

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

February 15, 2000 LB 1018

this bill, that's what is going to practically take place. This bill gives you another option that that person who is the licensed dealer in this state is taking on some obligation because they may be the most convenient person to go after. And what the bill does is say, well, you can go after them, but now that's not going to include warranty work, necessarily, that's the reason you want some disclosure, it isn't going to include some of these other items. But at least to the major things of delivering and getting the vehicle legally to you, they will become the most convenient person to go after. So you would go after them using...going after their bond, for example, going after them in our state court, that might be easier going, with our licensed dealers. But, again, I don't know that the law will prevent this behavior. It just adds another remedy for you when you have a problem, and I don't want to mislead people.

SENATOR CHAMBERS: May...may I respond?

SPEAKER KRISTENSEN: Absolutely, sure.

SENATOR CHAMBERS: And with this language that we're going to adopt, I hope, on this part of Senator Bromm's amendment, there would not be diversity of citizenship between the local dealer and the one to whom the car was delivered. So there would be no way to say that we have people in two different states involved. You could go after the dealer and, even though the seller is also liable, the dealer has total liability also, under this language we're going to adopt, and you don't have to worry about it being taken to another state, with this language we're putting in, if you want to go after the local dealer who delivered it.

SPEAKER KRISTENSEN: The only question I'd have with, when you said the word "total liability", does that include...that does not include a manufacturer's warranty, though.

SENATOR CHAMBERS: Yeah, well, based on the language we're taking "all of the contracts and all applicable laws", and the manufacturer's warranty would be included.

SPEAKER KRISTENSEN: I need to think about that, Senator.