

AMENDMENTS TO LB758

Introduced by Judiciary.

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

3           **Section 1.** Section 30-2715, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           30-2715 (a) Subject to sections 30-2333 and 30-2354, a provision for  
6 a nonprobate transfer on death in an insurance or annuity policy, account  
7 with POD designation as defined in section 30-2716, contract of  
8 employment, bond, mortgage, promissory note, certificated or  
9 uncertificated security, security registered in beneficiary form, account  
10 agreement, custodial agreement, deposit agreement, compensation plan,  
11 pension plan, profit-sharing plan, individual retirement plan, employee  
12 benefit plan, trust, marital property agreement, certificate of title, or  
13 other written instrument of a similar nature is nontestamentary. This  
14 subsection includes a written provision that:

15           (1) money or other benefits due to, controlled by, or owned by a  
16 decedent before death must be paid after the decedent's death to a person  
17 whom the decedent designates either in the instrument or in a separate  
18 writing, including a will, executed either before or at the same time as  
19 the instrument, or later;

20           (2) money due or to become due under the instrument ceases to be  
21 payable in the event of death of the promisee or the promisor before  
22 payment or demand; or

23           (3) any property controlled by or owned by the decedent before death  
24 which is the subject of the instrument passes to a person the decedent  
25 designates either in the instrument or in a separate writing, including a  
26 will, executed either before or at the same time as the instrument, or  
27 later.

1 (b) This section does not limit rights of creditors under other laws  
2 of this state.

3 **Sec. 2.** (1) If a charitable organization that is tax exempt under  
4 section 501(c)(3) of the Internal Revenue Code of 1986 is a beneficiary  
5 of an interest in property of a decedent, such charitable organization  
6 may present an affidavit to the holder of the interest in the property or  
7 to any person with information about the property for the purpose of  
8 obtaining the interest in the property or information about the property.  
9 Such affidavit shall contain: (a) The decedent's name and last known  
10 address; (b) a general description of the property; (c) the charitable  
11 organization's name, address, and primary contact information; (d) a  
12 statement that the charitable organization is a charitable organization;  
13 (e) a request that the property be paid, delivered, or transferred to the  
14 charitable organization or that information about the property be given  
15 to the charitable organization; (f) a statement that the charitable  
16 organization is entitled to payment, delivery, or transfer of the  
17 property; (g) a statement that the affidavit has been signed by a duly  
18 authorized representative of the charitable organization under penalty of  
19 perjury before a notary public; and (h) a statement that the information  
20 in the affidavit is true and correct.

21 (2) Such affidavit shall be accompanied by: (a) A copy of (i) the  
22 charitable organization's determination letter from the Internal Revenue  
23 Service recognizing the charitable organization's tax-exempt status or  
24 (ii) the group exemption letter issued to the organization of which the  
25 charitable organization is a part with proof that the charitable  
26 organization is included in the group exemption letter from the Internal  
27 Revenue Service; (b) a copy of the charitable organization's certificate  
28 of existence or document of similar import from the organization's state  
29 or country of incorporation; (c) a copy of the decedent's death  
30 certificate, a probate notice published by the personal representative of  
31 the decedent's estate, proof of payment of the decedent's funeral, or the

1 decedent's obituary; (d) a corporate resolution or similar statement of  
2 authority for the affiant to act on behalf of the charitable  
3 organization; and (e) Internal Revenue Service Form W-9 completed by an  
4 authorized representative of the charitable organization.

5 (3) After receipt of an affidavit that meets the requirements of  
6 subsections (1) and (2) of this section:

7 (a) The holder of the interest in property shall pay, deliver, or  
8 transfer the property to or for the benefit of the charitable  
9 organization, except that payment, delivery, or transfer shall not be  
10 required under this section for distributions from a trust or a  
11 decedent's estate but shall be made under terms of the trust or will or  
12 as otherwise required by law; or

13 (b) The person with information about the property shall give the  
14 information requested in the affidavit to the charitable organization.

15 (4) The person paying, delivering, or transferring the property or  
16 giving the information pursuant to subsection (3) of this section is  
17 discharged and released to the same extent as if such person dealt with a  
18 personal representative of the decedent. Such person is not required to  
19 see to the application of the property or information or to inquire into  
20 the truth of any statement in the affidavit.

