fees
2 from the person submitting the affidavit in accordance with section
3 33-109 to cover the costs of filing such affidavit. Following the
4 cancellation of a certificate of title for a mobile home or manufactured
5 home, the county treasurer or designated county official shall not issue
6 a certificate of title for such mobile home or manufactured home, except
7 as provided in subsection (5) of this section.

8 (3) If a mobile home or manufactured home is affixed to real estate
9 before June 1, 2006, a person who is the holder of a lien or security
10 interest in both the mobile home or manufactured home and the real estate
11 to which it is affixed on such date may enforce its liens or security
12 interests by accepting a deed in lieu of foreclosure or in the manner
13 provided by law for enforcing liens on the real estate.

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

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

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

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

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

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

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

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

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

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

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

29 (7) For purposes of this section:

30 (a) A mobile home or manufactured home is affixed to real estate if
31 the wheels, towing hitches, and running gear are removed and it is

1 permanently attached to a foundation or other support system; and

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

6 (8) Upon cancellation of a certificate of title in the manner
7 prescribed by this section, the county treasurer and the department may
8 cancel and destroy all certificates and all memorandum certificates in
9 that chain of title.

10 Sec. 2. Original section 60-169, Revised Statutes Cumulative
11 Supplement, 2018, is repealed.