

E AND R AMENDMENTS TO LB 194

Introduced by Wishart, 27, Chairman Enrollment and Review

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 45-804, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 45-804 A credit services organization, a salesperson, an agent, or a
6 representative of a credit services organization, or an independent
7 contractor who sells or attempts to sell the services of a credit
8 services organization shall not:

9 (1) Charge a buyer or receive from a buyer money or other valuable
10 consideration before completing performance of all services, other than
11 those described in subdivision (2) of this section, which the credit
12 services organization has agreed to perform for the buyer unless the
13 credit services organization has obtained a surety bond or established
14 and maintained a surety account as provided in section 45-805;

15 (2) Charge a buyer or receive from a buyer money or other valuable
16 consideration for obtaining or attempting to obtain an extension of
17 credit that the credit services organization has agreed to obtain for the
18 buyer before the extension of credit is obtained;

19 (3) Charge a buyer or receive from a buyer money or other valuable
20 consideration solely for referral of the buyer to a retail seller who
21 will or may extend credit to the buyer if the credit that is or will be
22 extended to the buyer is substantially the same as that available to the
23 general public;

24 (4) Make or use a false or misleading representation in the offer or
25 sale of the services of a credit services organization, including (a)
26 guaranteeing to erase bad credit or words to that effect unless the
27 representation clearly discloses that this can be done only if the credit

1 history is inaccurate or obsolete and (b) guaranteeing an extension of
2 credit regardless of the person's previous credit problem or credit
3 history unless the representation clearly discloses the eligibility
4 requirements for obtaining an extension of credit;

5 (5) Engage, directly or indirectly, in a fraudulent or deceptive
6 act, practice, or course of business in connection with the offer or sale
7 of the services of a credit services organization;

8 (6) Make or advise a buyer to make a statement with respect to a
9 buyer's credit worthiness, credit standing, or credit capacity that is
10 false or misleading or that should be known by the exercise of reasonable
11 care to be false or misleading to a consumer reporting agency or to a
12 person who has extended credit to a buyer or to whom a buyer is applying
13 for an extension of credit; ~~or~~

14 (7) Advertise or cause to be advertised, in any manner whatsoever,
15 the services of a credit services organization without filing a
16 registration statement with the Secretary of State under section 45-806
17 unless otherwise provided by the Credit Services Organization Act; or -

18 (8) Notwithstanding any other provision of law, charge any brokerage
19 fees or any other fees or charges whatsoever in connection with a loan
20 governed by the Nebraska Installment Loan Act.

21 Sec. 2. Section 45-901, Revised Statutes Cumulative Supplement,
22 2016, is amended to read:

23 45-901 Sections 45-901 to 45-930 and sections 10, 11, 12, 13, 15,
24 and 19 of this act shall be known and may be cited as the Delayed Deposit
25 Services Licensing Act.

26 Sec. 3. Section 45-902, Revised Statutes Supplement, 2017, is
27 amended to read:

28 45-902 For purposes of the Delayed Deposit Services Licensing Act:

29 (1) Annual percentage rate means an annual percentage rate as
30 determined under section 107 of the federal Truth in Lending Act, 15
31 U.S.C. 1606, as such section existed on January 1, 2018, and includes all

1 fees, interest, and charges contained in a delayed deposit service
2 contract, except for charges permitted for the presentation of
3 instruments that are not negotiable under subdivision (1)(a)(v) of
4 section 45-917 or returned unpaid under section 10 of this act;

5 (2) (1) Check means any check, draft, or other instrument for the
6 payment of money. Check also means an authorization to debit an account
7 electronically;

8 (3) Default means a maker's failure to repay a delayed deposit
9 transaction in compliance with the terms contained in a delayed deposit
10 service agreement;

11 (4) (2) Delayed deposit services business means any person who for a
12 fee (a) accepts a check dated subsequent to the date it was written or
13 (b) accepts a check dated on the date it was written and holds the check
14 for a period of days prior to deposit or presentment pursuant to an
15 agreement with or any representation made to the maker of the check,
16 whether express or implied;

