

LEGISLATIVE BILL 295

Approved by the Governor May 13, 1971

Introduced by Duke Snyder, 14th District; Orval A. Keyes, 3rd District; Donald Elrod, 35th District

AN ACT relating to motor vehicles; to define terms; to provide for removal of abandoned vehicles; to provide for notice; to provide for title to such abandoned vehicles; to provide for sale and disposition of proceeds; to provide for immunity; to provide for rules and regulations; to provide for violations; to provide penalties; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

(1) With no number plates affixed thereto, for more than six hours on any public property;

(2) For more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(3) For more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or

(4) For more than seven days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

For purposes of this section public property shall mean any public right-of-way, street, highway, alley, park or other state, county or municipally-owned property; and private property shall mean any privately-owned property which is not included within the definition of public property.

Sec. 2. If an abandoned vehicle, at the time of abandonment, has no number plates affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of one hundred dollars or less, title shall immediately vest in the local authority having jurisdiction thereof.

Sec. 3. (1) Except for vehicles governed by section 2 of this act, the local authority having custody of an abandoned vehicle shall make an inquiry concerning the last registered owner of such vehicle as follows:

(a) Abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates; or

(b) Abandoned vehicle with no number plates affixed, to the Department of Motor Vehicles.

(2) Such local authority shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date such notice was mailed. If the agency described in subsection (1) of this section also notifies such local authority that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(3) Title to such abandoned vehicles, if unclaimed, shall vest in such local authority five days from the date such notice is mailed, or if the last registered owner cannot be ascertained, when notice of such fact is received.

Sec. 4. For the purposes of this section, the local authority entitled to custody of an abandoned vehicle shall be the county in which the vehicle was abandoned, or if abandoned in a city or village, the city or village in which the vehicle was abandoned, except that if a vehicle is abandoned on property of the State of Nebraska, the Director of Motor Vehicles shall be entitled to the custody of such vehicle.

Sec. 5. Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the local authority shall be held by the local authority without interest, for the benefit of the owner of such vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the general fund of such local authority.

Sec. 6. Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle shall be removed, nor the state, any city or village, or any county, shall be liable for any loss or

damage to such vehicle which occurs during its removal or while in the possession of the state, such county or city or village or its contractual agent, or as a result of any subsequent disposition.

Sec. 7. No person shall cause any vehicle to be an abandoned vehicle.

Sec. 8. No person other than one authorized by the appropriate local authority shall destroy, deface or remove any part of a vehicle which is left unattended on a highway or other public place without number plates affixed or which is abandoned. Anyone violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars.

Sec. 9. The last registered owner of an abandoned vehicle shall be liable to the local authority for the costs of removal and storage of such vehicle.

Sec. 10. The Director of Motor Vehicles shall prescribe by regulation such forms and procedures necessary or desirable to effectuate the provisions of this act. Such regulations may include procedures for the removal and disposition of vehicle identification numbers of abandoned vehicles and forms for local records for abandoned vehicles and inquiries relating to ownership of such vehicles.

Sec. 11. Any person violating the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed five hundred dollars, or be imprisoned in the county jail for a period of not to exceed six months, or be both so fined and imprisoned.

Sec. 12. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.