

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 495**

Introduced by Pankonin, 2.

Read first time January 18, 2011

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to transportation; to amend sections 37-1212,  
2 60-379, and 60-1402, Reissue Revised Statutes of  
3 Nebraska; to adopt the Boat Dealers Licensing Act; to  
4 change provisions relating to registration of boats and  
5 boat dealer trailer plates; to change membership on the  
6 Nebraska Motor Vehicle Industry Licensing Board; to  
7 provide operative dates; and to repeal the original  
8 sections.

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

1           Section 1. Sections 1 to 27 of this act shall be known  
2 and may be cited as the Boat Dealers Licensing Act.

3           Sec. 2. For purposes of the Boat Dealers Licensing Act,  
4 the definitions found in sections 3 to 6 of this act apply.

5           Sec. 3. Board means the Nebraska Motor Vehicle Industry  
6 Licensing Board.

7           Sec. 4. Boat dealer means a person engaged in the  
8 business of buying, selling, or exchanging motorboats or personal  
9 watercraft at retail who has a principal place of business for such  
10 purposes in this state.

11           Sec. 5. Motorboat means any watercraft propelled in any  
12 respect by machinery, including watercraft temporarily equipped with  
13 detachable motors.

14           Sec. 6. Personal watercraft means a class of motorboat  
15 less than sixteen feet in length which uses an internal combustion  
16 engine powering a jet pump as its primary source of motive propulsion  
17 and is designed to be operated by a person sitting, standing, or  
18 kneeling on the watercraft rather than in the conventional manner of  
19 boat operation.

20           Sec. 7. (1) Nothing in the Boat Dealers Licensing Act  
21 shall apply to the State of Nebraska or any of its agencies or  
22 political subdivisions.

23           (2) No insurance company, finance company, public utility  
24 company, fleet owner, or other person coming into possession of any  
25 motorboat or personal watercraft, as an incident to its regular

1 business, who sells or exchanges the motorboat or personal watercraft  
2 shall be considered a boat dealer except persons whose regular  
3 business is leasing or renting motorboats or personal watercraft.

4 Sec. 8. (1) The board:

5 (a) Shall regulate the issuance and revocation of  
6 licenses in accordance with and subject to the Boat Dealers Licensing  
7 Act;

8 (b) Shall perform all acts and duties provided for in the  
9 act necessary to the administration and enforcement of the act; and

10 (c) May adopt and promulgate rules and regulations  
11 relating to the administration of but not inconsistent with the act.

12 (2) Copies of all records and papers in the office of the  
13 board under the hand and seal of its office shall be received in  
14 evidence in all cases equally and with like effect as the original.

15 (3) Investigators employed by the board may enter upon  
16 and inspect the facilities, the required records, and any motorboats  
17 or personal watercraft found in any licensed boat dealer's  
18 established place or places of business.

19 Sec. 9. The Attorney General shall render to the board  
20 opinions on all questions of law relating to the interpretation of  
21 the Boat Dealers Licensing Act or arising in the administration of  
22 the act. The Attorney General shall act as attorney for the board in  
23 all actions and proceedings brought by or against it under or  
24 pursuant to any of the provisions of the act. All fees and expenses  
25 of the Attorney General for such duties shall be paid out of the

1 Nebraska Motor Vehicle Industry Licensing Fund.

2           Sec. 10. (1) No person shall engage in the business as,  
3 serve in the capacity of, or act as a boat dealer in this state  
4 without being licensed by the board under the Boat Dealers Licensing  
5 Act. No license shall be issued to any person under nineteen years of  
6 age.

7           (2) A license issued under the act shall authorize the  
8 holder of such license to engage in the business or activities  
9 permitted by the license subject to the act and the rules and  
10 regulations adopted and promulgated by the board under the act.

11           Sec. 11. The board shall issue licenses under the Boat  
12 Dealers Licensing Act to boat dealers meeting the requirements of the  
13 act. The license shall permit the licensee to engage in the business  
14 of selling or exchanging new, used, or new and used motorboats and  
15 personal watercraft within Nebraska.