17 (5) Department means the Department of Banking and Finance;

18 (6) (3) Director means the Director of Banking and Finance or his or
19 her designee;

20 (7) (4) Financial institution has the same meaning as in section
21 8-101.03;

22 (8) (5) Licensee means any person licensed under the Delayed Deposit
23 Services Licensing Act; and

24 (9) Maker means an individual who receives the proceeds of a delayed
25 deposit transaction; and

26 (10) (6) Person means an individual, proprietorship, association,
27 joint venture, joint stock company, partnership, limited partnership,
28 limited liability company, business corporation, nonprofit corporation,
29 or any group of individuals however organized.

30 Sec. 4. Section 45-904, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 45-904 No person shall operate a delayed deposit services business
2 or make or offer a delayed deposit transaction in this state unless the
3 person is licensed by the director as provided in the Delayed Deposit
4 Services Licensing Act. Any delayed deposit transaction that is made by a
5 person who is required to be licensed pursuant to the act but who is not
6 licensed is void, and the person making such delayed deposit transaction
7 has no right to collect, receive, or retain any principal, interest,
8 fees, or any other charges in connection with such delayed deposit
9 transaction.

10 Sec. 5. Section 45-907, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 45-907 (1) When an application for a delayed deposit services
13 business license has been accepted by the director as substantially
14 complete, notice of the filing of the application shall be published by
15 the director for three successive weeks in a legal newspaper published in
16 or of general circulation in the county where the applicant proposes to
17 operate the delayed deposit services business. A public hearing shall be
18 held on each application except as provided in subsection (2) of this
19 section. The date for hearing shall not be less than thirty days after
20 the last publication. Written protest against the issuance of the license
21 may be filed with the ~~department~~ Department of Banking and Finance by any
22 person not less than five days before the date set for hearing. The
23 director, in his or her discretion, may grant a continuance. The costs of
24 the hearing shall be paid by the applicant. The director may investigate
25 the propriety of the issuance of a license to the applicant. The costs of
26 such investigation shall be paid by the applicant.

27 (2) The director may waive the hearing requirements of subsection
28 (1) of this section if (a) the applicant has held and operated under a
29 license to engage in the delayed deposit services business in Nebraska
30 pursuant to the Delayed Deposit Services Licensing Act for at least three
31 calendar years immediately prior to the filing of the application, (b) no

1 written protest against the issuance of the license has been filed with
2 the department within fifteen days after publication of a notice of the
3 filing of the application one time in a newspaper of general circulation
4 in the county where the applicant proposes to operate the delayed deposit
5 services business, and (c) in the judgment of the director, the
6 experience, character, and general fitness of the applicant warrant the
7 belief that the applicant will comply with the act.

8 (3) The expense of any publication made pursuant to this section
9 shall be paid by the applicant.

10 Sec. 6. Section 45-911, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 45-911 A licensee may surrender a delayed deposit services business
13 license by delivering to the director written notice that the license is
14 surrendered. The department ~~Department of Banking and Finance~~ may issue a
15 notice of cancellation of the license following such surrender in lieu of
16 revocation proceedings. The surrender shall not affect the licensee's
17 civil or criminal liability for acts committed prior to such surrender,
18 affect the liability for any fines which may be levied against the
19 licensee or any of its officers, directors, shareholders, partners, or
20 members for acts committed before the surrender, affect the liability of
21 the surety on the bond, or entitle such licensee to a return of any part
22 of the annual license fee or fees. The director may establish procedures
23 for the disposition of the books, accounts, and records of the licensee
24 and may require such action as he or she deems necessary for the
25 protection of the makers of checks which are outstanding at the time of
26 surrender of the license.

27 Sec. 7. Section 45-915.01, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 45-915.01 (1) Each licensee shall keep or make available the books
30 and records relating to transactions made under the Delayed Deposit
31 Services Licensing Act as are necessary to enable the department to

1 determine whether the licensee is complying with the act. The books and
2 records shall be maintained in a manner consistent with accepted
3 accounting practices.

