

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 164

Introduced by Dubas, 34.

Read first time January 14, 2013

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to
2 amend sections 60-1403.01 and 60-1417.02, Reissue Revised
3 Statutes of Nebraska; to change provisions related to
4 auctions; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-1403.01, Reissue Revised Statutes
2 of Nebraska, is amended to read:

3 60-1403.01 (1) No person shall engage in the business as,
4 serve in the capacity of, or act as a motor vehicle, trailer, or
5 motorcycle dealer, wrecker or salvage dealer, salesperson, auction
6 dealer, dealer's agent, manufacturer, factory branch, factory
7 representative, distributor, distributor branch, or distributor
8 representative in this state without being licensed by the board
9 under the Motor Vehicle Industry Regulation Act. No salesperson's
10 license shall be issued to any person under the age of sixteen, and
11 no dealer's license shall be issued to any minor. No wrecker or
12 salvage dealer's license shall be issued or renewed unless the
13 applicant has a permanent place of business at which the activity
14 requiring licensing is performed and which conforms to all local
15 laws.

16 (2) A license issued under the act shall authorize the
17 holder thereof to engage in the business or activities permitted by
18 the license subject to the act and the rules and regulations adopted
19 and promulgated by the board under the act.

20 (3) This section shall not apply to a licensed real
21 estate salesperson or broker who negotiates for sale or sells a
22 trailer for any individual who is the owner of not more than two
23 trailers.

24 (4) This section shall not restrict a licensed motor
25 vehicle dealer from conducting an auction as provided in subsection

1 (5) of section 60-1417.02.

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

4 60-1417.02 (1) ~~Any~~ Except as otherwise provided in
5 subsection (5) of this section, any person who engages in or attempts
6 to engage in the selling of motor vehicles or trailers at an auction
7 licensed pursuant to the Motor Vehicle Industry Regulation Act shall
8 register to do so. Registration shall be made on a form provided by
9 the auction dealer and approved by the board. A copy of the
10 registration shall serve as proof of registration for the calendar
11 year. The registration information shall be made available and
12 accessible to the board by the auction dealer within seventy-two
13 hours after the registrant has met the registration requirements and
14 such registration is issued. Such registration information shall be
15 maintained and made accessible to the board by the auction dealer for
16 two years. It shall be the duty of the auction dealer to ensure that
17 no seller participates in any sales activities until and unless
18 registration has been received by the auction dealer or unless such
19 seller is otherwise licensed under the act.

20 (2) The information required on the registration form
21 shall include, but not be limited to, the following: (a) The legal
22 name of the registrant; (b) the registrant's current mailing address
23 and telephone number; (c) the business name and address of the person
24 with whom the registrant is associated; and (d) whether or not the
25 registrant is bonded.

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

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

8 (5) A licensed motor vehicle dealer may conduct an
9 auction of excess inventory of used vehicles without being licensed
10 as an auction dealer or registered under this section if the auction
11 conforms to the requirements of this subsection. The licensed motor
12 vehicle dealer shall conduct the auction upon the licensed premises
13 of the dealer, shall sell only used motor vehicles, trailers, or
14 manufactured homes, shall sell only to motor vehicle dealers licensed
15 in Nebraska, shall not sell any vehicles on consignment, and shall
16 not sell any vehicles directly to the public.

17 Sec. 3. Original sections 60-1403.01 and 60-1417.02,
18 Reissue Revised Statutes of Nebraska, are repealed.