

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1135

Introduced by Dover, 19.

Read first time January 11, 2024

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to real property; to amend sections 81-885.01,
2 81-885.24, and 87-302, Revised Statutes Cumulative Supplement, 2022;
3 to prohibit recording right-to-list home sale agreements and certain
4 liens and encumbrances and provide for such agreements, liens, and
5 encumbrances to be void; to define a term and provide for an unfair
6 trade practice under the Nebraska Real Estate License Act; to
7 provide a deceptive trade practice under the Uniform Deceptive Trade
8 Practices Act; to provide a duty for the Revisor of Statutes; and to
9 repeal the original sections.
10 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) No person shall present for recording, cause to be
2 presented for recording, or record in the office of the register of deeds
3 or county clerk any (a) right-to-list home sale agreement as defined in
4 section 81-885.01 or (b) lien or encumbrance resulting from such right-
5 to-list home sale agreement.

6 (2) Any right-to-list home sale agreement as defined in section
7 81-885.01 or lien or encumbrance resulting from such right-to-list home
8 sale agreement that is executed, modified, or extended after the
9 effective date of this act is void and unenforceable.

10 Sec. 2. Section 81-885.01, Revised Statutes Cumulative Supplement,
11 2022, is amended to read:

12 81-885.01 For purposes of the Nebraska Real Estate License Act,
13 unless the context otherwise requires:

14 (1) Associate broker means a person who has a broker's license and
15 who is employed by another broker to participate in any activity
16 described in subdivision (2) of this section;

17 ~~(1) Real estate means and includes condominiums and leaseholds, as~~
18 ~~well as any other interest or estate in land, whether corporeal,~~
19 ~~incorporeal, freehold, or nonfreehold, and whether the real estate is~~
20 ~~situated in this state or elsewhere;~~

21 (2) Broker means any person who, for any form of compensation or
22 consideration or with the intent or expectation of receiving the same
23 from another, negotiates or attempts to negotiate the listing, sale,
24 purchase, exchange, rent, lease, or option for any real estate or
25 improvements thereon, or assists in procuring prospects or holds himself
26 or herself out as a referral agent for the purpose of securing prospects
27 for the listing, sale, purchase, exchange, renting, leasing, or optioning
28 of any real estate or collects rents or attempts to collect rents, gives
29 a broker's price opinion or comparative market analysis, or holds himself
30 or herself out as engaged in any of the foregoing. Broker also includes
31 any person: (a) Employed, by or on behalf of the owner or owners of lots

1 or other parcels of real estate, for any form of compensation or
2 consideration to sell such real estate or any part thereof in lots or
3 parcels or make other disposition thereof; (b) who auctions, offers,
4 attempts, or agrees to auction real estate; or (c) who buys or offers to
5 buy or sell or otherwise deals in options to buy real estate;

6 (3) Broker's price opinion means an analysis, opinion, or conclusion
7 prepared by a person licensed under the Nebraska Real Estate License Act
8 in the ordinary course of his or her business relating to the price of
9 specified interests in or aspects of identified real estate or identified
10 real property for the purpose of (a) listing, purchase, or sale, (b)
11 originating, extending, renewing, or modifying a loan in a transaction
12 other than a federally related transaction, or (c) real property tax
13 appeals;

14 ~~(3) Associate broker means a person who has a broker's license and~~
15 ~~who is employed by another broker to participate in any activity~~
16 ~~described in subdivision (2) of this section;~~

17 (4) Commission means the State Real Estate Commission;

18 (5) Comparative market analysis means an analysis, opinion, or
19 conclusion prepared by a person licensed under the act in the ordinary
20 course of his or her business relating to the price of specified
21 interests in or aspects of identified real estate or identified real
22 property by comparison to other real property currently or recently in
23 the marketplace for the purpose of (a) listing, purchase, or sale, (b)
24 originating, extending, renewing, or modifying a loan in a transaction
25 other than a federally related transaction, or (c) real property tax
26 appeals;

27 (6) (4) Designated broker means an individual holding a broker's
28 license who has full authority to conduct the real estate activities of a
29 real estate business. In a sole proprietorship, the owner, or broker
30 identified by the owner, shall be the designated broker. In the event the
31 owner identifies the designated broker, the owner shall file a statement