4 (2) A licensee shall, at a minimum, include in its books and records
5 copies of all application materials relating to makers, disclosure
6 agreements, checks, payment receipts, and proofs of compliance required
7 by section 45-919.

8 (3) A licensee shall preserve or keep its books and records relating
9 to every delayed deposit transaction for three years from the date of the
10 inception of the transaction, or two years from the date a final entry is
11 made thereon, including any applicable collection effort, whichever is
12 later.

13 (4) The licensee shall maintain its books, accounts, and records,
14 whether in physical or electronic form, at its designated principal place
15 of business, except that books, accounts, and records which are older
16 than two years may be maintained at any other place within this state as
17 long as such records are available for inspection by the department
18 ~~Department of Banking and Finance~~.

19 Sec. 8. Section 45-917, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 45-917 (1)(a) ~~(1)~~ Every licensee shall, at the time any delayed
22 deposit ~~services~~ transaction is made, give to the maker of the check, or
23 if there are two or more makers, to one of them, a notice written in
24 plain English disclosing:

25 (i) The name of the maker, transaction date, and transaction amount;

26 (ii) The payment due date and total payment due;

27 (iii) The total of fees on the transaction, expressed as both a
28 dollar amount and an annual percentage rate;

29 ~~(a) The fee to be charged for the transaction;~~

30 (iv) (b) The date on which the check will be deposited or presented
31 for negotiation; and

1 (v) ~~(e)~~ Any penalty not to exceed fifteen dollars which the licensee
2 will charge if the check is not negotiable on the date agreed upon. If
3 the licensee required the maker to give two checks for one delayed
4 deposit transaction, the licensee shall charge only one penalty in the
5 event both checks are not negotiable on the date agreed upon.

6 **(b) The notice required by this subsection shall include the**
7 **following language, all capitalized and in at least ten-point font:**

8 **1. THIS TYPE OF SERVICE SHOULD BE USED ONLY TO MEET SHORT-TERM CASH**
9 **NEEDS.**

10 **2. THE LAW DOES NOT ALLOW THIS TYPE OF TRANSACTION TO BE MORE THAN**
11 **FIVE HUNDRED DOLLARS (\$500) IN TOTAL, INCLUDING FEES AND CHARGES, FROM**
12 **ONE LENDER.**

13 **3. YOU HAVE THE RIGHT TO RESCIND THIS TRANSACTION IF YOU DO SO BY**
14 **THE NEXT BUSINESS DAY BEFORE 5 P.M.**

15 **4. YOU HAVE THE RIGHT TO RESCIND YOUR AUTHORIZATION FOR ELECTRONIC**
16 **PAYMENT.**

17 (2) In addition to the notice required by subsection (1) of this
18 section, every licensee shall conspicuously display a schedule of all
19 fees, charges, and penalties for all services provided by the licensee.
20 Such notice shall be posted at every office of the licensee.

21 Sec. 9. Section 45-918, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 45-918 (1) No licensee shall charge as a fee a total amount in
24 excess of fifteen dollars per one hundred dollars or pro rata for any
25 part thereof on the face amount of a check for services provided by the
26 licensee.

27 (2) The fees set forth in this section shall not be charged to
28 individuals on active duty military or their spouses or dependents in an
29 amount that exceeds what is allowed under 10 U.S.C. 987, as such section
30 existed on January 1, 2018.

31 Sec. 10. If a check held by a licensee as a result of a delayed

1 deposit transaction is returned unpaid to the licensee from a payor
2 financial institution due to insufficient funds, a closed account, a
3 stop-payment order, or any other reason, not including a bank error, the
4 licensee shall have the right to exercise all civil means authorized by
5 law to collect the face value of the check. In addition, the licensee may
6 contract for and collect one returned check charge for each delayed
7 deposit transaction, not to exceed fifteen dollars, plus court costs and
8 reasonable attorney's fees as awarded by a court and incurred as a result
9 of the default. However, such attorney's fees shall not exceed the amount
10 of the check. The licensee shall not collect any other fees as a result
11 of default. A returned check charge shall not be allowed if, due to
12 forgery or theft, the transaction proceeds check is dishonored by the
13 financial institution.

