

**NEBRASKA ADMINISTRATIVE CODE**

**TITLE 247, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 3**

**NEBRASKA DEPARTMENT OF MOTOR VEHICLES**

**RULES AND REGULATIONS FOR THE DESIGNATION AND DISPOSITION OF  
ABANDONED MOTOR VEHICLES PURSUANT TO NEB. REV. STAT. §§ 60-1901  
THROUGH 60-1911.**

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**TITLE 247 NEBRASKA DEPARTMENT OF MOTOR VEHICLES**

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Nebraska Department of Motor Vehicles

247 NAC 3

**CHAPTER 3—RULES AND REGULATIONS FOR THE DESIGNATION AND DISPOSITION OF ABANDONED MOTOR VEHICLES PURSUANT TO NEB. REV. STAT. §§ 60-1901 THROUGH 60-1911.**

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**TITLE 247 — NEBRASKA DEPARTMENT OF MOTOR VEHICLES**  
**Nebraska Department of Motor Vehicles**

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**247 NAC 3**

**CHAPTER 3 — RULES AND REGULATIONS FOR THE DESIGNATION AND DISPOSITION OF ABANDONED MOTOR VEHICLES PURSUANT TO NEB. REV. STAT. §§ 60-1901 THROUGH 60-1911.**

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NEBRASKA ADMINISTRATIVE CODE  
Nebraska Department of Motor Vehicles

Chapter 3  
247 NAC 3

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CHAPTER 3—RULES AND REGULATIONS FOR THE DESIGNATION AND DISPOSITION OF ABANDONED MOTOR VEHICLES PURSUANT TO NEB. REV. STAT. §§ 60-1901 THROUGH 60-1911.

**001 SCOPE.** This Chapter establishes procedures for the determination, custody, and disposition of certain motor-vehicles abandoned on public and private property of the State of Nebraska and incorporates the provisions of Neb. Rev. Stat. §§ 60-1901 through 60-1911 as amended by LB 90 (Laws, 1999), LB 560 (2004) and changes to Chapter 60, Articles 1 and 3, of the Nebraska Revised Statutes by LB 274 (Laws, 2005), LB 276 (Laws, 2005) and LB 286 (Laws, 2007). The procedures outlined in this Chapter do not apply to motor-vehicles which have been removed from parking lots under Neb. Rev. Stat. §§ 60-2401 through 60-2411, nor to liens for services placed against such motor-vehicles pursuant to Neb. Rev. Stat. §§ 52-601.01 through 52-605. Additionally, this Chapter does not apply to motor-vehicles in the custody of law enforcement agencies which are subject to forfeiture under the provisions of Neb. Rev. Stat. § 28-431.

**001.01 Form.** A form for an AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE FOR MOTOR VEHICLE/ATV/MINIBIKE/MOTORBOAT – LAW ENFORCEMENT ONLY is available on the Department of Motor Vehicles web page, www.dmv.ne.gov, or may be obtained by calling (402) 471-3918.

**002 DEFINITIONS.**

**002.01 Abandoned motor-vehicle** means any motor-vehicle as defined in Neb. Rev. Stat. § 60-10236, motor vehicle as defined in Neb. Rev. Stat. § 60-123 or cabin trailer as defined in Neb. Rev. Stat. § 60-107 and which fit into any of the following categories:

**002.01A** Any motor-vehicle left unattended on any public property for more than six ~~(6)~~ hours with no current license plates or valid "In Transit" decals issued by a licensed automobile dealer attached to it;

**002.01B** Any motor-vehicle left unattended for more than ~~twenty-four (24)~~ hours on any public property except for portions of such property where the motor-vehicles may be legally parked;

**002.01C** Any motor-vehicle which has been left unattended for more than ~~forty-eight (48)~~ hours on portions of public property where the motor-vehicles may be legally parked after the parking has become illegal;

**002.01D** Any ~~motor~~-vehicle left unattended for more than seven ~~(7)~~ days on private property if left initially without the permission of the property owner, or after the property owner's permission has been terminated; or

**002.01E** Any ~~motor~~-vehicle left in the custody of any law enforcement agency of this state for more than ~~thirty (30)~~ days after that agency has sent notice by certified or registered United States mail to the last registered owner(s) that the ~~motor~~-vehicle is no longer needed.

**002.02** All terrain vehicle means any motorized off-highway device which (1) is 50 inches or less in width, (2) has a dry weight of 900 pounds or less, (3) travels on three or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (5) has a seat or saddle designed to be straddled by the operator, and (6) has handlebars or any other steering assembly for steering control.

**002.023** Department means the Nebraska Department of Motor Vehicles.

**002.034** Investigative purposes means any investigation conducted by any law enforcement agency of this state to determine whether a violation of the law has occurred, or to determine the owner(s) of an abandoned ~~motor~~-vehicle.

**002.045** Law enforcement agency means any agency of this state empowered and authorized by law to enforce the laws of this state, to investigate violations of the law, and to make arrests.

**002.056** Local authority means the county in which a ~~motor~~-vehicle was abandoned, or if the ~~motor~~-vehicle was abandoned within the corporate limits of a city or village, the city or village.

**002.07** Minibike means a two-wheel device which has a total wheel and tire diameter of less than 14 inches or an engine-rated capacity of less than 45 cubic centimeters displacement or any other two-wheel device primarily deigned by the manufacturer for off-road use only. Minibike does not include an electric personal assistive mobility device.