16           Sec. 12. Any person acting as a boat dealer without  
17 having first obtained the license provided in section 11 of this act  
18 is guilty of a Class IV felony and is subject to the civil penalty  
19 provisions of section 23 of this act.

20           Sec. 13. Any person desiring to apply for a boat dealer's  
21 license under the Boat Dealers Licensing Act shall submit to the  
22 board, in writing, the following required information:

23           (1) The name and address of the applicant, his or her  
24 social security number if the applicant is an individual, and the  
25 name under which he or she intends to conduct business. If the

1 applicant is a partnership or limited liability company, it shall set  
2 forth the name and address of each partner or member thereof and the  
3 name under which the business is to be conducted. If the applicant is  
4 a corporation, it shall set forth the name of the corporation and the  
5 name and address of each of its principal officers;

6 (2) The principal place, including the city or village  
7 and the street and street number, if any, where the business is to be  
8 conducted;

9 (3) The type of motorboats or personal watercraft the  
10 applicant intends to sell;

11 (4) A description of the place or places of business  
12 proposed to be operated in the event a license is granted together  
13 with (a) a statement whether the applicant owns or leases the  
14 proposed established place of business and, if the proposed  
15 established place of business is leased, the applicant shall file a  
16 true and correct copy of the lease agreement, and (b) a description  
17 of the facilities for the display of motorboats or personal  
18 watercraft; and

19 (5) A statement that the licensee will comply with and be  
20 subject to the act, the rules and regulations adopted and promulgated  
21 by the board, and any amendments to the act and the rules and  
22 regulations existing on the date of application.

23 Sec. 14. (1) Upon the filing of an application for a boat  
24 dealer's license, a staff member of the board shall endorse on it the  
25 date of filing. If no patent disqualification of the applicant is

1 disclosed or if no valid objection to the granting of the application  
2 is apparent and if all requirements relative to the filing of the  
3 application appear to have been complied with, the chairperson or  
4 executive director of the board shall refer the application to a  
5 staff member for investigation and report. The report shall include:

6 (a) A statement as to whether or not the applicant or any  
7 person holding any financial interest in the applicant is for any  
8 reason disqualified by the Boat Dealers Licensing Act from obtaining  
9 or exercising a license and whether or not the applicant has complied  
10 with all the requirements of the act relative to the making and  
11 filing of his or her application;

12 (b) Information relating to any and all other matters and  
13 things which in the judgment of the staff member pertain to or affect  
14 the matter of the application or the issuance or exercise of the  
15 license applied for;

16 (c) A description of the premises intended to become the  
17 licensed premises and of the equipment and surrounding conditions;  
18 and

19 (d) If the applicant has held a prior dealer's license  
20 for the same or any other premises within two years past, a statement  
21 as to the manner in which the premises have been operated and the  
22 business conducted under the previous license.

23 (2) After the filing of the report, the board may  
24 interview the applicant. Notice of such interview shall be given at  
25 least ten days prior to the interview.

1           (3) The executive director of the board shall not issue  
2 or renew a license if the applicant or licensee does not (a) maintain  
3 an established place of business, (b) meet the requirement for a bond  
4 pursuant to section 17 of this act, (c) present a certificate or  
5 policy of insurance written by an insurance carrier duly authorized  
6 to do business in this state which gives the effective dates of  
7 coverage indicating that it is in force, which covers the inventory  
8 owned by the applicant or licensee in the ordinary course of  
9 business, (d) present evidence of compliance with the insurance  
10 requirements of the Nebraska Workers' Compensation Act, and (e) meet  
11 requirements for licensure and comply with the Boat Dealers Licensing  
12 Act, the rules and regulations adopted and promulgated by the board,  
13 and any amendments to the act and the rules and regulations. The  
14 executive director shall refuse to renew a boat dealer's license if  
15 the dealer cannot prove that he or she sold at least five motorboats  
16 or personal watercraft during the previous licensing period.