14 Sec. 11. A licensee shall accept prepayment from a maker prior to
15 the due date without charging the maker a penalty of any kind.

16 Sec. 12. (1) A maker shall have the right to rescind a delayed
17 deposit transaction before 5 p.m. the next business day following the
18 delayed deposit transaction.

19 (2) Prior to the licensee negotiating or presenting the check, the
20 maker shall have the right to redeem any check held by a licensee as a
21 result of a delayed deposit transaction if the maker pays the full amount
22 to the licensee.

23 Sec. 13. (1) A licensee may pay the proceeds from a delayed deposit
24 transaction or rebate to the maker in the form of check, money order,
25 cash, stored value card, internet transfer, or authorized automated
26 clearinghouse transaction. Neither the licensee nor any affiliate of the
27 licensee shall charge the maker an additional finance charge or fee for
28 cashing the licensee's check or for negotiating forms of transaction
29 proceeds or rebates other than cash.

30 (2) A licensee may utilize electronic payment through transfer or
31 withdrawal of funds from the maker's account only, but only with the

1 written authorization of the maker.

2 Sec. 14. Section 45-919, Revised Statutes Supplement, 2017, is
3 amended to read:

4 45-919 (1) No licensee shall:

5 (a) At any one time hold from any one maker more than two checks;

6 (b) At any one time hold from any one maker a check or checks in an
7 aggregate face amount of more than five hundred dollars;

8 (c) Hold or agree to hold a check for more than thirty-four days. A
9 check which is in the process of collection for the reason that it was
10 not negotiable on the day agreed upon shall not be deemed as being held
11 in excess of the thirty-four-day period;

12 (d) Require the maker to receive payment by a method which causes
13 the maker to pay additional or further fees and charges to the licensee,
14 an affiliate of the licensee, or any other person;

15 (e) Accept an instrument ~~a check~~ as repayment, refinancing, or any
16 other consolidation of a check or checks held by the same licensee;

17 (f) Except as provided in section 15 of this act, renew ~~Renew~~, roll
18 over, defer, or in any way extend a delayed deposit transaction by
19 allowing the maker to pay less than the total amount of the check and any
20 authorized fees or charges. This subdivision shall not prevent a licensee
21 that agreed to hold a check for less than thirty-four days from agreeing
22 to hold the check for an additional period of time no greater than the
23 thirty-four days it would have originally been able to hold the check if

24 (i) the extension is at the request of the maker, (ii) no additional fees
25 are charged for the extension, and (iii) the delayed deposit transaction
26 is completed as required by subdivision (1)(c) of this section. The
27 licensee shall retain written or electronic proof of compliance with this
28 subdivision. If a licensee fails, or is unable, to provide such proof to
29 the department upon request, there shall be a rebuttable presumption that
30 a violation of this subdivision has occurred and the department may
31 pursue any remedies or actions available to it under the Delayed Deposit

1 Services Licensing Act;~~or~~

2 (g) Enter into another delayed deposit transaction with the same
3 maker on the same business day as the completion of a delayed deposit
4 transaction unless prior to entering into the transaction the maker and
5 the licensee verify on a form prescribed by the department that
6 completion of the prior delayed deposit transaction has occurred. The
7 licensee shall retain written proof of compliance with this subdivision.
8 If a licensee fails, or is unable, to provide such proof to the
9 department upon request, there shall be a rebuttable presumption that a
10 violation of this subdivision has occurred and the department may pursue
11 any remedies or actions available to it under the act; -

12 (h) Charge, collect, or receive any finance charges, fees, interest,
13 or similar charges for loan brokerage, insurance, or any other ancillary
14 products;

15 (i) Negotiate or present a paper check for payment unless the check
16 is endorsed with the actual business name of the licensee;

17 (j) Engage, in connection with a delayed deposit transaction, in
18 unfair or deceptive practices or advertising under the Uniform Deceptive
19 Trade Practices Act to engage in any act that limits or restricts the
20 application of the Delayed Deposit Services Licensing Act, including, but
21 not limited to, making transactions disguised as personal property,
22 personal sales, or leaseback transactions, or disguise transaction
23 proceeds as cash rebated for the pretextual installment sale of goods and
24 services; or

25 (k) Attempt to deposit or negotiate a check after two consecutive
26 failed collection attempts unless the licensee has obtained a new,
27 written payment authorization from the maker.