**002.08** Motor vehicle means any vehicle propelled by any power other than muscular power except (1) mopeds, (2) farm tractors, (3) self-propelled equipment designed and used exclusively to carry and apply fertilizer, chemicals, or related products to agricultural soil and crops, agricultural floater-spreader implements, and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops or feeding livestock, (4) power unit hay grinders or a combination which includes a power unit and a hay grinder when operated without cargo, (5) vehicles which run only on rails or tracks, (6) off-road designed vehicles, including, but not limited to, golf carts, go-carts, riding lawnmowers, garden tractors, all-terrain vehicles, snowmobiles registered or exempt from registration under Neb. Rev. Stat. §§ 60-3,207 to 60-3,219, and minibikes, (7) road and general-purpose construction and maintenance machinery not designed or

used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors, (8) self-propelled chairs used by persons who are disabled, and (9) electric personal assistive mobility devices, and (10) low-speed vehicles.

**002.069 Private property** means any privately-owned property not included within the definition of public property.

**002.0710 Public property** means any public right-of-way, street, highway, alley or park, or other state, county, or municipally owned property.

**002.0811 State agency** means any agency of this state which is empowered and authorized by law to seize and dispose of motor-vehicles.

**002.12 Semitrailer** means any trailer so constructed that its weight and that of its load rests upon or is carried by the towing vehicle.

**002.13 Trailer** means any device without motive power designed for carrying persons or property and being towed by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

**002.14 Vehicle** means a motor vehicle, all-terrain vehicle, minibike, trailer, or semitrailer as provided in Neb. Rev. Stat. § 60-136 and cabin trailer as provided in Neb. Rev. Stat. § 60-107.

**003 PROCEDURE FOR COUNTIES, CITIES, OR VILLAGES.**

**003.01 Determine the Value of the Motor-Vehicle.** The value of a motor-vehicle for the purposes of this Chapter is the wholesale value of the motor-vehicle as described in the most recent issue of the applicable N.A.D.A. Official Used Car Price Guide, or other reliable pricing method; if the N.A.D.A. Official Used Car Price Guide is not available. It is not necessary to determine the exact value of the motor-vehicle, but rather whether such value is more or less than Two Hundred Fifty Dollars (\$250.00). The general condition of the motor-vehicle shall also be taken into account when making this determination. In determining the value of the motor-vehicle, any contents of the vehicle shall not be considered.

**003.02 Motor-Vehicles with a Value of Two Hundred Fifty Dollars (\$250.00) or Less.** The title to any abandoned motor-vehicle which at the time it was abandoned did not have either current license plates or valid "In Transit" decals issued by a licensed automobile dealer attached to it and which has a value of Two Hundred Fifty Dollars (\$250.00) or less vests immediately with the county, city, or village in which it was abandoned. The appropriate county official shall issue a new title in the name of the county, city, or village at no cost to the county, city, or village. Any liens existing against the previous title shall be extinguished.

**003.03 Motor Vehicles with a Value of over Two Hundred Fifty Dollars (\$250.00), Inquiry as to Last Registered Owner(s).** When an abandoned motor vehicle is determined to have a value of more than ~~Two Hundred Fifty Dollars~~ (\$250.00), the county, city, or village shall make an inquiry as to the last registered owner(s) as follows:

**003.03A** If the motor vehicle bears Nebraska license plates, regardless of whether they are current or not, "In Transit" decals, or no license plates, an inquiry shall be made to the Department. Any motor vehicle bearing hand made "In Transit" decals shall be considered a motor vehicle without license plates for the purposes of this Chapter. ~~The county, city, or village making such a request shall complete and sign the form attached (Attachment 1) and pay a fee of One Dollar (\$1.00) per request. Inquiries as to multiple motor vehicles shall be made in the same manner by completing and signing the form attached (Attachment 2) and remitting One Dollar (\$1.00) for each motor vehicle on which information is requested; or~~

**003.03B** If the motor vehicle has current license plates issued by a state other than Nebraska, "In Transit" decals or temporary license plates issued by a state other than Nebraska, the inquiry shall be made to the Department of Motor Vehicles or appropriate agency responsible for motor vehicle records of that state in the manner provided for and upon payment of the fee established by that state.

**003.04 Notice to Last Registered Owner(s) and Lienholder(s).** After the last registered owner(s) of the motor vehicle has been determined, the county, city, or village shall send notice to the owner(s) at his or her last-known address by certified or registered United States mail. The notice shall state that the motor vehicle in question has been determined to be an abandoned motor vehicle and if not claimed will be sold or auctioned after five ~~(5)~~ days of the date the notice was mailed, or if the county, city, or village intends to retain the motor vehicle, that title to the motor vehicle will vest in the county, city, or village ~~thirty (30)~~ days after the date the notice was mailed. If any liens are found to exist against the title of the motor vehicle as a result of the inquiry described in ~~§ subsection~~ 003.03 above of these rules and regulations, a copy of this notice shall also be sent by certified or registered United States mail to each lienholder.

**003.05 No Notice Required If Unable to Determine the Owner or Lienholder.** If the vehicle is in such a condition that vehicle identification numbers or other means of identification are not available to determine the last-registered owner or lienholder, the vehicle may be disposed of without notice.

**003.06 Not Registered.** If the vehicle is not required to be registered or the vehicle has never been registered, the city, county, or village shall follow the procedures above and use any ownership and lien information from the vehicle title and follow the notification procedures above.