17           Sec. 15. The board shall prescribe the form of the  
18 license issued under the Boat Dealers Licensing Act, and each license  
19 shall have printed on its face the seal of the board. The board shall  
20 mail each boat dealer's license to the licensee. Each boat dealer  
21 shall conspicuously display the boat dealer's license in his or her  
22 place of business.

23           Sec. 16. If a boat dealer licensed under the Boat Dealers  
24 Licensing Act changes the address of his or her place of business,  
25 the dealer shall notify the board of such change within ten days

1 prior to such change. Upon receipt of such notice, the license shall  
2 be corrected for the unexpired portion of the term at no additional  
3 fee except as provided in section 19 of this act.

4           Sec. 17. (1) Applicants for a boat dealer's license shall  
5 furnish, at the time of making application, a corporate surety bond  
6 in the penal sum of fifty thousand dollars.

7           (2) The bond shall be on a form prescribed by the  
8 Attorney General and shall be signed by the Nebraska registered  
9 agent. The bond shall provide (a) that the applicant, as a licensed  
10 boat dealer, will faithfully perform all the terms and conditions of  
11 such license, (b) that the applicant, as a licensed boat dealer, will  
12 first fully indemnify any holder of a lien or security interest  
13 created pursuant to article 9, Uniform Commercial Code, in the order  
14 of its priority and then any person or other boat dealer by reason of  
15 any loss suffered because of (i) the substitution of any motorboat or  
16 personal watercraft other than the one selected by the purchaser,  
17 (ii) the boat dealer's failure to deliver to the purchaser a clear  
18 and marketable title, (iii) the boat dealer's misappropriation of any  
19 funds belonging to the purchaser, (iv) any alteration on the part of  
20 the boat dealer so as to deceive the purchaser as to the year model  
21 of any motorboat or personal watercraft, (v) any false and fraudulent  
22 representations or deceitful practices whatever in representing any  
23 motorboat or personal watercraft, (vi) the boat dealer's failure to  
24 remit the proceeds from the sale of any motorboat or personal  
25 watercraft which is subject to a lien or security interest to the



1 holder of such lien or security interest, and (vii) the boat dealer's  
2 failure to pay any person or other boat dealer for the purchase of a  
3 motorboat or personal watercraft, or any part or other purchase, and  
4 (c) that the applicant, as a licensed boat dealer, will well, truly,  
5 and faithfully comply with all the provisions of his or her license  
6 and the acts of the Legislature relating to such license. The  
7 aggregate liability of the surety shall in no event exceed the  
8 penalty of such bond.

9           Sec. 18. (1) To pay the expenses of the administration,  
10 operation, maintenance, and enforcement of the Boat Dealers Licensing  
11 Act, the board shall collect fees not exceeding four hundred dollars  
12 with each application for a boat dealer's license or special permit.

13           (2) The fees shall be fixed by the board and shall not  
14 exceed the amount actually necessary to sustain the administration,  
15 operation, maintenance, and enforcement of the act.

16           Sec. 19. A boat dealer's license shall expire on December  
17 31 next following the date of the issuance thereof. Any boat dealer  
18 changing its location shall not be required to obtain a new license  
19 if the new location is within the same city limits or county, all  
20 requirements of law are complied with, and a fee of twenty-five  
21 dollars is paid, but any change of ownership of any licensee shall  
22 require a new application for a license and a new license. In order  
23 to change the name of the licensee without a change of ownership, the  
24 licensee shall obtain a new license and pay a fee of five dollars.  
25 Applications shall be made each year for a renewal license as

1 provided in section 13 of this act.

2           Sec. 20. It shall be unlawful for any person holding a  
3 Nebraska sales tax permit, except a boat dealer licensed under the  
4 Boat Dealers Licensing Act or a motor vehicle dealer licensed under  
5 the Motor Vehicle Industry Regulation Act, to sell or offer for sale  
6 any motorboat or personal watercraft, not owned by such person, on  
7 the premises covered by such sales tax permit. Any person violating  
8 this section shall be guilty of a Class IV misdemeanor.