21 (5) The charitable organization may bring an action against the  
22 holder of the interest in the property to obtain the property or the  
23 person with information about the property to obtain the property or the  
24 information if the holder or person:

25 (a)(i) Does not pay, deliver, or transfer such interest in property  
26 within forty-five days of receiving the affidavit; or

27 (ii) Does not respond in writing to provide the information  
28 requested within thirty days of receiving the affidavit; and

29 (b) Does not inform the requesting party, within thirty days of  
30 receiving the affidavit, of a reasonable delay or inability to comply  
31 with the affidavit. A reasonable delay or inability to comply includes:

1       (i) A delay in the transfer of property to the charitable  
2 organization which is subject to a court order; and

3       (ii) If compliance would cause a financial institution to violate:

4       (A) 12 U.S.C. 1829b, 12 U.S.C. 1951 to 1960, 31 U.S.C. 5311 to 5314,  
5 31 U.S.C. 5316 to 5336, or 31 C.F.R. 1000 to 1019, as such sections and  
6 regulations existed on January 1, 2026; or

7       (B) The rules of a self-regulatory organization registered under the  
8 federal Security Exchange Act of 1934.

9       (6) The holder of the property or the person with the information  
10 shall not:

11       (a) Require the charitable organization to open an account with or  
12 otherwise become a customer of the holder of the property;

13       (b) Require co-beneficiaries to submit claims simultaneously or  
14 impose coordination deadlines among co-beneficiaries;

15       (c) Delay payment, delivery, or transfer to any co-beneficiary  
16 because other co-beneficiaries have not submitted their claim  
17 documentation; or

18       (d) Request personal information from any individual employed by or  
19 serving on the board of the charitable organization.

20       (7) This section does not limit rights of creditors under other laws  
21 of this state.

22       (8) This section does not apply to any organization, society, or  
23 person subject to regulation under any insurance law of this or another  
24 state.

25       **Sec. 3.** Section 60-142.12, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27       60-142.12 The owner of a former military vehicle may apply for a  
28 certificate of title by presenting (1) a manufacturer's certificate of  
29 origin, (2) a certificate of title from another state, (3) a court order  
30 issued by a court of record, (4) an assigned registration certificate, if  
31 the law of the state from which the vehicle was brought into this state

1 does not require a certificate of title, (5) a United States Government  
2 Certificate to Obtain Title to a Vehicle, or (6) evidence of ownership as  
3 provided for in section 30-24,125, sections 52-601.01 to 52-605, sections  
4 60-1901 to 60-1911, ~~or~~ sections 60-2401 to 60-2411, or section 2 of this  
5 act, or documentation of compliance with section 76-1607.

6 **Sec. 4.** Section 60-149, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 60-149 (1)(a) If a certificate of title has previously been issued  
9 for a vehicle in this state, the application for a new certificate of  
10 title shall be accompanied by the certificate of title duly assigned  
11 except as otherwise provided in the Motor Vehicle Certificate of Title  
12 Act.

13 (b) Except for manufactured homes or mobile homes as provided in  
14 subsection (2) of this section, if a certificate of title has not  
15 previously been issued for the vehicle in this state or if a certificate  
16 of title is unavailable, the application shall be accompanied by:

17 (i) A manufacturer's or importer's certificate except as otherwise  
18 provided in subdivision (viii) of this subdivision;

19 (ii) A duly certified copy of the manufacturer's or importer's  
20 certificate;

21 (iii) An affidavit by the owner affirming ownership in the case of  
22 an all-terrain vehicle, a utility-type vehicle, or a minibike;

23 (iv) A certificate of title from another state;

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

28 (vi) Evidence of ownership as provided for in section 30-24,125,  
29 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections  
30 60-2401 to 60-2411 or section 2 of this act;

31 (vii) Documentation prescribed in section 60-142.01, 60-142.02,

1 60-142.04, 60-142.05, 60-142.09, or 60-142.11 or documentation of  
2 compliance with section 76-1607;

3 (viii) A manufacturer's or importer's certificate and an affidavit  
4 by the owner affirming ownership in the case of a minitruck;

5 (ix) In the case of a motor vehicle, a trailer, an all-terrain  
6 vehicle, a utility-type vehicle, or a minibike, an affidavit by the  
7 holder of a motor vehicle auction dealer's license as described in  
8 subdivision (11) of section 60-1406 affirming that the certificate of  
9 title is unavailable and that the vehicle (A) is a salvage vehicle  
10 through payment of a total loss settlement, (B) is a salvage vehicle  
11 purchased by the auction dealer, or (C) has been donated to an  
12 organization operating under section 501(c)(3) of the Internal Revenue  
13 Code as defined in section 49-801.01; or

14 (x) A United States Government Certificate to Obtain Title to a  
15 Vehicle.