**003.067 Publication of Notice of Intent to Retain Abandoned Motor Vehicle.** If the county, city, or village has determined that it will retain an abandoned motor vehicle for its own use rather than sell or auction it, that county, city, or village shall also publish notice in a Nebraska newspaper of general circulation that it intends to retain the motor vehicle

for its own use, and that title will vest with the county, city, or village ~~thirty (30)~~ days following the date of publication of notice. This notice shall be published on the same date that the notice described in ~~§-subsection 003.04 above~~ of these rules and regulations is sent to the last registered owner(s) and each lienholder, if any.

**003.078 Claiming the Motor Vehicle.** The last registered owner(s) or any lienholder(s) may claim the ~~motor~~ vehicle within the period prescribed in ~~§-subsection 003.04 above~~ of these rules and regulations by presenting acceptable identification and a copy of the notice to the appropriate official of the county, city, or village in which the ~~motor-vehicle~~ was abandoned. Any person claiming the ~~motor-vehicle~~ shall pay the county, city, or village or its contractual towing agent for the costs of towing and storing the ~~motor~~ vehicle.

**003.089 Vesting of Title.** If unclaimed, the title to any ~~motor-vehicle~~ with a value of over ~~Two Hundred Fifty Dollars~~ (\$250.00) shall vest in the county, city or village as follows:

**003.089A** If the last registered owner(s) of the ~~motor-vehicle~~ has been determined, five ~~(5)~~ days from the date of mailing of notice to the last registered owner(s);

**003.089B** If the last registered owner(s) of the ~~motor-vehicle~~ cannot be determined, the date on which the county, city, or village was so notified; or

**003.089C** If the county, city, or village intends to retain the ~~motor-vehicle~~ for its own use, ~~thirty (30)~~ days following the date of notice by publication, provided that ~~thirty (30)~~ days has elapsed from the date of mailing of notice to the last registered owner(s).

**003.0910 Issuance of Title. No Response by Owner(s) or Lienholder(s) Within Thirty (30) Days.** Once title to a ~~motor-vehicle~~ has vested with the county, city, or village as described in ~~§-subsection 003.079 above~~ of these rules and regulations, the county, city or village shall wait an additional ~~thirty (30)~~ days before applying for a title. If the owner(s) or lienholder(s) does not appear or respond within ~~thirty (30)~~ days from the vesting of title, a representative of the county, city, or village shall present the **AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE FOR MOTOR VEHICLE/ATV/MINIBIKE/MOTORBOAT – LAW ENFORCEMENT ONLY** (*Attachment 3*) to the appropriate county official of the county in which the ~~motor-vehicle~~ is located. That county official shall issue a new title in the name of the county, city, or village at no cost to the county, city, or village. ~~All liens existing against the previous title to the motor vehicle shall be recorded on the new title in the same order of priority as previously recorded unless released by the lienholder(s) or unless the lienholder(s) has failed to appear or respond within thirty (30) days in which case a clear title shall be issued.~~

**003.1011 Disposition of Motor Vehicle upon Receipt of Title.** Upon receipt of a title, the county, city, or village may sell or auction the ~~motor-vehicle~~ or retain it for its own use. Nothing in this Chapter shall prevent a county, city, or village from transferring the title of a ~~motor-vehicle~~ to an individual or company which towed or stored the ~~motor~~ vehicle in order to satisfy towing or storage costs.

~~**003.11 Disposition of Proceeds from Sale or Auction of Motor Vehicle.** All proceeds from the sale or auction of the motor vehicle, less towing, storage, and sale expenses, shall be held without interest for the benefit of the registered owner(s) or lienholder(s) for a period of two (2) years following the date of sale or auction. If the proceeds are not claimed within this period, they shall be paid into the general fund of the county, city, or village.~~

**003.12 Liability.** The owner(s), lessee, or occupant of any private property from which an abandoned motor vehicle is removed shall not be liable for any loss or damage to the motor vehicle which occurs as a result of its removal. The county, city, or village or its contractual towing agent shall likewise not be liable for any loss or damage to such motor vehicle which occurs as a result of its removal from public or private property, towing, or storage.

**004 PROCEDURE FOR STATE AGENCIES.**

**004.01 Determine the Value of the Motor Vehicle.** The value of a motor vehicle for the purposes of this Chapter is the wholesale value of the motor vehicle as described in the most recent issue of the applicable ~~N.A.D.A. Official Used Car Price Guide~~, or other reliable pricing method; if the ~~N.A.D.A. Official Used Car Price Guide~~ is not available. It is not necessary to determine the exact value of the motor vehicle, but rather whether such value is more or less than ~~Two Hundred Fifty Dollars (\$250.00)~~. The general condition of the motor vehicle shall also be taken into account when making this determination. In determining the value of the motor vehicle any contents of the vehicle shall not be considered.

**004.02 Motor Vehicles with a Value of Two Hundred Fifty Dollars (\$250.00) or Less.** The state agency which caused the removal of a motor vehicle with a value of ~~Two Hundred Fifty Dollars (\$250.00)~~ or less shall deliver the motor vehicle to the county, city, or village in which the motor vehicle was found unless the motor vehicle is being held for investigative purposes by a law enforcement agency. The county, city, or village shall have custody of the motor vehicle and may dispose of it in accordance with ~~Section 003~~ of this Chapter.