9           Sec. 21. (1) Every motorboat or personal watercraft sale,  
10 except between a manufacturer or distributor, shall be evidenced by  
11 an instrument in writing upon a form that may be adopted and  
12 promulgated by the board and approved by the Attorney General which  
13 shall contain all the agreements of the parties and shall be signed  
14 by the buyer and seller or a duly acknowledged agent of the seller.  
15 Prior to or concurrent with any such sale, the seller shall deliver  
16 to the buyer written documentation which shall contain the following  
17 information:

18           (a) Name of seller;

19           (b) Name of buyer;

20           (c) Year of model and identification number;

21           (d) Cash sale price;

22           (e) Year and model of trailer and serial number, if any;

23           (f) The amount of buyer's down payment and whether made  
24 in money or goods or partly in money and partly in goods, including a  
25 brief description of any goods traded in;

1           (g) The difference between subdivisions (d) and (f) of  
2 this section;

3           (h) The amount included for insurance if a separate  
4 charge is made for insurance, specifying the types of coverages;

5           (i) If the sale is an installment sale:

6           (i) The basic time price, which is the sum of  
7 subdivisions (g) and (h) of this section;

8           (ii) The time-price differential;

9           (iii) The amount of the time-price balance, which is the  
10 sum of subdivisions (i) and (ii) of this subdivision, payable in  
11 installments by the buyer to the seller;

12           (iv) The number, amount, and due date or period of each  
13 installment payment; and

14           (v) The time-sales price;

15           (j) Whether the sale is as is or subject to warranty and,  
16 if subject to warranty, specifying the warranty; and

17           (k) If repairs or inspections arising out of the conduct  
18 of a boat dealer's business cannot be provided by the boat dealer in  
19 any representations or warranties that may arise, the instrument  
20 shall so state that fact and shall provide the purchaser with the  
21 location of a facility where such repairs or inspections, as provided  
22 for in the service contract, can be accomplished.

23           (2) A copy of all such instruments and written  
24 documentation shall be retained in the file of the boat dealer for  
25 five years after the date of sale.

1           Sec. 22. Any person guilty of violating any of the  
2 provisions of section 21 of this act shall be guilty of a Class III  
3 misdemeanor.

4           Sec. 23. The board may, upon its own motion, and shall,  
5 upon a sworn complaint in writing of any person, investigate the  
6 actions of any person acting or licensed under the Boat Dealers  
7 Licensing Act as a boat dealer or operating without a license when  
8 such license is required. The board may deny any application for a  
9 license, may revoke or suspend a license, may place the licensee on  
10 probation, may assess an administrative fine in an amount not to  
11 exceed five thousand dollars per violation, or may take any  
12 combination of such actions if the violator, applicant, or licensee  
13 including any officer, stockholder, partner, or limited liability  
14 company member or any person having any financial interest in the  
15 violator, applicant, or licensee:

16           (1) Has had any license issued under the act revoked or  
17 suspended and, if the license has been suspended, has not complied  
18 with the terms of suspension;

19           (2) Has knowingly purchased, sold, or done business in  
20 stolen motorboats or personal watercraft or parts therefor;

21           (3) Has failed to provide and maintain an established  
22 place of business;

23           (4) Has been found guilty of any felony which has not  
24 been pardoned, has been found guilty of any misdemeanor concerning  
25 fraud or conversion, or has suffered any judgment in any civil action

1 involving fraud, misrepresentation, or conversion. In the event  
2 felony charges are pending against an applicant, the board may refuse  
3 to issue a license to the applicant until there has been a final  
4 determination of the charges;

5 (5) Has made a false material statement in his or her  
6 application or any data attached to the application or to any  
7 investigator or employee of the board;

8 (6) Has willfully failed to perform any written agreement  
9 with any consumer or retail buyer;

10 (7) Has made a fraudulent sale, transaction, or  
11 repossession of, or created a fraudulent security interest as defined  
12 in the Uniform Commercial Code in, a motorboat or personal  
13 watercraft;

14 (8) Has failed to notify the board of a change in the  
15 location of his or her established place or places of business;

16 (9) Has willfully failed to deliver to a purchaser a  
17 proper certificate of ownership for a motorboat or personal  
18 watercraft sold by the licensee or to refund the full purchase price  
19 if the purchaser cannot legally obtain proper certification of  
20 ownership within thirty days;

