

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 719

Introduced by Hughes, 44.

Read first time January 23, 2019

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Motor Vehicles Certificate of Title
- 2 Act; to amend section 60-169, Revised Statutes Cumulative
- 3 Supplement, 2018; to require the reporting of certain information
- 4 related to certificates of title; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-169, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

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

19 (b) This subsection applies to all licensed wreckers and salvage
20 dealers and each vehicle located on the premises of such dealer. For each
21 vehicle with a designation of salvage as defined in section 60-171 and as
22 required under 28 C.F.R. 25.56, as such section existed on January 1,
23 2019, the information obtained by the department under this section may
24 be reported to the National Motor Vehicle Title Information System in a
25 format that will satisfy the requirement for reporting under 28 C.F.R.
26 25.56, as such section existed on January 1, 2019. Such report shall
27 include:

28 (i) The name, address, and contact information for the reporting
29 entity;

30 (ii) The vehicle identification number;

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

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

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

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

8 The department may set and collect a fee, not to exceed the cost of
9 reporting to the National Motor Vehicle Title Information System, from
10 wreckers and salvage dealers for electronic reporting to the National
11 Motor Vehicle Title Information System, which shall be remitted to the
12 State Treasurer for credit to the Department of Motor Vehicles Cash Fund.

13 (c)(i) ~~(b)(i)~~ In the case of a mobile home or manufactured home for
14 which a certificate of title has been issued, if such mobile home or
15 manufactured home is affixed to real property in which each owner of the
16 mobile home or manufactured home has any ownership interest, the
17 certificate of title may be surrendered for cancellation to the county
18 treasurer of the county where such mobile home or manufactured home is
19 affixed to real property if at the time of surrender the owner submits to
20 the county treasurer an affidavit of affixture on a form provided by the
21 department that contains all of the following, as applicable:

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

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

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

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

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

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

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

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

14 (2) If a certificate of title of a mobile home or manufactured home
15 is surrendered to the county treasurer, along with the affidavit required
16 by subdivision (1)(c) ~~(1)(b)~~ of this section, he or she shall enter a
17 cancellation upon his or her records, notify the department of such
18 cancellation, forward a duplicate original of the affidavit to the
19 department, and deliver a duplicate original of the executed affidavit
20 under subdivision (1)(c) ~~(1)(b)~~ of this section to the register of deeds
21 for the county in which the real property is located to be filed by the
22 register of deeds. The county treasurer shall be entitled to collect fees
23 from the person submitting the affidavit in accordance with section
24 33-109 to cover the costs of filing such affidavit. Following the
25 cancellation of a certificate of title for a mobile home or manufactured
26 home, the county treasurer or designated county official shall not issue
27 a certificate of title for such mobile home or manufactured home, except
28 as provided in subsection (5) of this section.

29 (3) If a mobile home or manufactured home is affixed to real estate
30 before June 1, 2006, a person who is the holder of a lien or security
31 interest in both the mobile home or manufactured home and the real estate

1 to which it is affixed on such date may enforce its liens or security
2 interests by accepting a deed in lieu of foreclosure or in the manner
3 provided by law for enforcing liens on the real estate.

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

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

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

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

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

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

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

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

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

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

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

19 (7) For purposes of this section:

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

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

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

31 Sec. 2. Original section 60-169, Revised Statutes Cumulative

1 Supplement, 2018, is repealed.