

AMENDMENTS TO LB1

Introduced by Erdman, 47.

1 1. Strike original section 18 and insert the following new sections:

2 Sec. 18. Section 2-2701, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 2-2701 ~~(1) No person shall be permitted to sell or dispose of any~~
5 ~~current tractor model of one hundred or more horsepower in the State of~~
6 ~~Nebraska without first having (a) made application for a permit and~~
7 ~~obtained a permit to sell the tractor model, (b) the model tested by the~~
8 ~~University of Nebraska onsite or offsite or by any Organization for~~
9 ~~Economic Cooperation and Development test station, and (c) the model~~
10 ~~passed upon by the board.~~

11 ~~(2) A person may obtain a permit to sell or dispose of a current~~
12 ~~tractor model of less than one hundred horsepower by meeting the permit~~
13 ~~requirements of sections 2-2701 to 2-2711. A purchaser of a current~~
14 ~~tractor model is not eligible to claim the exemption from sales and use~~
15 ~~tax for agricultural machinery and equipment under section 77-2704.36~~
16 ~~unless the current tractor model has been permitted for sale pursuant to~~
17 ~~sections 2-2701 to 2-2711.~~

18 (1) ~~(3)~~ Each and every tractor model presented for testing shall be
19 a stock model and shall not be equipped with any special accessory unless
20 regularly supplied to the trade. Any tractor model not complying with
21 this section shall not be tested under sections 2-2701 to 2-2711.
22 Applications shall be made to the board and shall be accompanied by
23 specifications of the tractor model required by the board and by the
24 applicable fees specified in sections 2-2705 and 2-2705.01.

25 (2) ~~(4)~~ If an official test application, with the required
26 specifications and fees, is submitted to any Organization for Economic
27 Cooperation and Development test station or to the University of Nebraska

1 and an application for a temporary permit and the fee prescribed in
2 section 2-2705.01 are submitted, the department, with the approval of the
3 board, may issue a temporary permit for the sale of the tractor model
4 specified in the official test application. The date on which the
5 temporary permit terminates shall be fixed by the board. All temporary
6 permits shall be conditioned upon such tractor model being tested at a
7 mutually agreed-upon date, and the person to whom a temporary permit has
8 been issued shall submit a tractor model for testing which conforms to
9 the specifications filed with the official test application. Such tractor
10 model shall be delivered for testing at the mutually agreed-upon date.
11 Upon failure so to do, all such fees deposited by such person shall be
12 forfeited to the University of Nebraska Tractor Test Cash Fund, except
13 that the fee imposed in section 2-2705.01 shall be deposited in and
14 forfeited to the Tractor Permit Cash Fund, and in addition such person
15 shall not be issued any temporary permit for a period of five years from
16 the date such tractor was to be delivered for testing and until such
17 person meets the obligations required under subsection (3) ~~(5)~~ of this
18 section to the department's satisfaction.

19 (3) ~~(5)~~ All sales of tractors upon which a temporary permit has been
20 issued shall be made subject to the final official test and approval of
21 the tractor model as follows:

22 (a) If a tractor model upon which a temporary permit has been issued
23 was not submitted for the official test and approval on the mutually
24 agreed-upon date, the person to whom the temporary permit was issued
25 shall repurchase any such tractor sold in Nebraska under the temporary
26 permit. A claim by a purchaser under this subdivision shall be brought
27 within two years after the date of the expiration of the temporary
28 permit; and

29 (b) If a tractor model upon which a temporary permit has been issued
30 fails in the official test to meet the specifications of the tractor
31 model which were filed with the application and fees, the person to whom

1 the temporary permit was issued shall send a notice, as approved by the
2 department, to any person in Nebraska who has purchased a tractor sold
3 under the temporary permit. The person to whom the temporary permit was
4 issued shall either modify the tractor to meet the specifications filed
5 with the board or remedy to the satisfaction of the purchaser any injury
6 incurred by the purchaser which was caused by the failure of the tractor
7 to meet the specifications claimed. Such person shall be prohibited from
8 modifying sales literature, advertisement claims, or specifications of
9 the tractor to avoid such notice.

10 Sec. 19. Section 2-2709, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 2-2709 Except when a temporary permit has been issued pursuant to
13 subsection (2) ~~(4)~~ of section 2-2701, tractors shall be tested by the
14 board in the order in which they are presented for such tests, and no
15 discrimination shall be made for or against any person in any manner
16 whatsoever. Complaints alleging a violation of this section shall be
17 heard by the department.

18 2. Renumber the remaining sections, correct internal references, and
19 correct the repealer accordingly.