28 (2) No licensee, affiliate of a licensee, or any other person,
29 including a person operating as a credit services organization, shall
30 charge, collect, or receive any finance charges, fees, interest, or
31 similar charges that would cause a maker to pay an amount in excess of or

1 in addition to those permitted under the Delayed Deposit Services
2 Licensing Act in connection with a delayed deposit transaction,
3 including, but not limited to, charges for loan brokerage, insurance, or
4 any other ancillary products.

5 (3) (2) For purposes of this section, (a) completion of a delayed
6 deposit transaction means the licensee has presented a maker's check for
7 payment to a financial institution as defined in section 8-101.03 or the
8 maker redeemed the check by paying the full amount of the check in cash
9 to the licensee and (b) licensee shall include (i) a person related to
10 the licensee by common ownership or control, (ii) a person in whom such
11 licensee has any financial interest of ten percent or more, or (iii) any
12 employee or agent of the licensee.

13 Sec. 15. (1) A maker who cannot pay back a delayed deposit
14 transaction when it is due may elect once in any twelve-month period to
15 repay the delayed deposit transaction to the licensee by means of an
16 extended payment plan.

17 (2) To request an extended payment plan, the maker, before the due
18 date of the outstanding delayed deposit transaction, must request the
19 plan and sign an amendment to the delayed deposit agreement that reflects
20 the new payment schedule and terms.

21 (3) The extended payment plan's terms must allow the maker, at no
22 additional cost, to repay the outstanding delayed deposit transaction,
23 including any fee due, in at least four equal payments that coincide with
24 the maker's periodic pay dates.

25 (4) The maker may prepay an extended payment plan in full at any
26 time without penalty. The licensee shall not charge the maker any
27 interest or additional fees during the term of the extended payment plan.

28 (5) If the maker fails to pay any extended payment plan installment
29 when due, the maker shall be in default of the payment plan and the
30 licensee immediately may accelerate payment on the remaining balance.
31 Upon default, the licensee may take action to collect all amounts due.

1 Sec. 16. Section 45-921, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 45-921 (1) The director may examine or investigate complaints about
4 or reports of alleged violations of the Delayed Deposit Services
5 Licensing Act or any rule, regulation, or order of the director
6 thereunder. The director may order the actual cost of such examination or
7 investigation to be paid by the person who is the subject of the
8 examination or investigation, whether the alleged violator is licensed or
9 not.

10 (2) The director may publish information concerning any violation of
11 the act or any rule, regulation, or order of the director under the act.

12 (3) For purposes of any investigation, examination, or proceeding
13 under the act, the director may administer oaths and affirmations,
14 subpoena witnesses, compel their attendance, take evidence, and require
15 the production of any books, papers, correspondence, memoranda,
16 agreements, or other documents or records which the director deems
17 relevant or material to the examination, investigation, or proceeding.

18 (4) In the case of contumacy by or refusal to obey a subpoena issued
19 to any person, the district court of Lancaster County, upon application
20 by the director, may issue an order requiring such person to appear
21 before the director and to produce documentary evidence if so ordered to
22 give evidence on the matter under investigation or in question. Failure
23 to obey the order of the court may be punished by the court as contempt.

24 (5) Upon receipt by a licensee of a notice of investigation or
25 inquiry request for information from the department, the licensee shall
26 respond within twenty-one calendar days. Each day a licensee fails to
27 respond as required by this subsection shall constitute a separate
28 violation.

