

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 929

Introduced by Lindstrom, 18.

Read first time January 10, 2020

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Nebraska Real Estate License Act; to
- 2 amend section 81-885.04, Reissue Revised Statutes of Nebraska; to
- 3 provide an exemption to the act as prescribed; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-885.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 81-885.04 Except as to the requirements with respect to the
4 subdivision of land, the Nebraska Real Estate License Act shall not apply
5 to:

6 (1) Any person, partnership, limited liability company, or
7 corporation who as owner or lessor shall perform any of the acts
8 described in subdivision (2) of section 81-885.01 with reference to
9 property owned or leased by him, her, or it or to the regular employees
10 thereof, with respect to the property so owned or leased, when such acts
11 are performed in the regular course of or as an incident to the
12 management, sale, or other disposition of such property and the
13 investment therein, except that such regular employees shall not perform
14 any of the acts described in such subdivision in connection with a
15 vocation of selling or leasing any real estate or the improvements
16 thereon;

17 (2) An attorney in fact under a duly executed power of attorney to
18 convey real estate from the owner or lessor or the services rendered by
19 any attorney at law in the performance of his or her duty as such
20 attorney at law;

21 (3) Any person acting as receiver, trustee in bankruptcy, personal
22 representative, conservator, or guardian or while acting under a court
23 order or under the authority of a will or of a trust instrument or as a
24 witness in any judicial proceeding or other proceeding conducted by the
25 state or any governmental subdivision or agency;

26 (4) Any person acting as the resident manager of an apartment
27 building, duplex, apartment complex, or court, when such resident manager
28 resides on the premises and is engaged in the leasing of property in
29 connection with his or her employment, or any employee, parent, child,
30 brother, or sister of the owner or any employee of a licensed broker who
31 manages rental property for the owner of such property;

1 (5) Any officer or employee of a federal agency in the conduct of
2 his or her official duties;

3 (6) Any officer or employee of the state government or any political
4 subdivision thereof performing his or her official duties for real estate
5 tax purposes or performing his or her official duties related to the
6 acquisition of any interest in real property when the interest is being
7 acquired for a public purpose;

8 (7) Any person or any employee thereof who renders an estimate or
9 opinion of value of real estate or any interest therein when such
10 estimate or opinion of value is for the purpose of real estate taxation;
11 ~~or~~

12 (8) Any person who, for himself or herself or for others, purchases
13 or sells oil, gas, or mineral leases or performs any activities related
14 to the purchase or sale of such leases; or -

15 (9) Any unlicensed person who provides a list or lists of potential
16 purchasers to a broker or salesperson or who makes calls or facilitates
17 the initial contact between a potential client or customer as defined in
18 sections 76-2407 and 76-2409, respectively, and a broker or salesperson.
19 The unlicensed person may only provide information regarding the broker
20 or salesperson and the broker's or salesperson's services in written
21 information created by the broker or salesperson that identifies the
22 broker or salesperson and the broker's or salesperson's place of business
23 and which is sent by email, United States mail, or by link to a web site
24 created by the broker or salesperson. The unlicensed person is not
25 permitted to discuss with such potential client or customer the services
26 offered or to be offered by the broker or salesperson. The unlicensed
27 person acting under this exemption may not discuss with such potential
28 client or customer the client's or customer's motivation, motivating
29 factors, or price such potential client or customer is willing to offer
30 or accept. The unlicensed person does not have the authority and shall
31 not purport to have the authority to obligate any such potential client

1 or customer to work with a particular broker or salesperson or particular
2 broker's or salesperson's place of business. The unlicensed person shall,
3 at the beginning of any contact with such potential client or customer,
4 identify who the unlicensed person is, the name of the entity that
5 employs the unlicensed person, the name of the broker or salesperson, and
6 the name of the broker's or salesperson's real estate business on whose
7 behalf the contact is being made. The unlicensed person shall not perform
8 any other activity of a broker or salesperson described in section
9 81-885.01, except those acts specifically provided for in this
10 subdivision. A broker or salesperson who engages an unlicensed person
11 under this exemption shall provide written instructions to such
12 unlicensed person explaining the limitations of this exemption or provide
13 a copy of the law to such unlicensed person.

14 Sec. 2. Original section 81-885.04, Reissue Revised Statutes of
15 Nebraska, is repealed.