**004.03 Motor Vehicles with a Value of over Two Hundred Fifty Dollars (\$250.00), Inquiry as to Last Registered Owner(s).** When an abandoned motor vehicle is determined to have a value of more than ~~Two Hundred Fifty Dollars (\$250.00)~~, the state agency shall make an inquiry as to the last registered owner(s) as follows:

**004.03A** If the motor vehicle bears Nebraska license plates, regardless of whether they are current or not, "In Transit" decals, or no license plates, an inquiry shall be made to the Department. Any motor vehicle bearing hand made "In Transit" decals shall be considered a motor vehicle without license plates for the purposes of this Chapter. ~~The state agency making such a request shall complete and sign the form attached (Attachment 1) and pay a fee of One Dollar (\$1.00) per request. Inquiries as to multiple vehicles shall be made in the same manner by completing and signing~~

~~the form attached (Attachment 2) and remitting One Dollar (\$1.00) for each motor vehicle on which information is requested; or~~

**004.03B** If the motor-vehicle has current license plates issued by a state other than Nebraska, "In Transit" decals or temporary license plates issued by a state other than Nebraska, the inquiry shall be made to the Department of Motor Vehicles or appropriate agency responsible for motor-vehicle records of that state in the manner provided for and upon payment of the fee established by that state.

**004.04 Notice to Last Registered Owner(s) and Lienholder(s).** After the last registered owner(s) of the motor-vehicle has been determined, the state agency shall send notice to the owner(s) at his or her last-known address by certified or registered United States mail. The notice shall state that the motor-vehicle in question has been determined to be an abandoned motor-vehicle and if not claimed will be sold or auctioned after five (5) days of the date the notice was mailed, or if the state agency intends to retain the motor-vehicle, that title to the motor-vehicle will vest in the state agency thirty (30) days after the date the notice was mailed. If any liens are found to exist against the title of the motor-vehicle as a result of the inquiry described in § subsection 004.03 above of these rules and regulations, a copy of this notice shall also be sent by certified or registered United States mail to each lienholder.

**004.05 No Notice Required If Unable to Determine the Owner or Lienholder.** If the vehicle is in such a condition that vehicle identification numbers or other means of identification are not available to determine the last-registered owner or lienholder, the vehicle may be disposed of without notice.

**004.06 Not Registered.** If the vehicle is not required to be registered or the vehicle has never been registered, the state agency shall follow the procedures above and use any ownership and lien information from the vehicle title and follow the notification procedures above.

**004.067 Publication of Notice of Intent to Retain Abandoned Motor Vehicle.** If the state agency has determined that it will retain an abandoned motor-vehicle for its own use rather than sell or auction it, that state agency shall also publish notice in a Nebraska newspaper of general circulation that it intends to retain the motor-vehicle for its own use, and that title will vest with the state agency thirty (30) days following the date of publication of notice. This notice shall be published on the same date that the notice described in § subsection 004.04 above of these rules and regulations is sent to the last registered owner(s) and each lienholder, if any.

**004.078 Claiming the Motor-Vehicle.** The last registered owner(s) or any lienholder(s) may claim the motor-vehicle within the period prescribed in § subsection 004.04 above of these rules and regulations by presenting acceptable identification and a copy of the notice to the appropriate official of the state agency having custody of the motor-vehicle. Any person claiming the motor-vehicle shall pay the state agency or its contractual towing agent for the costs of towing and storing the motor-vehicle.

**004.089 Vesting of Title.** If unclaimed, the title to any motor-vehicle with a value of over ~~Two Hundred Fifty Dollars~~ (\$250.00) shall vest with the state agency as follows:

**004.089A** If the last registered owner(s) or the motor-vehicle has been determined, five (5) days from the date of mailing of notice to the last registered owner(s);

**004.089B** If the last registered owner(s) of the motor-vehicle cannot be determined, the date on which the state agency was so notified; or

**004.089C** If the state agency intends to retain the motor-vehicle for its own use, ~~thirty (30) days~~ following the date of notice by publication, provided that ~~thirty (30) days~~ has elapsed from the date of mailing of notice to the last registered owner(s).

**004.0910 Issuance of Title. No Response by Owner(s) or Lienholder(s) Within Thirty (30) Days.** Once title to a motor-vehicle has vested with a state agency as described in ~~§-subsection 004.07 above~~ of these rules and regulations, the state agency shall wait an additional ~~thirty (30) days~~ before applying for a title. If the owner(s) or lienholder(s) does not appear or respond within ~~thirty (30) days~~ from the vesting of title, a representative of that agency shall present the **AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE FOR MOTOR VEHICLE/ATV/MINIBIKE/MOTORBOAT – LAW ENFORCEMENT ONLY** (*Attachment 3*) to the Department, which will issue a new title in the name of the state agency at no cost. ~~All liens existing against the previous title to the motor vehicle shall be recorded on the new title in the same order of priority as previously recorded unless released by the lienholder(s) or unless the lienholder(s) has failed to appear or respond within thirty (30) days in which case a clear title shall be issued.~~

**004.1011 Disposition of Motor Vehicle upon Receipt of Title.** Upon receipt of a title, the state agency may sell or auction the motor-vehicle or retain it for its own use. Nothing in this Chapter shall prevent a state agency from transferring the title of a motor vehicle to an individual or company which towed or stored the motor-vehicle in order to satisfy towing or storage costs.