29 (6) If the director finds, after notice and opportunity for hearing
30 in accordance with the Administrative Procedure Act, that any person has
31 violated subsection (5) of this section, the director may order such

1 person to pay (a) an administrative fine of not more than two ~~one~~
2 thousand dollars for each separate violation and (b) the costs of
3 investigation. The department shall remit fines collected under this
4 subsection to the State Treasurer for distribution in accordance with
5 Article VII, section 5, of the Constitution of Nebraska ~~All fines~~
6 ~~collected by the department pursuant to this subsection shall be remitted~~
7 ~~to the State Treasurer for credit to the permanent school fund.~~

8 (7) If a person fails to pay an administrative fine and the costs of
9 investigation ordered pursuant to subsection (6) of this section, a lien
10 in the amount of such fine and costs may be imposed upon all assets and
11 property of such person in this state and may be recovered in a civil
12 action by the director. The lien shall attach to the real property of
13 such person when notice of the lien is filed and indexed against the real
14 property in the office of the register of deeds in the county where the
15 real property is located. The lien shall attach to any other property of
16 such person when notice of the lien is filed against the property in the
17 manner prescribed by law. Failure of the person to pay such fine and
18 costs shall constitute a separate violation of the Delayed Deposit
19 Services Licensing Act.

20 Sec. 17. Section 45-922, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 45-922 (1) The director may, following a hearing in accordance with
23 the Administrative Procedure Act, suspend or revoke any license issued
24 pursuant to the Delayed Deposit Services Licensing Act if he or she
25 finds:

26 (a) A licensee or any of its officers, directors, partners, or
27 members has knowingly violated the act or any rule, regulation, or order
28 of the director thereunder;

29 (b) A fact or condition existing which, if it had existed at the
30 time of the original application for such license, would have warranted
31 the director to refuse to issue such license;

1 (c) A licensee has abandoned its place of business for a period of
2 thirty days or more;

3 (d) A licensee or any of its officers, directors, partners, or
4 members has knowingly subscribed to, made, or caused to be made any false
5 statement or false entry in the books and records of any licensee, has
6 knowingly subscribed to or exhibited false papers with the intent to
7 deceive the department ~~Department of Banking and Finance~~, has failed to
8 make a true and correct entry in the books and records of such licensee
9 of its business and transactions in the manner and form prescribed by the
10 department, or has mutilated, altered, destroyed, secreted, or removed
11 any of the books or records of such licensee without the written approval
12 of the department or as provided in section 45-925; or

13 (e) A licensee has knowingly violated a voluntary consent or
14 compliance agreement which had been entered into with the director.

15 (2) Except as provided in this section, a license shall not be
16 revoked or suspended except after notice and a hearing in accordance with
17 the Administrative Procedure Act.

18 (3)(a) If a licensee fails to renew its license as required by
19 section 45-910 and does not voluntarily surrender the license pursuant to
20 section 45-911, the department may issue a notice of expiration of the
21 license to the licensee in lieu of revocation proceedings.

22 (b) If a licensee fails to maintain a surety bond as required by
23 section 45-906, the department may issue a notice of cancellation of the
24 license in lieu of revocation proceedings.

25 (4) Revocation, suspension, cancellation, or expiration of a license
26 shall not impair or affect the obligation of a preexisting lawful
27 contract between the licensee and any person, including a maker of a
28 check.

29 (5) Revocation, suspension, cancellation, or expiration of a license
30 shall not affect civil or criminal liability for acts committed before
31 the revocation, suspension, cancellation, or expiration or liability for

1 fines levied against the licensee or any of its officers, directors,
2 shareholders, partners, or members, pursuant to section 45-925, for acts
3 committed before the revocation, suspension, cancellation, or expiration.

4 Sec. 18. Section 45-923, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 45-923 If the director believes that any person has engaged in or is
7 about to engage in any act or practice constituting a violation of the
8 Delayed Deposit Services Licensing Act or any rule, regulation, or order
9 of the director, the director may issue a cease and desist order and
10 prohibit the making of additional delayed deposit transactions as part of
11 such order.

