

LEGISLATIVE BILL 340

Approved by the Governor March 8, 1999

Introduced by Bruning, 3

AN ACT relating to motor vehicle industry licensing; to amend sections 60-1417.01 and 60-1417.02, Reissue Revised Statutes of Nebraska; to change provisions relating to buyer's information forms and registration of sellers; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 60-1417.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-1417.01. (1) Any prospective seller of a used motor vehicle or trailer at auction shall complete a buyer's information form provided by the auction dealer and approved by the board.

(2) The form shall include ~~(1)~~ (a) the make, ~~(2)~~ (b) the model, ~~(3)~~ (c) the year, ~~(4)~~ (d) the actual mileage if known, except for trailers, ~~(5)~~ (e) the vehicle identification number, ~~(6)~~ (f) the name and address of the present owner of the vehicle or trailer, ~~(7)~~ (g) the name and address of the previous owner, ~~(8)~~ (h) the name and address of the person offering the vehicle for sale if such person is an employee or agent of the present owner, ~~(9)~~ (i) the name and address of the person who has physical possession of the certificate of title, ~~(10)~~ (j) a statement as to whether the title is available for inspection and transfer immediately upon the sale of the motor vehicle or trailer, and ~~(11)~~ (k) whether the unit is subject to any kind of ride-and-drive provisions and can or cannot be rejected and returned for refund within a specific period.

(3) The buyer's information form shall be ~~in duplicate and~~ signed by the seller or the seller's agent and the auction dealer. One copy of the form shall be retained by the seller, and one copy of the form shall be retained and maintained as a record by the auction dealer for a period of two years from the date offered for sale.

(4) The auction dealer shall be responsible for insuring that ~~a form containing~~ the information required in subdivisions ~~(1) through (5), (10), and (11)~~ (2)(a) through (e), (j), and (k) of this section and the name of the state of origin of the current title is ~~prominently displayed on a window on the driver's side of the vehicle or on the trailer available to all prospective purchasers~~ at the time a vehicle or trailer is ~~displayed and being~~ offered for sale at auction.

(5) When any dealer, except an auction dealer selling at auction, sells any unit on consignment, he or she shall take title to such unit in his or her own name, except that any dealer or other person, other than the owner of a used mobile home, selling a used mobile home shall not be required to take title but shall complete a buyer's information form approved by the board.

(6) The seller of the used mobile home shall be responsible for insuring that a copy of the form is delivered to the buyer prior to closing the sale of the used mobile home. The form shall include the (a) name and address of the record owner of the mobile home, (b) model, (c) year, and (d) serial number.

Sec. 2. Section 60-1417.02, Reissue Revised Statutes of Nebraska, is amended to read:

60-1417.02. (1) Any person who engages in or attempts to engage in the selling of motor vehicles or trailers at an auction licensed pursuant to Chapter 60, article 14, shall register to do so. Registration shall be made on a form provided by the auction dealer and approved by the board. A copy of the registration shall serve as proof of registration for the calendar year. ~~The original registration information shall be sent made available and accessible to the board by the auction dealer~~ within seventy-two hours after the registrant has met the registration requirements and such registration is issued. Such registration information shall be maintained and made accessible to the board and a second copy of such registration shall be kept by the auction dealer for two years. It shall be the duty of the auction dealer to ensure that no seller participates in any sales activities until and unless registration has been received by the auction dealer or unless such seller is otherwise licensed under Chapter 60, article 14.

(2) The information required on the registration form shall include, but not be limited to, the following: ~~(1)~~ (a) The legal name of the

registrant; ~~(2)~~ (b) the registrant's current mailing address and telephone number; ~~(3)~~ (c) the business name and address of the person with whom the registrant is associated; and ~~(4)~~ (d) whether or not the registrant is bonded.

(3) The registration form shall be signed by the registrant and an authorized representative of the auction and shall be notarized by a notary public.

(4) Any person who is convicted of any violation of Chapter 60, article 14, pursuant to section 60-1411.02, may be denied the right to be registered at all licensed auctions of this state following a hearing before the board as prescribed in section 60-1413.

Sec. 3. Original sections 60-1417.01 and 60-1417.02, Reissue Revised Statutes of Nebraska, are repealed.