~~**004.11 Disposition of Proceeds from Sale or Auction of Motor Vehicle.** All proceeds from the sale or auction of the motor vehicle, less towing, storage, and sale expenses, shall be held without interest for the benefit of the registered owner(s) or lienholder(s) for a period of two (2) years following the date of sale or auction. If the proceeds are not claimed within this period, they shall be paid into the State General Fund.~~

**004.12 Liability.** The owner(s), lessee, or occupant of any private property from which an abandoned motor-vehicle is removed shall not be liable for any loss or damage to the motor-vehicle which occurs as a result of its removal. The state agency or its contractual towing agent shall likewise not be liable for any loss or damage to such motor-vehicle which occurs as a result of its removal from public or private property, towing, or storage.

**005 PROCEDURE FOR MOTOR VEHICLES HELD BY LAW ENFORCEMENT AGENCIES FOR INVESTIGATIVE PURPOSES.**

**005.01 Determine the Value of the Motor Vehicle.** The value of a motor-vehicle for the purposes of this Chapter is the wholesale value of the motor-vehicle as described in the most recent issue of the applicable N.A.D.A. Official Used Car Price Guide, or other reliable pricing method, if the N.A.D.A. Official Used Car Price Guide is not available. It is not necessary to determine the exact value of the motor vehicle, but rather whether such value is more or less than Two Hundred Fifty Dollars (\$250.00). The general condition of the motor-vehicle shall also be taken into account when making this determination. In determining the value of the motor-vehicle, any contents of the vehicle shall not be considered.

**005.02 Motor Vehicles with a Value of Two Hundred Fifty Dollars (\$250.00) or Less.** The title to any abandoned motor-vehicle which at the time it was abandoned did not have either current license plates or valid "In Transit" decals issued by a licensed automobile dealer attached to it and which has a value of Two Hundred Fifty Dollars (\$250.00) or less vests immediately with the law enforcement agency. The appropriate official of the law enforcement agency shall present the **AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE FOR MOTOR VEHICLE/ATV/MINIBIKE/MOTORBOAT - LAW ENFORCEMENT ONLY** (*Attachment 3*) to the Department, which shall issue a new title in the name of the law enforcement agency at no cost. Any liens existing against the previous title shall be extinguished.

**005.03 Motor Vehicles with a Value of over Two Hundred Fifty Dollars (\$250.00), Inquiry as to Last Registered Owner(s).** When an abandoned motor-vehicle is determined to have a value of more than Two Hundred Fifty Dollars (\$250.00), the law enforcement agency shall make an inquiry as to the last registered owner(s) as follows:

**005.03A** If the motor-vehicle bears Nebraska license plates, regardless of whether they are current or not, "In Transit" decals, or no license plates, an inquiry shall be made to the Department. Any motor-vehicle bearing hand made "In Transit" decals shall be considered a motor-vehicle without license plates for the purposes of this Chapter. ~~The law enforcement agency making such a request shall complete and sign the form attached (*Attachment 1*) and pay a fee of One Dollar (\$1.00) per request. Inquiries as to multiple motor vehicles shall be made in the same manner by completing and signing the form attached (*Attachment 2*) and remitting One Dollar (\$1.00) for each motor vehicle on which information is requested; or~~

**005.03B** If the motor-vehicle has current license plates issued by a state other than Nebraska, "In Transit" decals or temporary license plates issued by a state other than Nebraska, the inquiry shall be made to the Department of Motor Vehicles or appropriate agency responsible for motor-vehicle records of that state in the manner provided for and upon payment of the fee established by that state.

**005.04 Notice to Last Registered Owner(s) and Lienholder(s).** After the last registered owner(s) of the motor-vehicle has been determined, the law enforcement agency shall send notice to the owner(s) at his or her last-known address by certified or

registered United States mail. The notice shall state that the ~~motor~~ vehicle in question has been determined to be an abandoned ~~motor~~ vehicle and if not claimed will be sold or auctioned after five (5) days of the date the notice was mailed, or if the law enforcement agency intends to retain the ~~motor~~ vehicle, that title to the ~~motor~~ vehicle will vest in the law enforcement agency ~~thirty~~ (30) days after the date the notice was mailed. If any liens are found to exist against the title of the ~~motor~~ vehicle as a result of the inquiry described in §-subsection 005.03 above of these rules and regulations, a copy of this notice shall also be sent by certified or registered United States mail to each lienholder. A copy of this notice shall also be sent to any person other than the last registered owner(s) who was found to be operating or in the possession of such ~~motor~~ vehicle at the time it was seized by the law enforcement agency.

**005.05 No Notice Required If Unable to Determine the Owner or Lienholder.** If the vehicle is in such a condition that vehicle identification numbers or other means of identification are not available to determine the last-registered owner or lienholder, the vehicle may be disposed of without notice.

**005.06 Not Registered.** If the vehicle is not required to be registered or the vehicle has never been registered, the law enforcement agency shall follow the procedures above and use any ownership and lien information from the vehicle title and follow the notification procedures above.

**005.067 Publication of Notice of Intent to Retain Abandoned Motor Vehicle.** If the law enforcement agency has determined that it will retain an abandoned ~~motor~~ vehicle for its own use rather than sell or auction it, the law enforcement agency shall also publish notice in a Nebraska newspaper of general circulation that it intends to retain the ~~motor~~ vehicle for its own use, and that title will vest with the law enforcement agency ~~thirty~~ (30) days following the date of publication of notice. This notice shall be published on the same date that the notice described in §-subsection 005.04 above of these rules and regulations is sent to the last registered owner(s), each lienholder, if any, or any person found to be operating or in possession of the ~~motor~~ vehicle at the time it was seized.