1 with the commission subordinating to the designated broker full authority
2 to conduct the real estate activities of the sole proprietorship. In a
3 partnership, limited liability company, or corporation, the partners,
4 limited liability company members, or board of directors shall identify
5 the designated broker for its real estate business by filing a statement
6 with the commission subordinating to the designated broker full authority
7 to conduct the real estate activities of the partnership, limited
8 liability company, or corporation. The designated broker shall also be
9 responsible for supervising the real estate activities of any associate
10 brokers or salespersons;

11 (7) Distance education means courses in which instruction does not
12 take place in a traditional classroom setting, but rather through other
13 media by which instructor and student are separated by distance and
14 sometimes by time;

15 (8) Federal financial institution regulatory agency means (a) the
16 Board of Governors of the Federal Reserve System, (b) the Federal Deposit
17 Insurance Corporation, (c) the Office of the Comptroller of the Currency,
18 (d) the Consumer Financial Protection Bureau, (e) the National Credit
19 Union Administration, or (f) the successors of any of those agencies;

20 (9) Federally related transaction means a real-estate-related
21 transaction that (a) requires the services of an appraiser and (b) is
22 engaged in, contracted for, or regulated by a federal financial
23 institution regulatory agency;

24 (10) (5) Inactive broker means an associate broker whose license has
25 been returned to the commission by the licensee's broker, a broker who
26 has requested the commission to place the license on inactive status, a
27 new licensee who has failed to designate an employing broker or have the
28 license issued as an individual broker, or a broker whose license has
29 been placed on inactive status under statute, rule, or regulation;

30 ~~(6) Salesperson means any person, other than an associate broker,~~
31 ~~who is employed by a broker to participate in any activity described in~~

1 ~~subdivision (2) of this section;~~

2 (11) (7) Inactive salesperson means a salesperson whose license has
3 been returned to the commission by the licensee's broker, a salesperson
4 who has requested the commission to place the license on inactive status,
5 a new licensee who has failed to designate an employing broker, or a
6 salesperson whose license has been placed on inactive status under
7 statute, rule, or regulation;

8 (12) (8) Person means and includes individuals, corporations,
9 partnerships, and limited liability companies, except that when referring
10 to a person licensed under the act, it means an individual;

11 (13) Purchaser means a person who acquires or attempts to acquire or
12 succeeds to an interest in land;

13 (14) Real estate means and includes condominiums and leaseholds, as
14 well as any other interest or estate in land, whether corporeal,
15 incorporeal, freehold, or nonfreehold, and whether the real estate is
16 situated in this state or elsewhere;

17 (15) Regulatory jurisdiction means a state, district, or territory
18 of the United States, a province of Canada or a foreign country, or a
19 political subdivision of a foreign country, which has implemented and
20 administers laws regulating the activities of a broker;

21 (16) Right-to-list home sale agreement means an agreement:

22 (a) By the owner of residential real estate to provide another
23 person with the exclusive right to list such residential real estate for
24 sale at a future date in exchange for monetary consideration or an
25 equivalent to monetary consideration; and

26 (b)(i) That states that the agreement runs with the land or
27 otherwise purports to bind future owners of such residential real estate;
28 or

29 (ii) That purports to be a lien, encumbrance, or other real property
30 security interest;

31 (17) Salesperson means any person, other than an associate broker,

1 who is employed by a broker to participate in any activity described in
2 subdivision (2) of this section;

3 (18) Subdivider means any person who causes land to be subdivided
4 into a subdivision for himself, herself, or others or who undertakes to
5 develop a subdivision but does not include a public agency or officer
6 authorized by law to create subdivisions;

7 (19) Subdivision or subdivided land means any real estate offered
8 for sale and which has been registered under the Interstate Land Sales
9 Full Disclosure Act, 15 U.S.C. 1701 et seq., as such act existed on
10 January 1, 1973, or real estate located out of this state which is
11 divided or proposed to be divided into twenty-five or more lots, parcels,
12 or units;

13 (20) (9) Team means two or more persons licensed by the commission
14 who (a) work under the supervision of the same broker, (b) work together
15 on real estate transactions to provide real estate brokerage services,
16 (c) represent themselves to the public as being part of a team, and (d)
17 are designated by a team name; and

18 (21) (10) Team leader means any person licensed by the commission
19 and appointed or recognized by his or her broker as the leader for his or
20 her team. ;