16 (c) If the application for a certificate of title in this state is  
17 accompanied by a valid certificate of title issued by another state which  
18 meets that state's requirements for transfer of ownership, then the  
19 application may be accepted by this state.

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

24 (2)(a) If the application for a certificate of title for a  
25 manufactured home or a mobile home is being made in accordance with  
26 subdivision (4)(b) of section 60-137 or if the certificate of title for a  
27 manufactured home or a mobile home is unavailable, the application shall  
28 be accompanied by proof of ownership in the form of:

29 (i) A duly assigned manufacturer's or importer's certificate;

30 (ii) A certificate of title from another state;

31 (iii) A court order issued by a court of record;

1 (iv) Evidence of ownership as provided for in section 30-24,125,  
2 sections 52-601.01 to 52-605, sections 60-1901 to 60-1911, ~~or~~ sections  
3 60-2401 to 60-2411, or section 2 of this act, or documentation of  
4 compliance with section 76-1607; or

5 (v) Assessment records for the manufactured home or mobile home from  
6 the county assessor and an affidavit by the owner affirming ownership.

7 (b) If the applicant cannot produce proof of ownership described in  
8 subdivision (a) of this subsection, he or she may submit to the  
9 department such evidence as he or she may have, and the department may  
10 thereupon, if it finds the evidence sufficient, issue the certificate of  
11 title or authorize the county treasurer to issue a certificate of title,  
12 as the case may be.

13 (3) For purposes of this section, certificate of title includes a  
14 salvage certificate, a salvage branded certificate of title, or any other  
15 document of ownership issued by another state or jurisdiction for a  
16 salvage vehicle. Only a salvage branded certificate of title shall be  
17 issued to any vehicle conveyed upon a salvage certificate, a salvage  
18 branded certificate of title, or any other document of ownership issued  
19 by another state or jurisdiction for a salvage vehicle. A previously  
20 salvage branded certificate of title may be issued if, prior to  
21 application, the applicant's vehicle has been repaired and inspected as  
22 provided in section 60-146.

23 (4) The county treasurer shall retain the evidence of title  
24 presented by the applicant and on which the certificate of title is  
25 issued.

26 (5)(a) If an affidavit is submitted under subdivision (1)(b)(ix) of  
27 this section, the holder of a motor vehicle auction dealer's license  
28 shall certify that (i) it has made at least two written attempts and has  
29 been unable to obtain the properly endorsed certificate of title to the  
30 property noted in the affidavit from the owner and (ii) thirty days have  
31 expired after the mailing of a written notice regarding the intended

1 disposition of the property noted in the affidavit by certified mail,  
2 return receipt requested, to the last-known address of the owner and to  
3 any lien or security interest holder of record of the property noted in  
4 the affidavit.

5 (b) The notice under subdivision (5)(a)(ii) of this section shall  
6 contain a description of the property noted in the affidavit and a  
7 statement that title to the property noted in the affidavit shall vest in  
8 the holder of the motor vehicle auction dealer's license thirty days  
9 after the date such notice was mailed.

10 (c) The mailing of notice and the expiration of thirty days under  
11 subdivision (5)(a)(ii) of this section shall extinguish any lien or  
12 security interest of a lienholder or security interest holder in the  
13 property noted in the affidavit, unless the lienholder or security  
14 interest holder has claimed such property within such thirty-day period.  
15 The holder of a motor vehicle auction dealer's license shall transfer  
16 possession of the property noted in the affidavit to the lienholder or  
17 security interest holder claiming such property.

18 **Sec. 5.** Original section 60-142.12, Reissue Revised Statutes of  
19 Nebraska, and sections 30-2715 and 60-149, Revised Statutes Cumulative  
20 Supplement, 2024, are repealed.