**005.078 Claiming the Motor Vehicle.** The last registered owner(s), any lienholder(s), or person found to be operating or in possession of a ~~motor~~ vehicle at the time of its seizure by a law enforcement agency may claim the ~~motor~~ vehicle within the period prescribed in §-subsection 005.04 above of these rules and regulations by presenting acceptable identification and a copy of the notice to the appropriate official of the law enforcement agency in which the ~~motor~~ vehicle was abandoned. Towing and storage costs shall be paid as follows:

**005.078A** By the owner or person operating or in the possession of the ~~motor~~ vehicle at the time of its seizure if such individual is charged with a misdemeanor or felony relating to the seizure of the ~~motor~~ vehicle; or

**005.078B** By the law enforcement agency if the owner(s) or person operating or in the possession of the ~~motor~~ vehicle at the time of its seizure is not charged with a misdemeanor or felony relating to the seizure of the ~~motor~~ vehicle, if such

misdemeanor or felony is dismissed with prejudice, or if such individual is acquitted of the misdemeanor or felony charge following a criminal trial.

**005.089 Vesting of Title.** If unclaimed, the title to any motor-vehicle with a value of over ~~Two Hundred Fifty Dollars~~ (\$250.00) shall vest with the law enforcement agency as follows:

**005.089A** Thirty (30) days following the date of notice to the last registered owner, lienholder, or person operating or in the possession of the motor-vehicle at the time of its seizure; or

**005.089B** Immediately if no individual or company described in ~~§ subsection 005.07A-above~~ of these rules and regulations can be determined.

**005.0910 Issuance of Title.** Once title to a motor-vehicle has vested with the law enforcement agency as described in ~~§ subsection 005.07 above~~ of these rules and regulations, the law enforcement agency shall wait an additional ~~thirty (30) days~~ before applying for a title. If the owner(s) or lienholder(s) does not appear or respond within ~~thirty (30) days~~ from the vesting of title, the appropriate official of the law enforcement agency shall present the **AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE FOR MOTOR VEHICLE/ATV/MINIBIKE/MOTORBOAT – LAW ENFORCEMENT ONLY** (*Attachment 3*) to the appropriate county official or the Department of Motor Vehicles, if a state agency which shall issue a new title in the name of the law enforcement agency at no cost. ~~All liens existing against the previous title to the motor vehicle shall be recorded on the new title in the same order of priority as previously recorded unless released by the lienholder(s) or unless the lienholder(s) has failed to appear or respond within thirty (30) days in which case a clear title shall be issued.~~

**005.1011 Disposition of Motor Vehicle upon Receipt of Title.** Upon receipt of a title, the law enforcement agency may sell or auction the motor-vehicle or retain it for its own use. Nothing in this Chapter shall prevent a law enforcement agency from transferring the title of a motor-vehicle to an individual or company which towed or stored the motor-vehicle in order to satisfy towing or storage costs.

~~**005.11 Disposition of Proceeds from Sale or Auction of Motor Vehicle.** All proceeds from the sale or auction of the motor vehicle, less towing, storage, and sale expenses, shall be held without interest for the benefit of the registered owner(s) or lienholder(s) for a period of two (2) years following the date of sale or auction. If the proceeds are not claimed within this period, they shall be paid into the State General Fund.~~

**005.12 Liability.** The owner(s), lessee, or occupant of any private property from which an abandoned motor-vehicle is removed shall not be liable for any loss or damage to the motor-vehicle which occurs as a result of its removal. The law enforcement agency or its contractual towing agent shall likewise not be liable for any loss or damage to such motor vehicle which occurs as a result of its removal from public or private property, towing, or storage.

**006 LIENS.**

**006.01 Existing Liens.** To preserve a lien on a vehicle, the lienholder must respond to the notice sent pursuant to subsections 003.04, 004.04 or 005.04 of these rules and regulations and must claim and remove the vehicle within 30 days of the notice as provided in Neb. Rev. Stat. § 60-1903 or title will vest in the local authority or state agency.

**007 DISPOSITION OF PROCEEDS.**

**007.01 Proceeds From Sale or Auction of Vehicle.** The proceeds from any sale or auction of a vehicle pursuant to these rules and regulations, less towing, storage, and sale expenses, shall be held without interest for the benefit of the registered owner(s) or lienholder(s) for a period of two years following the date of sale or auction.

**007.02 Unclaimed Proceeds.** If the proceeds are not claimed within the two-year period, they shall be paid into the State General Fund or General Fund of the county, city or village.

**008 FEES.**

**008.01 Act of the Legislature.** If the Legislature should change any fee set out in these rules and regulations, the fee set in statute will be controlling and the fee amounts provided in the rules or regulations shall be void. Applicants will be charged the applicable fee set by the Legislature from the effective date of the act.

*Attachments 1, 2 and 3*

# APPLICATION FOR COPY OF VEHICLE RECORD

ATTACHMENT 1

If filing this request in person, be prepared to furnish us with proof of identification. If filing this request through the mail, your signature must be notarized and the appropriate fees included, or the request will be returned to you unprocessed.

**PLEASE PRINT** The availability of records is subject to the provisions under the Uniform Motor Vehicle Records Disclosure Act.

DS  
①, ②, or ③ for a search.