21 ~~(11) Subdivision or subdivided land means any real estate offered~~
22 ~~for sale and which has been registered under the Interstate Land Sales~~
23 ~~Full Disclosure Act, 15 U.S.C. 1701 et seq., as such act existed on~~
24 ~~January 1, 1973, or real estate located out of this state which is~~
25 ~~divided or proposed to be divided into twenty-five or more lots, parcels,~~
26 ~~or units;~~

27 ~~(12) Subdivider means any person who causes land to be subdivided~~
28 ~~into a subdivision for himself, herself, or others or who undertakes to~~
29 ~~develop a subdivision but does not include a public agency or officer~~
30 ~~authorized by law to create subdivisions;~~

31 ~~(13) Purchaser means a person who acquires or attempts to acquire or~~

1 succeeds to an interest in land;

2 ~~(14) Commission means the State Real Estate Commission;~~

3 ~~(15) Broker's price opinion means an analysis, opinion, or~~
4 ~~conclusion prepared by a person licensed under the Nebraska Real Estate~~
5 ~~License Act in the ordinary course of his or her business relating to the~~
6 ~~price of specified interests in or aspects of identified real estate or~~
7 ~~identified real property for the purpose of (a) listing, purchase, or~~
8 ~~sale, (b) originating, extending, renewing, or modifying a loan in a~~
9 ~~transaction other than a federally related transaction, or (c) real~~
10 ~~property tax appeals;~~

11 ~~(16) Comparative market analysis means an analysis, opinion, or~~
12 ~~conclusion prepared by a person licensed under the act in the ordinary~~
13 ~~course of his or her business relating to the price of specified~~
14 ~~interests in or aspects of identified real estate or identified real~~
15 ~~property by comparison to other real property currently or recently in~~
16 ~~the marketplace for the purpose of (a) listing, purchase, or sale, (b)~~
17 ~~originating, extending, renewing, or modifying a loan in a transaction~~
18 ~~other than a federally related transaction, or (c) real property tax~~
19 ~~appeals;~~

20 ~~(17) Distance education means courses in which instruction does not~~
21 ~~take place in a traditional classroom setting, but rather through other~~
22 ~~media by which instructor and student are separated by distance and~~
23 ~~sometimes by time;~~

24 ~~(18) Regulatory jurisdiction means a state, district, or territory~~
25 ~~of the United States, a province of Canada or a foreign country, or a~~
26 ~~political subdivision of a foreign country, which has implemented and~~
27 ~~administers laws regulating the activities of a broker;~~

28 ~~(19) Federal financial institution regulatory agency means (a) the~~
29 ~~Board of Governors of the Federal Reserve System, (b) the Federal Deposit~~
30 ~~Insurance Corporation, (c) the Office of the Comptroller of the Currency,~~
31 ~~(d) the Consumer Financial Protection Bureau, (e) the National Credit~~

1 ~~Union Administration, or (f) the successors of any of those agencies; and~~
2 ~~(20) Federally related transaction means a real estate related~~
3 ~~transaction that (a) requires the services of an appraiser and (b) is~~
4 ~~engaged in, contracted for, or regulated by a federal financial~~
5 ~~institution regulatory agency.~~

6 Sec. 3. Section 81-885.24, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 81-885.24 The commission may, upon its own motion, and shall, upon
9 the sworn complaint in writing of any person, investigate the actions of
10 any broker, associate broker, salesperson, or subdivider, may censure the
11 licensee or certificate holder, revoke or suspend any license or
12 certificate issued under the Nebraska Real Estate License Act, or enter
13 into consent orders, and, alone or in combination with such disciplinary
14 actions, may impose a civil fine on a licensee pursuant to section
15 81-885.10, whenever the license or certificate has been obtained by false
16 or fraudulent representation or the licensee or certificate holder has
17 been found guilty of any of the following unfair trade practices:

18 (1) Refusing because of religion, race, color, national origin,
19 ethnic group, sex, familial status, or disability to show, sell, or rent
20 any real estate for sale or rent to prospective purchasers or renters;

21 (2) Intentionally using advertising which is misleading or
22 inaccurate in any material particular or in any way misrepresents any
23 property, terms, values, policies, or services of the business conducted;

24 (3) Failing to account for and remit any money coming into his or
25 her possession belonging to others;

26 (4) Commingling the money or other property of his or her principals
27 with his or her own;