21 (10) Has forged the signature of the registered or legal  
22 owner on a certificate of title;

23 (11) Has failed to comply with the act and any orders,  
24 rules, or regulations of the board adopted and promulgated under the  
25 act;

1           (12) Has failed to comply with any provisions of the  
2 State Boat Act, the Boat Dealers Licensing Act, or the rules or  
3 regulations adopted and promulgated by the board pursuant to the Boat  
4 Dealers Licensing Act;

5           (13) Has willfully defrauded any retail buyer or other  
6 person in the conduct of the licensee's business;

7           (14) Has engaged in any unfair methods of competition or  
8 unfair or deceptive acts or practices prohibited under the Uniform  
9 Deceptive Trade Practices Act;

10           (15) Has conspired, as defined in section 28-202, with  
11 other persons to process certificates of title in violation of the  
12 State Boat Act; or

13           (16) Has violated the Guaranteed Asset Protection Waiver  
14 Act.

15           If the violator, applicant, or licensee is a publicly  
16 held corporation, the board's authority shall extend only to the  
17 corporation and its managing officers and directors.

18           Sec. 24. (1) Before the board takes any action under the  
19 Boat Dealers Licensing Act to deny any license, revoke or suspend any  
20 license, place a licensee on probation, or assess an administrative  
21 fine under section 23 of this act, the board shall give the  
22 applicant, licensee, or violator a hearing on the matter unless the  
23 hearing is waived upon agreement between the applicant, licensee, or  
24 violator and the executive director of the board, with the approval  
25 of the board. As a condition of the waiver, the applicant, licensee,

1 or violator shall accept the fine or other administrative action. If  
2 the hearing is not waived, the board shall, at least thirty days  
3 prior to the date set for the hearing, notify the party in writing.  
4 The notice shall contain an exact statement of the charges against  
5 the party and the date and place of hearing. The party shall have  
6 full authority to be heard in person or by counsel before the board  
7 in reference to the charges. The written notice may be served by  
8 delivery personally to the party or by mailing the notice by  
9 registered or certified mail to the last-known business address of  
10 the party. A stenographic record of all testimony presented at the  
11 hearing shall be made and preserved pending final disposition of the  
12 complaint.

13 (2) When the licensee fails to maintain a bond as  
14 provided in section 17 of this act, an established place of business,  
15 or insurance as prescribed by subsection (3) of section 14 of this  
16 act, the license shall immediately expire. The executive director  
17 shall notify the licensee personally or by mailing the notice by  
18 registered or certified mail to the last-known address of the  
19 licensee that his or her license is revoked until a bond as required  
20 by section 17 of this act or insurance as prescribed by subsection  
21 (3) of section 14 of this act is furnished and approved in which  
22 event the license may be reinstated.

23 (3) Upon notice of the revocation or suspension of the  
24 license, the licensee shall immediately surrender the expired license  
25 to the executive director or his or her representative. If the

1 license is suspended, the executive director or his or her  
2 representative shall return the license to the licensee at the time  
3 of the conclusion of the period of suspension. Failure to surrender  
4 the license as required in this section shall be a Class IV felony,  
5 and the board may assess an administrative fine in an amount not to  
6 exceed five thousand dollars.

7           Sec. 25. In the preparation and conduct of hearings under  
8 the Boat Dealers Licensing Act, the members and executive director of  
9 the board shall have the power to require the attendance and  
10 testimony of any witness and the production of any papers or  
11 documents in order to assure a fair trial. The members and executive  
12 director may sign and issue subpoenas therefor and administer oaths  
13 and examine witnesses and take any evidence deemed pertinent to the  
14 determination of the charges. Any witnesses so subpoenaed shall be  
15 entitled to the same fees as prescribed by law in judicial  
16 proceedings in a district court of this state in a civil action and  
17 mileage at the same rate provided in section 81-1176. The payment of  
18 such fees and mileage must be out of and kept within the limits of  
19 the funds provided for the administration of the act by the board.  
20 The party against whom such charges may be filed shall have the right  
21 to obtain from the executive director a subpoena for any witnesses  
22 which he or she may desire at such hearing and depositions may be  
23 taken as in civil court cases in the district court. Any information  
24 obtained from the books and records of the person complained against  
25 may not be used against the person complained against as the basis



1 for a criminal prosecution under the laws of this state.

