

## LEGISLATIVE BILL 182

Approved by the Governor February 3, 2003

Introduced by Transportation and Telecommunications Committee:

Baker, 44, Chairperson; Aguilar, 35; Brown, 6; Hudkins, 21;  
Jones, 43; Dw. Pedersen, 39; Smith, 48; Stuthman, 22

AN ACT relating to motor vehicles; to amend sections 60-1407 and 60-1422, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicle dealer franchises; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 60-1407, Reissue Revised Statutes of Nebraska, is amended to read:

60-1407. Any person desiring to apply for one or more of the types of licenses described in Chapter 60, article 14, shall submit to the board, in writing, the following required information:

(1) The name and address of the applicant, if the applicant is an individual, his or her social security number, and the name under which he or she intends to conduct business. If the applicant is a partnership or limited liability company, it shall set forth the name and address of each partner or member thereof and the name under which the business is to be conducted. If the applicant is a corporation, it shall set forth the name of the corporation and the name and address of each of its principal officers;

(2) ~~the~~ The place or places, including the city or village and the street and street number, if any, where the business is to be conducted or the salesperson employed;

(3) ~~if~~ If the application is for a motor vehicle dealer's license, trailer dealer's license, or motorcycle dealer's license (a) the name or names of the new motor vehicle or vehicles, new trailer or trailers, new motorcycle or motorcycles which the applicant has been enfranchised to sell or exchange, (b) and the name or names and address or addresses of the manufacturer or distributor who has enfranchised the applicant, (c) and a current copy of each existing franchise, and (d) a description of the community as defined in section 60-1401.02 designated in the franchise agreement or, if the franchise agreement fails to designate a community, (i) the community of the franchisee is the area surrounding the location of the franchisee in a five-mile radius from the dealership if the location is within a city of the metropolitan class and (ii) the community of the franchisee is the county in which the franchisee is located if the location is not within a city of the metropolitan class;

(4) ~~if~~ If the application is for any of the above-named classes of dealer's licenses, the name and address of the person who is to act as a motor vehicle, trailer, or motorcycle salesperson under such license if issued; and

(5) ~~a~~ A description of the proposed place or places of business proposed to be operated in the event a license is granted together with (a) a statement whether the applicant owns or leases the proposed established place of business as defined in section 60-1401.02 and, if the proposed established place of business is leased, the applicant shall file a true and correct copy of the lease agreement, and (b) a description of the facilities for the display of motor vehicles, trailers, and motorcycles.

Subdivision (3)(d) of this section shall not be construed to require any licensee who has a franchise on the effective date of this act to show good cause to be in the same community as any other licensee who has a franchise of the same line-make in the same community on the effective date of this act.

Sec. 2. Section 60-1422, Reissue Revised Statutes of Nebraska, is amended to read:

60-1422. No franchisor shall enter into any franchise for the purpose of establishing an additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership or warranty repair service facility, in any community in which the same line-make is then represented, unless the franchisor has first established in a hearing held under the provisions of Chapter 60, article 14, that there is good cause for such additional motor vehicle, combination motor vehicle and trailer, motorcycle, or trailer dealership under such franchise, or warranty repair service facility, and that it is in the public interest.

Sec. 3. Original sections 60-1407 and 60-1422, Reissue Revised Statutes of Nebraska, are repealed.