

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

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LB 1018

CLERK: Senator Chambers would move to amend, Mr. President.  
(FA316, Legislative Journal page 987.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open  
on your amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, by virtue of the fact that this amendment is on the last page of the bill, it probably is the last amendment that I will offer, unless, as the discussion proceeds, something jumps out at me. But what this amendment would do, on page 17, in line 2, after the word "to", t-o, I would insert "and being served by". What this language relates to is one of these operations which is to provide consumer care or service to these vehicles under a manufacturers original warranty. And what I do not want to happen, under this kind of language as it stands now, is a situation maybe would never arise, where assignment of an area had been made to a franchisee who, for whatever reason, does not function, does not provide this service. What my language would say is that the manufacturer is prevented from setting up one of these facilities if this territory had been assigned and there is an operational facility there. It's not enough for a person to say, well, I've got this assignment. I think we should insure that, since this is restrictive language we're putting in the law, it's prohibitory language that we're putting in the law, we should have it apply as narrowly as possible to pro...well I won't say protect the dealers, to achieve the stated purpose of the bill, while at the same time insuring that services under a warranty will be available. Without this language, this new language that I'm attempting to amend, a manufacturer would be able to establish a separate consumer care or service facility to perform repairs and service. Without this new language, a manufacturer could do that. This new language says that the manufacturer cannot do it or authorize this type of thing. No franchisor or franchisee or any other person can directly or indirectly do this. They cannot do it if there has been a previously given assignment of that area to some franchisee. So I could not set up a shop and be considered the one authorized to perform these repairs in one of these areas already assigned to some other franchisee. And maybe I've performed the repairs better and people want to come to me