① License Plate Number
② Vehicle Identification Number (VIN) or Hull Identification Number (HIN)
③ Name(s) of Vehicle Owner(s)
Vehicle Make _____ Year _____

**\$1.00 Per Record**

**EACH RECORD CONTAINS  
CURRENT TITLE, LIEN AND  
REGISTRATION INFORMATION.**

**Shaded portion below MUST be completed in full.**

For what purpose will this record be used? (See reverse side.) \_\_\_\_\_

Requestor's Name \_\_\_\_\_

Business Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Under penalty of law, the undersigned certifies that the information contained on the vehicle record being purchased will only be used as authorized by the Uniform Motor Vehicle Records Disclosure Act. The undersigned hereby acknowledges that this request is made with the understanding that any person requesting disclosure of personal information from the Department of Motor Vehicles records who misrepresents his or her identity, misrepresents the purpose for which the information requested will be used, or otherwise makes a false statement on this Application shall be guilty of a Class IV felony.

Requestor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
*(Signature must be notarized in the area below, if filing this request through the mail.)*

If the Department of Motor Vehicles is prohibited from disclosing the information on the record you are requesting, by request of the record holder, you may receive this information only after first obtaining the notarized written consent of the record holder on this form as provided for below.

I, \_\_\_\_\_, hereby authorize \_\_\_\_\_ to obtain a copy of my motor vehicle record as described above.

Signature of Record Holder \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing signature of the **requestor** was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_.

Notary or Designated County Official Signature \_\_\_\_\_ Seal \_\_\_\_\_

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing signature of the **record holder** was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_.

Notary or Designated County Official Signature \_\_\_\_\_ Seal \_\_\_\_\_

Return to: Titles and Registrations Division  
Department of Motor Vehicles  
P.O. Box 94789  
Lincoln, NE 68509-4789  
Phone: 402-471-3918

**A stamped, self-addressed envelope is required for all mail-in requests.**

## UNIFORM MOTOR VEHICLE RECORDS DISCLOSURE ACT PERMITTED EXEMPTIONS

The exempted uses permitted under the Uniform Motor Vehicle Records Disclosure Act are as follows:

- ◆ Anti-Car Theft Act, Automobile Information Disclosure Act or Clean Air Act.
- ◆ Use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out its functions, or by any private entity on an agency's behalf.
- ◆ Use in connection with vehicle or driver safety and theft; vehicle emission; vehicle product alterations, recalls or advisories; performance monitoring of vehicles, vehicle parts, and dealers; motor vehicle market research activities and survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.
- ◆ Use in normal course of business by a legitimate business to verify accuracy of information submitted by an individual or business; or to obtain correct information if the above is not correct or no longer correct, for the purpose of preventing fraud, pursuing legal remedies against or recovering on a debt or security interest against the record holder.
- ◆ Use in connection with a civil, criminal, administrative or arbitral proceeding in any federal, state or local court, government agency, or self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgment; or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body.
- ◆ Use in research activities and statistical reports, as long as personal information is not published, redisclosed or used to contact individuals.
- ◆ Use in connection with the operation of private toll transportation facilities.
- ◆ Use for bulk distribution for surveys of, marketing to, or solicitations of persons who have not prohibited such.
- ◆ Use by any insurer/insurance support organization or by a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating or underwriting.
- ◆ Use in providing notice to owners of abandoned, towed or impounded vehicles.
- ◆ Use by a private detective, plain clothes investigator, or private investigative agency licensed under Neb. Rev. Stat. §§ 71-3201 to 71-3213 for purposes permitted under this act.
- ◆ Use by an employer, employer's agent or insurer to obtain or verify information of a Commercial Driver's License holder.
- ◆ Any use if requestor has notarized consent of the record holder and has provided proof of such consent to the Department.
- ◆ Use, including redisclosure through news publication, for a member of a medium of communication as defined in Neb. Rev. Stat. § 20-145, in connection with news involving motor vehicle or driver safety or vehicle theft.
- ◆ Any use if the request for the record is made by the record holder.
- ◆ Any reason, if the record holder has not protected his/her record.

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### Redisclosure

If you are a recipient of a record which, by request of the record holder, is privacy protected, you may only resell or redisclose the information obtained if it is for one of the uses permitted under the Uniform Motor Vehicle Records Disclosure Act. You shall make and keep for five (5) years, records identifying each person to whom you redisclosed the information and the permitted purpose for which it was redisclosed. These records shall be made available for inspection and copying by a representative of the Nebraska Department of Motor Vehicles upon request.

Vehicle records have three different types of "Privacy Protected" flags. "Individual" indicates a restriction of disclosure as an individual record; "Bulk" indicates a restriction of disclosure as a bulk record (bulk is used for surveys, marketing, or solicitations); or "Total" which indicates restriction of disclosure as both an "Individual" and as a "Bulk" record.

# Nebraska Department of Motor Vehicles APPLICATION FOR MORE THAN ONE VEHICLE RECORD

The availability of records is subject to the provisions of the Uniform Motor Vehicle Records Disclosure Act. When requesting more than one vehicle record, you may complete this form and attach a list of the license plate numbers, vehicle identification numbers (VIN) or names of vehicle owners of the records you are requesting. Please keep in mind, this request form and your list will not be returned to you with your records. The Department is required to keep the request on file.

**If filing this request in person, be prepared to furnish us with proof of identification. If filing this request through the mail, your signature must be notarized and the appropriate fees included, or the request will be returned to you unprocessed.**

**PLEASE PRINT -- Shaded portion of form MUST be completed in full. -- \$1.00 Per Record**

For what purpose will these records be used? (See reverse side for additional information) \_\_\_\_\_

Requestor's Name: \_\_\_\_\_  
(please print)

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Under penalty of law, the undersigned certifies that the information contained on the vehicle records being purchased will only be used as authorized by the Uniform Motor Vehicle Records Disclosure Act. The undersigned hereby acknowledges that this request is made with the understanding that any person requesting disclosure of personal information from the Department of Motor Vehicle records who misrepresents his or her identity, misrepresents the purpose for which the information requested will be used, or otherwise makes a false statement on this Application shall be guilty of a class IV felony.

