

LEGISLATIVE BILL 59

Approved by the Governor May 7, 2013

Introduced by Larson, 40; Carlson, 38.

FOR AN ACT relating to insurance; to amend section 44-361.01, Reissue Revised Statutes of Nebraska; to change provisions relating to presumptions regarding the circumvention of rebates by a licensed agent; and to repeal the original section.

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

Section 1. Section 44-361.01, Reissue Revised Statutes of Nebraska, is amended to read:

44-361.01 (1) A licensed agent, whose total commissions and underwriting fees on business written upon the property, life, health, or liability of himself or herself, his or her relatives by consanguinity or affinity, and his or her employer or employees exceed ten percent of the total commissions or underwriting fees received during any one license year, shall be presumed to have obtained a license or renewal thereof primarily to circumvent the enforcement of section 44-361, except that for a licensed agent soliciting crop insurance, the percentage shall be thirty percent for commissions and underwriting fees on crop insurance business.

(2) A licensed agent, whose total commissions and underwriting fees on such business written upon the property, life, health, or liability of himself or herself, his or her relatives by consanguinity or affinity, and his or her employer or employees exceed thirty percent of the total commissions and underwriting fees received during any one license year, shall be conclusively presumed to have obtained a license or renewal thereof primarily to circumvent the enforcement of section 44-361, except that for a licensed agent soliciting crop insurance, the percentage shall be fifty percent for commissions and underwriting fees on crop insurance business.

Sec. 2. Original section 44-361.01, Reissue Revised Statutes of Nebraska, is repealed.