

LEGISLATIVE BILL 681

Approved by the Governor April 4, 2007

Introduced by Pedersen, 39; Fischer, 43

FOR AN ACT relating to motor vehicle dealers; to amend section 60-1411.01, Reissue Revised Statutes of Nebraska, and section 60-1419, Revised Statutes Cumulative Supplement, 2006; to increase licensing fees and a bond; and to repeal the original sections.

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

Section 1. Section 60-1411.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-1411.01 (1) ~~From~~ Until January 1, 2008, to pay the expenses of the administration, operation, maintenance, and enforcement of sections 60-1401.01 to 60-1440, the board shall collect with each application for each class of license fees not exceeding the following amounts:

- (a) Motor vehicle dealer's license, two hundred dollars;
- (b) Supplemental motor vehicle dealer's license, ten dollars;
- (c) Motor vehicle or motorcycle salesperson's license, ten dollars;
- (d) Dealer's agent license, fifty dollars;
- (e) Motor vehicle, motorcycle, or trailer manufacturer's license, three hundred dollars;
- (f) Distributor's license, three hundred dollars;
- (g) Factory representative's license, ten dollars;
- (h) Distributor representative's license, ten dollars;
- (i) Finance company's license, two hundred dollars;
- (j) Wrecker or salvage dealer's license, one hundred dollars;
- (k) Factory branch license, one hundred dollars;
- (l) Motorcycle dealer's license, two hundred dollars;
- (m) Motor vehicle auction dealer's license, two hundred dollars; and
- (n) Trailer dealer's license, two hundred dollars.

(2) On and after January 1, 2008, to pay the expenses of the administration, operation, maintenance, and enforcement of sections 60-1401.01 to 60-1440, the board shall collect with each application for each class of license fees not exceeding the following amounts:

- (a) Motor vehicle dealer's license, four hundred dollars;
- (b) Supplemental motor vehicle dealer's license, twenty dollars;
- (c) Motor vehicle or motorcycle salesperson's license, twenty dollars;
- (d) Dealer's agent license, one hundred dollars;
- (e) Motor vehicle, motorcycle, or trailer manufacturer's license, six hundred dollars;
- (f) Distributor's license, six hundred dollars;
- (g) Factory representative's license, twenty dollars;
- (h) Distributor representative's license, twenty dollars;
- (i) Finance company's license, four hundred dollars;
- (j) Wrecker or salvage dealer's license, two hundred dollars;
- (k) Factory branch license, two hundred dollars;
- (l) Motorcycle dealer's license, four hundred dollars;
- (m) Motor vehicle auction dealer's license, four hundred dollars;

and

- (n) Trailer dealer's license, four hundred dollars.

~~(3)~~ (3) The fees shall be fixed by the board and shall not exceed the amount actually necessary to sustain the administration, operation, maintenance, and enforcement of sections 60-1401.01 to 60-1440.

~~(4)~~ (4) Such licenses, if issued, shall expire on December 31 next following the date of the issuance thereof. Any motor vehicle, motorcycle, or trailer dealer changing its location shall not be required to obtain a new license if the new location is within the same city limits or county, all requirements of law are complied with, and a fee of twenty-five dollars is paid, but any change of ownership of any licensee shall require a new application for a license and a new license. Change of name of licensee without change of ownership shall require the licensee to obtain a new license and pay a fee of five dollars. Applications shall be made each year for a new or renewal license. If the applicant is an individual, the application shall include the applicant's social security number.

Sec. 2. Section 60-1419, Revised Statutes Cumulative Supplement, 2006, is amended to read:

60-1419 (1) Applicants for a motor vehicle dealer's license, trailer dealer's license, or motorcycle dealer's license shall furnish, at the time

of making application, ~~furnish~~ a corporate surety bond in the penal sum of ~~twenty thousand dollars~~, but for the year 1985 and thereafter shall, at the time of making application, ~~furnish~~ a corporate surety bond in the penal sum of ~~twenty-five~~ fifty thousand dollars.

(2) Applicants for a motor vehicle auction dealer's license shall, at the time of making application, furnish a corporate surety bond in the penal sum of not less than one hundred thousand dollars. The bond shall be on a form prescribed by the Attorney General of the State of Nebraska and shall be signed by the Nebraska registered agent. The bond shall provide: ~~(1)~~ (a) That the applicant will faithfully perform all the terms and conditions of such license; ~~(2)~~ (b) that the licensed dealer will first fully indemnify any holder of a lien or security interest created pursuant to section 60-164 or article 9, Uniform Commercial Code, whichever applies, in the order of its priority and then any person or other dealer by reason of any loss suffered because of ~~(a)~~ (i) the substitution of any motor vehicle or trailer other than the one selected by the purchaser, ~~(b)~~ (ii) the dealer's failure to deliver to the purchaser a clear and marketable title, ~~(c)~~ (iii) the dealer's misappropriation of any funds belonging to the purchaser, ~~(d)~~ (iv) any alteration on the part of the dealer so as to deceive the purchaser as to the year model of any motor vehicle or trailer, ~~(e)~~ (v) any false and fraudulent representations or deceitful practices whatever in representing any motor vehicle or trailer, ~~(f)~~ (vi) the dealer's failure to remit the proceeds from the sale of any motor vehicle which is subject to a lien or security interest to the holder of such lien or security interest, and ~~(g)~~ (vii) the dealer's failure to pay any person or other dealer for the purchase of a motor vehicle, motorcycle, trailer, or any part or other purchase; and ~~(3)~~ (c) that the motor vehicle, motorcycle, motor vehicle auction, or trailer dealer or wholesaler shall well, truly, and faithfully comply with all the provisions of his or her license and the acts of the Legislature relating to such license. The aggregate liability of the surety shall in no event exceed the penalty of such bond.

Sec. 3. Original section 60-1411.01, Reissue Revised Statutes of Nebraska, and section 60-1419, Revised Statutes Cumulative Supplement, 2006, are repealed.