28 (5) Failing to maintain and deposit in a separate trust account all
29 money received by a broker acting in such capacity, or as escrow agent or
30 the temporary custodian of the funds of others, in a real estate
31 transaction unless all parties having an interest in the funds have

1 agreed otherwise in writing;

2 (6) Accepting, giving, or charging any form of undisclosed
3 compensation, consideration, rebate, or direct profit on expenditures
4 made for a principal;

5 (7) Representing or attempting to represent a real estate broker,
6 other than the employer, without the express knowledge and consent of the
7 employer;

8 (8) Accepting any form of compensation or consideration by an
9 associate broker or salesperson from anyone other than his or her
10 employing broker without the consent of his or her employing broker;

11 (9) Acting in the dual capacity of agent and undisclosed principal
12 in any transaction;

13 (10) Guaranteeing or authorizing any person to guarantee future
14 profits which may result from the resale of real property;

15 (11) Placing a sign on any property offering it for sale or rent
16 without the written consent of the owner or his or her authorized agent;

17 (12) Offering real estate for sale or lease without the knowledge
18 and consent of the owner or his or her authorized agent or on terms other
19 than those authorized by the owner or his or her authorized agent;

20 (13) Inducing any party to a contract of sale or lease to break such
21 contract for the purpose of substituting, in lieu thereof, a new contract
22 with another principal;

23 (14) Negotiating a sale, exchange, listing, or lease of real estate
24 directly with an owner or lessor if he or she knows that such owner has a
25 written outstanding listing contract in connection with such property
26 granting an exclusive agency or an exclusive right to sell to another
27 broker or negotiating directly with an owner to withdraw from or break
28 such a listing contract for the purpose of substituting, in lieu thereof,
29 a new listing contract;

30 (15) Discussing or soliciting a discussion of, with an owner of a
31 property which is exclusively listed with another broker, the terms upon

1 which the broker would accept a future listing upon the expiration of the
2 present listing unless the owner initiates the discussion;

3 (16) Violating any provision of sections 76-2401 to 76-2430;

4 (17) Soliciting, selling, or offering for sale real estate by
5 offering free lots or conducting lotteries for the purpose of influencing
6 a purchaser or prospective purchaser of real estate;

7 (18) Providing any form of compensation or consideration to any
8 person for performing the services of a broker, associate broker, or
9 salesperson who has not first secured his or her license under the
10 Nebraska Real Estate License Act unless such person is (a) a nonresident
11 who is licensed in his or her resident regulatory jurisdiction or (b) a
12 citizen and resident of a foreign country which does not license persons
13 conducting the activities of a broker and such person provides reasonable
14 written evidence to the Nebraska broker that he or she is a resident
15 citizen of that foreign country, is not a resident of this country, and
16 conducts the activities of a broker in that foreign country;

17 (19) Failing to include a fixed date of expiration in any written
18 listing agreement and failing to leave a copy of the agreement with the
19 principal;

20 (20) Failing to deliver within a reasonable time a completed and
21 dated copy of any purchase agreement or offer to buy or sell real estate
22 to the purchaser and to the seller;

23 (21) Failing by a broker to deliver to the seller in every real
24 estate transaction, at the time the transaction is consummated, a
25 complete, detailed closing statement showing all of the receipts and
26 disbursements handled by such broker for the seller, failing to deliver
27 to the buyer a complete statement showing all money received in the
28 transaction from such buyer and how and for what the same was disbursed,
29 and failing to retain true copies of such statements in his or her files;

30 (22) Making any substantial misrepresentations;

31 (23) Acting for more than one party in a transaction without the

1 knowledge of all parties for whom he or she acts;

2 (24) Failing by an associate broker or salesperson to place, as soon
3 after receipt as practicable, in the custody of his or her employing
4 broker any deposit money or other money or funds entrusted to him or her
5 by any person dealing with him or her as the representative of his or her
6 licensed broker;

7 (25) Filing a listing contract or any document or instrument
8 purporting to create a lien based on a listing contract for the purpose
9 of casting a cloud upon the title to real estate when no valid claim
10 under the listing contract exists;

11 (26) Violating any rule or regulation adopted and promulgated by the
12 commission in the interest of the public and consistent with the Nebraska
13 Real Estate License Act;

