

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 37

Introduced by Dungan, 26.

Read first time January 05, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the Motor Vehicle Certificate of Title Act;
- 2 to amend section 60-146, Revised Statutes Cumulative Supplement,
- 3 2022; to change identification inspection requirements as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-146, Revised Statutes Cumulative Supplement,
2 2022, is 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 law enforcement ~~state police~~ agency certified in ~~of~~
29 another state unless an 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 the inventory of the motor vehicle dealer at the
28 dealer's established place of business in such county. The agreement
29 entered into shall require that the motor vehicle dealer provide the
30 required fee, a copy of the documents evidencing transfer of ownership,
31 and the make, model, vehicle identification number, and odometer reading

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

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

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

24 Sec. 2. Original section 60-146, Revised Statutes Cumulative
25 Supplement, 2022, is repealed.