

# STATE OF NEBRASKA

## DEPARTMENT OF INSURANCE

Bruce R. Ramge  
Director



Dave Heineman  
Governor

### N-O-T-I-C-E

The Director of the Department of Insurance has scheduled a public hearing as required by Neb. Rev. Stat. §§ 84-901 through 84-909 for the proposed amendments of Title 210, Nebraska Administrative Code, Chapter 58 – Motor Vehicle Service Contract Reimbursement Insurance.

The proposed amendments streamline the filing requirements for motor vehicle service contracts (MVSCs). Currently, MVSC providers are responsible for filing a copy of the MVSC form with the Department prior to use, while reimbursement insurers are responsible for filing a copy of the MVSC reimbursement policy with the department prior to use. Both entities must file a “notice of filing” form provided by the department. In practice, this results in an inefficient review process. Therefore, the proposed amendment will require only the MVSC provider to file one copy of the MVSC form, the corresponding reimbursement policy, and the “Notice of Filing” form.

The amendments also clarify the department’s definition of “conspicuously” as it applies to the MVSC disclosure requirements. This is not a change in policy, but merely a codification of the Department’s definition of “conspicuously,” which has previously been outlined in Department Bulletin CB-106.

Finally, the proposed amendments place an additional requirement on MVSC providers who cover vehicle protection products. The recent passage of LB 1054 expands the definition of MVSC to include, among other things, contracts providing for incidental costs resulting from the failure of a vehicle protection product to perform as specified. Simultaneously, LB 1054 excludes from the act any product warranties governed by the Magnuson-Moss Warranty – Federal Trade Commission Improvement Act, 15 U.S.C. 2301 et seq (MMWA). The proposed amendment requires MVSC providers filing contracts related to vehicle protection products to provide an analysis outlining why the filed contract is not governed by MMWA.

The proposed amendments have no fiscal impact on state agencies, political subdivisions, or the regulated public. A copy of the [Fiscal Impact Statement](#) is available at the Department of Insurance.

[Copies of Chapter 58](#) with the proposed amendments are available upon request at a cost of \$1.50 each from the Department of Insurance, 941 O Street, Suite 400, Lincoln, NE 68508. Copies of Chapter 58 with the proposed amendments are available for inspection at the aforementioned address, as well as the Office of the Secretary of State, State Capitol Building, Suite 2300, Lincoln, NE 68509, and through the Department’s web site at [www.doi.ne.gov](http://www.doi.ne.gov). All persons interested in presenting oral or written views on the proposed amendments of Chapter 58 will be granted an opportunity at a hearing to be held before the Director of Insurance, State of Nebraska, beginning at 1:30 p.m., the 15th day of August, 2012, and will continue until concluded. Said hearing will be held in the 5<sup>th</sup> Floor Conference Room of the Terminal Building

at 941 O Street, Lincoln, NE 68508. Additionally, interested persons may submit written comments prior to the hearing, which will be made a part of the hearing record.

Reasonable accommodations will be provided to persons with disabilities upon advanced request. The hearing will be transcribed at the request of any party with the expense of the transcription charged to the requesting party.

All persons interested therein may appear at said time and be heard in reference thereto.

Dated this 3rd day of July, 2012.

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Bruce R. Range  
Director of Insurance