Requestor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ Notarization required for mail requests only.

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Notary/County Official Seal or Stamp \_\_\_\_\_ Notary or Designated County Official Signature \_\_\_\_\_

Return to: Title and Registration Records Division  
Department of Motor Vehicles  
P. O. Box 94789  
Lincoln, NE 68509-4789

A stamped self-addressed envelope is required for all mail-in requests.

The exempted uses permitted under the Uniform Motor Vehicle Records Disclosure Act are as follows:

- ◆ Anti-Car Theft Act, Automobile Information Disclosure Act or Clean Air Act.
- ◆ Use by any federal, state, or local governmental agency, including any court or law enforcement agency, in carrying out its functions, or by any private entity on an agency's behalf.
- ◆ Use in connection with vehicle or driver safety and theft; vehicle emission; vehicle product alterations, recalls or advisories; performance monitoring of vehicles, vehicle parts, and dealers; motor vehicle market research activities and survey research; and removal of nonowner records from the original owner records of motor vehicle manufacturers.
- ◆ Use in normal course of business by a legitimate business to verify accuracy of information submitted by an individual or business; or to obtain correct information if the above is not correct or no longer correct, for the purpose of preventing fraud, pursuing legal remedies against or recovering on a debt or security interest against the record holder.
- ◆ Use in connection with a civil, criminal, administrative or arbitral proceeding in federal, state or local court, government agency, or self-regulatory body, including service of process, investigation in anticipation of litigation, and execution or enforcement of judgment; or pursuant to an order of a federal, state, or local court, an administrative agency, or a self-regulatory body.
- ◆ Use in research activities and statistical reports, as long as personal information is not published, redisclosed or used to contact individuals.
- ◆ Use in connection with the operation of private toll transportation facilities.
- ◆ Use for bulk distribution for surveys of, marketing to, or solicitations of persons who have not prohibited such.
- ◆ Use by any insurer/insurance support organization or by a self-insured entity in connection with claims investigation activities, anti-fraud activities, rating or underwriting.
- ◆ Use in providing notice to owners of abandoned, towed or impounded vehicles.
- ◆ Use by a private detective, plain clothes investigator, or private investigative agency licensed under Neb. Rev. Stat. §§ 71-3201 to 71-3213 for purposes permitted under this act.
- ◆ Use by an employer, employer's agent or insurer to obtain or verify information of a Commercial Driver's License holder.
- ◆ Any use if requestor has notarized consent of the record holder and has provided proof of such consent to the Department.
- ◆ Use, including redisclosure through news publication, for a member of a medium of communication as defined in Neb. Rev. Stat. § 20-145, in connection with news involving motor vehicle or driver safety or vehicle theft.
- ◆ Any use if the request for the record is made by the record holder.
- ◆ Any reason, if the record holder has not protected his/her record.

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### **Redisclosure**

If you are a recipient of a record which, by request of the record holder, is privacy protected, you may only resell or redisclose the information obtained if for one of the uses permitted under the Uniform Motor Vehicle Records Disclosure Act. You shall make and keep for 5 years, records identifying each person to whom you redisclosed the information and the permitted purpose for which it was redisclosed. These records shall be made available for inspection and copying by a representative of the Department of Motor Vehicles upon request.

Vehicle records have three different types of "Privacy Protected" flags. "Individual" indicates a restriction of disclosure as an individual record; "Bulk" indicates a restriction of disclosure as a bulk record (bulk is used for surveys, marketing, or solicitations); or "Total" which indicates restriction of disclosure as both an individual record and as a bulk record.

**AFFIDAVIT AND REQUEST FOR CERTIFICATE OF TITLE  
FOR ABANDONED MOTOR VEHICLE**

STATE OF NEBRASKA, )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn on oath, deposes and says that:

He/she is the \_\_\_\_\_ and an agent of,  
(Official Title)  
\_\_\_\_\_, State of Nebraska.  
(Name of Local Authority or State Agency)

That \_\_\_\_\_ is currently in  
(Name of Local Authority or State Agency)  
possession of the following described motor vehicle:

_____	_____	_____
(Make)	(Model)	(Series)
_____	_____	_____
(V.I.N.)	(Body Style)	(Type)
_____	_____	_____
(Year)	(Color)	(Capacity)
_____	_____	_____
	(Fuel)	(GVWR)

That the aforesaid motor vehicle was abandoned in \_\_\_\_\_,  
(City or Village, if applicable)  
\_\_\_\_\_, Nebraska, and that after due and diligent notice and inquiry, said  
(County)  
motor vehicle remains unclaimed or the ownership is unknown. Further, that notice was sent by Certified or Registered United States Mail to all owners of record, and to all parties found as a result of notice and inquiry to have a lien or mortgage against the title to such motor vehicle and thirty (30) days has passed since the vesting of title.

That the foregoing statements are such evidence as \_\_\_\_\_  
(Name of Local Authority or State Agency)  
has, and is requested to issue a Certificate of Title to \_\_\_\_\_ which  
(Local Authority or State Agency)  
will allow it to dispose of the aforesaid motor vehicle pursuant to Neb. Rev. Stat. § 60-1901 et. seq.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public