12 Upon entry of a cease and desist order the director shall promptly
13 notify in writing all persons to whom the order is directed that it has
14 been entered and of the reasons for the order. Any person to whom the
15 order is directed may in writing request a hearing within fifteen
16 business days after the date of the issuance of the order. Upon receipt
17 of such written request, the matter shall be set for hearing within
18 thirty business days after receipt by the director, unless the parties
19 consent to a later date or the hearing officer sets a later date for good
20 cause. If a hearing is not requested within fifteen business days and
21 none is ordered by the director, the order of the director shall
22 automatically become final and shall remain in effect until modified or
23 vacated by the director. If a hearing is requested or ordered, the
24 director, after notice and hearing, shall issue his or her written
25 findings of fact and conclusions of law and may affirm, vacate, or modify
26 the order.

27 The director may vacate or modify an order if he or she finds that
28 the conditions which caused its entry have changed or that it is
29 otherwise in the public interest to do so. Any person aggrieved by a
30 final order of the director may appeal the order, and the appeal shall be
31 in accordance with the Administrative Procedure Act.

1 Sec. 19. (1) Licensees shall, on an annual basis, provide the
2 following information to the director, in a uniform manner prescribed by
3 the department: Total number of makers; total number of transactions;
4 average transaction size; total contracted transaction charges; total
5 transaction actual charges; number of defaulted transactions; number of
6 charged-off transactions; dollar value of transactions charged off;
7 number of nonnegotiable check fees and dollar value for the same; average
8 contracted annual percentage rate; and any other nonprivate information
9 which may be requested in the discretion of the director.

10 (2) The department shall compile the total number of licensees
11 operating in this state by location and the information required in
12 subsection (1) of this section regarding the transaction activities of
13 licensees and makers under the Delayed Deposit Services Licensing Act and
14 shall report electronically to the Clerk of the Legislature on or before
15 December 1, 2018, and annually thereafter.

16 Sec. 20. Section 45-1001, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 45-1001 Sections 45-1001 to 45-1069 and section 21 of this act shall
19 be known and may be cited as the Nebraska Installment Loan Act.

20 Sec. 21. Notwithstanding any other provision of law, the minimum
21 term of a loan contract for any loan governed by the Nebraska Installment
22 Loan Act shall be six months from the loan transaction date.

23 Sec. 22. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
24 16, 17, 18, 20, 21, and 23 of this act become operative on January 1,
25 2019. The other sections of this act become operative on their effective
26 date.

27 Sec. 23. Original sections 45-804, 45-904, 45-907, 45-911,
28 45-915.01, 45-917, 45-918, 45-921, 45-922, 45-923, and 45-1001, Reissue
29 Revised Statutes of Nebraska, section 45-901, Revised Statutes Cumulative
30 Supplement, 2016, and sections 45-902 and 45-919, Revised Statutes
31 Supplement, 2017, are repealed.

1 2. On page 1, strike lines 2 through 10 and insert "sections 45-804,
2 45-904, 45-907, 45-911, 45-915.01, 45-917, 45-918, 45-921, 45-922,
3 45-923, and 45-1001, Reissue Revised Statutes of Nebraska, section
4 45-901, Revised Statutes Cumulative Supplement, 2016, and sections 45-902
5 and 45-919, Revised Statutes Supplement, 2017; to prohibit certain fees
6 under the Credit Services Organization Act; to change provisions relating
7 to the Delayed Deposit Services Licensing Act; to define and redefine
8 terms; to change and add prohibited acts by licensees and their
9 affiliates; to add and change provisions relating to notice, fees,
10 collection of returned checks, prepayment, rescission of a delayed
11 deposit transaction, payment of proceeds, and distribution of fines; to
12 provide for extended payment plans; to provide reporting duties for
13 licensees and the Department of Banking and Finance; to provide for a
14 minimum term for loans under the Nebraska Installment Loan Act; to
15 harmonize provisions; to provide operative dates; and to repeal the
16 original sections."