2           Sec. 26. (1) The board shall state in writing, officially  
3 signed by the chairperson or vice-chairperson of the board and the  
4 executive director of the board, its findings and determination after  
5 a hearing and its order in any matter under the Boat Dealers  
6 Licensing Act. If the board determines and orders that an applicant  
7 is not qualified to receive a license, no license shall be granted.  
8 If the board determines that the party has willfully or through undue  
9 negligence been guilty of any violation of the Boat Dealers Licensing  
10 Act or any rule or regulation adopted and promulgated by the board  
11 under authority of the act, the board may suspend or revoke the  
12 license, place the party on probation, assess an administrative fine,  
13 or take any combination of such actions. In determining the amount of  
14 the fine, the board may consider the appropriateness of the penalty  
15 with respect to the gravity of the violation, the history of previous  
16 violations, and any attempt made by the party to retaliate against  
17 another party for seeking relief pursuant to the laws, rules, or  
18 regulations relating to boat dealer licensing. The board may also,  
19 after hearing, assess an additional administrative fine in an amount  
20 not to exceed five thousand dollars for each day a violation  
21 continues if a party fails to obey a direct order of the board or  
22 repeats the same violation within forty-eight months after the  
23 previous violation. The imposition of any such additional  
24 administrative fine shall commence one month after the initial order  
25 of the board or any final order on appeal if taken for failure to

1 obey a direct order of the board and on the date of the second or  
2 subsequent violation for repeat violations within forty-eight months.  
3 The board may make a demand on a violator for restitution to a harmed  
4 consumer. The party may appeal the decision of the board. The appeal  
5 shall be in accordance with the Administrative Procedure Act.

6 (2) The board shall remit administrative fines to the  
7 State Treasurer on a monthly basis for distribution in accordance  
8 with Article VII, section 5, of the Constitution of Nebraska. Any  
9 administrative fine imposed under this section and unpaid shall  
10 constitute a debt to the State of Nebraska which may be collected by  
11 lien foreclosure or sued for and recovered in any proper form of  
12 action, in the name of the State of Nebraska, in the district court  
13 of the county in which the violator resides or owns property.

14 Sec. 27. If the board believes, based on evidence  
15 satisfactory to it, that any person has violated or is violating any  
16 provision of the Boat Dealers Licensing Act, the board may, in  
17 addition to any other remedy, bring an action in the name and on  
18 behalf of the State of Nebraska against such person and any other  
19 person concerned in or in any way participating in or about to  
20 participate in practices or acts in violation of the act to enjoin  
21 such person and such other person from continuing the same. In any  
22 such action, the board may apply for and on due showing be entitled  
23 to have issued the court's subpoena, requiring forthwith the  
24 appearance of any defendant and the defendant's agent and employees  
25 and the production of documents, books, and records as may appear

1 necessary for the hearing of such petition to testify and give  
2 evidence concerning the acts or conduct of practices or things  
3 complained of in such application for injunction. In such action an  
4 order or judgment may be entered awarding such preliminary or final  
5 injunctions as may be proper.

6           Sec. 28. Section 37-1212, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           37-1212 A boat dealer licensed under the Boat Dealers  
9 Licensing Act and any other person engaged in the manufacture or sale  
10 of vessels of a type otherwise required to be numbered under the  
11 State Boat Act, upon application to the county treasurer of the  
12 county in which the applicant resides or the business location of the  
13 boat dealer manufacturer ~~or retailer~~ on forms prescribed by the  
14 commission, may obtain certificates of number for use in the testing  
15 or demonstrating of such vessels upon payment of a fee of not less  
16 than forty dollars and not more than forty-six dollars, as  
17 established by the commission pursuant to section 37-327, for each  
18 registration. Certificates of number so issued may be used by the  
19 applicant in the testing or demonstrating of vessels by temporary  
20 placement of the numbers assigned by such certificate on the vessel  
21 so tested or demonstrated. Such temporary placement of numbers shall  
22 otherwise be as prescribed by the act.

