

LEGISLATIVE BILL 171

Approved by the Governor February 28, 1991

Introduced by Transportation Committee:

Kristensen, 37, Chairperson; Beyer, 3;
Byars, 30; Horgan, 4; Peterson, 21;
Pirsch, 10; Robak, 22; Wickersham, 49

AN ACT relating to the Nebraska Motor Vehicle Industry Licensing Board; to amend section 60-1407.01, Revised Statutes Supplement, 1990; to require liability insurance and workers compensation coverage by licensees as prescribed; to provide for revocation of licenses; and to repeal the original section.

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

Section 1. That section 60-1407.01, Revised Statutes Supplement, 1990, be amended to read as follows:

60-1407.01. (1) Upon the filing of any application, a staff member of the board shall endorse on it the date of filing. If no patent disqualification of the applicant is disclosed or if no valid objection to the granting of the application is apparent and if all requirements relative to the filing of the application appear to have been complied with, the chairperson of the board or executive director shall refer the application to a staff member for investigation and report. The report shall include:

(1) (a) A statement as to whether or not the applicant or any person holding any financial interest in the applicant is for any reason disqualified by Chapter 60, article 14, from obtaining or exercising a license and whether or not the applicant has complied with all the requirements of Chapter 60, article 14, relative to the making and filing of his or her application;

(2) (b) Information relating to any and all other matters and things which in the judgment of the staff member pertain to or affect the matter of the application or the issuance or exercise of the license applied for; and

(3) (c) In the case of an application for a dealer's license; ~~in addition to the foregoing.~~

(a) (i) A description of the premises intended to become the licensed premises and of the equipment and

surrounding conditions;

{b} (ii) If the applicant has held a prior dealer's license for the same or any other premises within two years past, a statement as to the manner in which the premises have been operated and the business conducted under the previous license; and

{c} (iii) If the applicant proposes to engage in the business of selling new motor vehicles, motorcycles, or trailers, a written statement from the applicable manufacturer, factory branch, factory representative, distributor, distributor branch, or distributor representative, or such other evidence as prescribed by the board, that the applicant is authorized to sell or distribute such new motor vehicles, motorcycles, or trailers.

(2) After the filing of the report, the board may interview the applicant. Notice and notice of such interview shall be given at least ten days prior to the interview.

(3) The executive director shall not issue or renew a license to any applicant or renew the license of any licensee if such the applicant or licensee does not (a) maintain an established place of business, (b) as described in section 60-1401-02 or meet the requirement for a bond pursuant to section 60-1419, (c) present a certificate or policy of insurance written by an insurance carrier duly authorized to do business in this state which gives the effective dates of coverage indicating that it is in force, which covers the fleet of motor vehicles owned by the applicant or licensee in the ordinary course of business, and which provides liability coverage as described in sections 60-534 and 60-538, and (d) present evidence of compliance with the insurance requirements of the Nebraska Workers' Compensation Act. The executive director may not shall refuse to renew a motor vehicle dealer's license if such the dealer cannot prove that he or she sold at least five motor vehicles during the previous licensing period.

(4) The board shall revoke the license of any licensee if, after December 31, 1991, it comes to the attention of the board that the policy of motor vehicle liability coverage required under subdivision (3)(c) of this section is no longer in force.

(5) Nothing in this section shall be construed to change any existing liability or to create any new liability.

Sec. 2. That original section 60-1407.01, Revised Statutes Supplement, 1990, is repealed.