14 (27) Failing by a subdivider, after the original certificate has
15 been issued, to comply with all of the requirements of the Nebraska Real
16 Estate License Act;

17 (28) Conviction of a felony or entering a plea of guilty or nolo
18 contendere to a felony charge by a broker or salesperson;

19 (29) Demonstrating negligence, incompetency, or unworthiness to act
20 as a broker, associate broker, or salesperson, whether of the same or of
21 a different character as otherwise specified in this section;

22 (30) Inducing or attempting to induce a person to transfer an
23 interest in real property, whether or not for monetary gain, or
24 discouraging another person from purchasing real property, by
25 representing that (a) a change has occurred or will or may occur in the
26 composition with respect to religion, race, color, national origin,
27 ethnic group, sex, familial status, or disability of the owners or
28 occupants in the block, neighborhood, or area or (b) such change will or
29 may result in the lowering of property values, an increase in criminal or
30 antisocial behavior, or a decline in the quality of schools in the block,
31 neighborhood, or area;

1 (31) Failing by a team leader to provide a current list of all team
2 members to his or her designated broker;

3 (32) Failing by a designated broker to maintain a record of all team
4 leaders and team members working under him or her;

5 (33) Utilizing advertising which does not prominently display the
6 name under which the designated broker does business as filed with the
7 commission;

8 (34) Utilizing team advertising or a team name suggesting the team
9 is an independent real estate brokerage;

10 (35) Charging or collecting, as part or all of his or her
11 compensation or consideration, any part of the earnest money or other
12 money paid to him or her or the entity under which he or she does
13 business in connection with any real estate transaction until the
14 transaction has been consummated or terminated. However, a payment for
15 goods or services rendered by a third party on behalf of the client shall
16 not be considered compensation or consideration if such payment does not
17 include any profit, compensation, or payment for services rendered by the
18 broker and the broker retains a record of the payment to the third party
19 for such goods or services;~~or~~

20 (36) Failing to provide a copy of section 81-885.04 or written
21 instructions explaining the provisions of the exemption from licensure as
22 set forth in subdivision (9) of section 81-885.04 to any unlicensed
23 person who assists in procuring a potential client or customer as defined
24 in sections 76-2407 and 76-2409, respectively, for the purpose of the
25 listing, sale, purchase, exchange, renting, leasing, or optioning of any
26 real estate; or -

27 (37) Offering or entering into a right-to-list home sale agreement.

28 Sec. 4. Section 87-302, Revised Statutes Cumulative Supplement,
29 2022, is amended to read:

30 87-302 (a) A person engages in a deceptive trade practice when, in
31 the course of his or her business, vocation, or occupation, he or she:

1 (1) Passes off goods or services as those of another;

2 (2) Causes likelihood of confusion or of misunderstanding as to the
3 source, sponsorship, approval, or certification of goods or services;

4 (3) Causes likelihood of confusion or of misunderstanding as to
5 affiliation, connection, or association with, or certification by,
6 another;

7 (4) Uses deceptive representations or designations of geographic
8 origin in connection with goods or services;

9 (5) Represents that goods or services have sponsorship, approval,
10 characteristics, ingredients, uses, benefits, or quantities that they do
11 not have or that a person has a sponsorship, approval, status,
12 affiliation, or connection that he or she does not have;

13 (6) Represents that goods or services do not have sponsorship,
14 approval, characteristics, ingredients, uses, benefits, or quantities
15 that they have or that a person does not have a sponsorship, approval,
16 status, affiliation, or connection that he or she has;

17 (7) Represents that goods are original or new if they are
18 deteriorated, altered, reconditioned, reclaimed, used, or secondhand,
19 except that sellers may repair damage to and make adjustments on or
20 replace parts of otherwise new goods in an effort to place such goods in
21 compliance with factory specifications;

22 (8) Represents that goods or services are of a particular standard,
23 quality, or grade, or that goods are of a particular style or model, if
24 they are of another;

25 (9) Disparages the goods, services, or business of another by false
26 or misleading representation of fact;

27 (10) Advertises goods or services with intent not to sell them as
28 advertised or advertises the price in any manner calculated or tending to
29 mislead or in any way deceive a person;

30 (11) Advertises goods or services with intent not to supply
31 reasonably expectable public demand, unless the advertisement discloses a

1 limitation of quantity;

2 (12) Makes false or misleading statements of fact concerning the
3 reasons for, existence of, or amounts of price reductions;