23           Sec. 29. Section 60-379, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           60-379 Any boat dealer licensed under the Boat Dealers

1 Licensing Act when transporting a boat which is part of the inventory  
2 of the boat dealer on a trailer required to be registered may  
3 annually, in lieu of registering the trailer and upon application to  
4 the department and payment of a fee of ten dollars, obtain a  
5 certificate and a license plate. The plate may be displayed on any  
6 trailer owned by the boat dealer when the trailer is transporting  
7 such a boat. The license plate shall be of a type designed by the  
8 department and so numbered as to distinguish one plate from another.

9           Sec. 30. Section 60-1402, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           60-1402 (1) There is hereby established the Nebraska  
12 Motor Vehicle Industry Licensing Board which shall consist of the  
13 Director of Motor Vehicles, who shall be the chairperson of the  
14 board, and ~~nine~~ten members appointed by the Governor as follows: One  
15 factory representative, one member of the general public, and one  
16 motorcycle dealer, and one licensed boat dealer, all of whom shall be  
17 appointed from the state at large, one new motor vehicle dealer from  
18 each of the three congressional districts of the state as the  
19 districts are constituted on October 19, 1963, and two used motor  
20 vehicle dealers and one trailer dealer or combination motor vehicle  
21 or trailer dealer, not more than one used motor vehicle dealer being  
22 appointed from the same congressional district as they are  
23 constituted on October 19, 1963, and the trailer dealer or  
24 combination motor vehicle or trailer dealer being appointed from the  
25 state at large. No member of the board shall participate in any

1 manner in a proceeding before the board involving his or her licensed  
2 business.

3 (2) On October 19, 1963, the Governor shall appoint a new  
4 motor vehicle dealer and a trailer dealer or combination motor  
5 vehicle or trailer dealer to the board. In making the appointments,  
6 the Governor shall appoint one of the new members for one year and  
7 one for two years as designated by the Governor in making the  
8 appointments. On January 1, 1972, the Governor shall appoint one  
9 factory representative and one member of the general public to the  
10 board, designating one to serve for a term of one year and one for a  
11 term of two years. On January 1, 1974, the Governor shall appoint one  
12 motorcycle dealer to serve for a term of three years. At the  
13 expiration of the term of any appointed member of the board, the  
14 Governor shall appoint a successor for a term of three years. In the  
15 event of a vacancy on the board, the Governor shall fill such vacancy  
16 by appointing a member to serve during the unexpired term of the  
17 member whose office has become vacant. No member appointed shall  
18 serve more than two consecutive terms. The action of the majority of  
19 the members of the board shall be deemed the action of the board. All  
20 appointments made to the board, except the Director of Motor  
21 Vehicles, shall be confirmed by the Legislature if in session. In the  
22 event the Legislature is not in session all appointments including  
23 appointments to fill a vacancy shall be temporary appointments until  
24 the next meeting of the Legislature when the Governor shall nominate  
25 some person to fill the office. Any person so nominated who is

1 confirmed by the Legislature shall hold office during the remainder  
2 of the term. No appointed person may act as a member of the board  
3 while holding any other elective or appointive state or federal  
4 office except the Director of Motor Vehicles. All appointed members  
5 of the board shall be paid fifty dollars for each day actually  
6 engaged in the performance of their duties and be entitled to their  
7 reasonable traveling expenses in the performance of their duties.

8           Sec. 31. Sections 30 and 32 of this act become operative  
9 on May 18, 2012. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,  
10 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31,  
11 and 33 of this act become operative on January 1, 2012.

12           Sec. 32. Original section 60-1402, Reissue Revised  
13 Statutes of Nebraska, is repealed.

14           Sec. 33. Original sections 37-1212 and 60-379, Reissue  
15 Revised Statutes of Nebraska, are repealed.