4 (13) Uses or promotes the use of or establishes, operates, or
5 participates in a pyramid promotional scheme in connection with the
6 solicitation of such scheme to members of the public. This subdivision
7 shall not be construed to prohibit a plan or operation, or to define a
8 plan or operation as a pyramid promotional scheme, based on the fact that
9 participants in the plan or operation give consideration in return for
10 the right to receive compensation based upon purchases of goods,
11 services, or intangible property by participants for personal use,
12 consumption, or resale so long as the plan or operation does not promote
13 or induce inventory loading and the plan or operation implements an
14 appropriate inventory repurchase program;

15 (14) With respect to a sale or lease to a natural person of goods or
16 services purchased or leased primarily for personal, family, household,
17 or agricultural purposes, uses or employs any referral or chain referral
18 sales technique, plan, arrangement, or agreement;

19 (15) Knowingly makes a false or misleading statement in a privacy
20 policy, published on the Internet or otherwise distributed or published,
21 regarding the use of personal information submitted by members of the
22 public;

23 (16) Uses any scheme or device to defraud by means of:

24 (i) Obtaining money or property by knowingly false or fraudulent
25 pretenses, representations, or promises; or

26 (ii) Selling, distributing, supplying, furnishing, or procuring any
27 property for the purpose of furthering such scheme;

28 (17) Offers an unsolicited check, through the mail or by other
29 means, to promote goods or services if the cashing or depositing of the
30 check obligates the endorser or payee identified on the check to pay for
31 goods or services. This subdivision does not apply to an extension of

1 credit or an offer to lend money;

2 (18) Mails or causes to be sent an unsolicited billing statement,
3 invoice, or other document that appears to obligate the consumer to make
4 a payment for services or merchandise he or she did not order;

5 (19)(i) Installs, offers to install, or makes available for
6 installation or download a covered file-sharing program on a computer not
7 owned by such person without providing clear and conspicuous notice to
8 the owner or authorized user of the computer that files on that computer
9 will be made available to the public and without requiring intentional
10 and affirmative activation of the file-sharing function of such covered
11 file-sharing program by the owner or authorized user of the computer; or

12 (ii) Prevents reasonable efforts to block the installation,
13 execution, or disabling of a covered file-sharing program;

14 (20) Violates any provision of the Nebraska Foreclosure Protection
15 Act;

16 (21) In connection with the solicitation of funds or other assets
17 for any charitable purpose, or in connection with any solicitation which
18 represents that funds or assets will be used for any charitable purpose,
19 uses or employs any deception, fraud, false pretense, false promise,
20 misrepresentation, unfair practice, or concealment, suppression, or
21 omission of any material fact;—or

22 (22)(i) ~~(22)~~ In the manufacture, production, importation,
23 distribution, promotion, display for sale, offer for sale, attempt to
24 sell, or sale of a substance:

25 (A) ~~(i)~~ Makes a deceptive or misleading representation or
26 designation, or omits material information, about a substance or fails to
27 identify the contents of the package or the nature of the substance
28 contained inside the package; or

29 (B) ~~(ii)~~ Causes confusion or misunderstanding as to the effects a
30 substance causes when ingested, injected, inhaled, or otherwise
31 introduced into the human body.

1 (ii) A person shall be deemed to have committed a violation of the
2 Uniform Deceptive Trade Practices Act for each individually packaged
3 product that is either manufactured, produced, imported, distributed,
4 promoted, displayed for sale, offered for sale, attempted to sell, or
5 sold in violation of this section. A violation under this subdivision
6 shall be treated as a separate and distinct violation from any other
7 offense arising out of acts alleged to have been committed while the
8 person was in violation of this section; or -

9 (23) Offers or enters into a right-to-list home sale agreement as
10 defined in section 81-885.01.

11 (b) In order to prevail in an action under the Uniform Deceptive
12 Trade Practices Act, a complainant need not prove competition between the
13 parties.

14 (c) This section does not affect unfair trade practices otherwise
15 actionable at common law or under other statutes of this state.

16 Sec. 5. The Revisor of Statutes shall assign section 1 of this act
17 to Chapter 76, article 2.

18 Sec. 6. Original sections 81-885.01, 81-885.24, and 87-302, Revised
19 Statutes Cumulative Supplement, 2022, are repealed.