

AMENDMENTS TO LB717

Introduced by Jacobson, 42.

1 1. Strike original sections 37, 38, and 39 and insert the following
2 new sections:

3 **Sec. 15.** Section 8-2703, Revised Statutes Supplement, 2025, is
4 amended to read:

5 8-2703 The Nebraska Money Transmitters Act does not apply to:

6 (1) An operator of a payment system to the extent that such operator
7 provides processing, clearing, or settlement services, between or among
8 persons exempted from the Nebraska Money Transmitters Act under this
9 section or licensees, in connection with wire transfers, credit card
10 transactions, debit card transactions, stored value transactions,
11 automated clearinghouse transfers, or similar funds transfers;

12 (2) A person appointed as an agent of a payee to collect and process
13 a payment from a payor to the payee for goods or services, other than
14 money transmission, provided to the payor by the payee, provided that:

15 (a) There exists a written agreement between the payee and the agent
16 directing the agent to collect and process payments from payors on the
17 behalf of the payee;

18 (b) The payee holds the agent out to the public as accepting
19 payments for goods or services on the behalf of the payee; and

20 (c) Payment for the goods or services is treated as received by the
21 payee upon receipt by the agent so that the payor's obligation is
22 extinguished and there is no risk of loss to the payor if the agent fails
23 to remit the funds to the payee;

24 (3) A person that acts as an intermediary by processing payments
25 between an entity that has directly incurred an outstanding money
26 transmission obligation to a sender, and the sender's designated
27 recipient, provided that the entity:

1 (a) Is properly licensed or exempt from licensing requirements of
2 the Nebraska Money Transmitters Act;

3 (b) Provides a receipt, electronic record, or other written
4 confirmation to the sender identifying the entity as the provider of
5 money transmission in the transaction; and

6 (c) Bears sole responsibility to satisfy the outstanding money
7 transmission obligation to the sender, including the obligation to make
8 the sender whole in connection with any failure to transmit the funds to
9 the designated recipient of the sender;

10 (4) The United States or any department, agency, or instrumentality
11 thereof or any agent of the United States or any department, agency, or
12 instrumentality thereof;

13 (5) Money transmission by the United States Postal Service or by an
14 agent of the United States Postal Service;

15 (6) A state, county, or city or any governmental agency, political
16 subdivision, or instrumentality of a state, or any agent of a state,
17 county, or city or any governmental agency, political subdivision, or
18 instrumentality of a state;

19 (7) A federally insured depository financial institution, bank
20 holding company, office of an international banking corporation, foreign
21 bank that establishes a federal branch pursuant to the International
22 Banking Act of 1978, corporation organized pursuant to the Bank Service
23 Company Act, or corporation organized under the Edge Act;

24 (8) Electronic funds transfer of governmental benefits for a
25 federal, state, county, or other governmental agency by a contractor on
26 behalf of the United States or a department, agency, or instrumentality
27 thereof, or on behalf of a state, county, or other governmental
28 subdivision, agency, or instrumentality thereof;

29 (9) A board of trade designated as a contract market under the
30 Commodity Exchange Act or a person that, in the ordinary course of
31 business, provides clearance and settlement services for a board of trade

1 to the extent of such person's operation as or for such a board;

2 (10) A person registered as a futures commission merchant under the
3 federal commodities laws to the extent of such person's operation as a
4 merchant;

5 (11) A person registered as a securities broker-dealer under federal
6 or state securities laws to the extent of such person's operation as a
7 broker-dealer;

8 (12) An individual employed by a licensee, authorized delegate, or
9 any person exempted from the licensing requirements of the Nebraska Money
10 Transmitters Act when acting within the scope of employment, under the
11 supervision of the licensee, authorized delegate, or exempted person, as
12 an employee and not as an independent contractor;

13 (13) A person expressly appointed as a third-party service provider
14 to or agent of an entity exempt under subdivision (7) of this section,
15 solely to the extent that:

16 (a) Such service provider or agent is engaging in money transmission
17 on behalf of and pursuant to a written agreement with the exempt entity
18 that sets forth the specific functions that the service provider or agent
19 is to perform; and

20 (b) The exempt entity assumes all risk of loss and all legal
21 responsibility for satisfying the outstanding money transmission
22 obligations owed to purchasers and holders of the outstanding money
23 transmission obligations upon receipt of the purchaser's or holder's
24 money or monetary value by the service provider or agent;

25 (14) A person, firm, corporation, or association licensed in this
26 state and acting within this state within the scope of a license:

27 (a) As a collection agency pursuant to the Collection Agency Act;

28 (b) As a credit services organization pursuant to the Credit
29 Services Organization Act; or

30 (c) To engage in the debt management business pursuant to sections
31 69-1201 to 69-1217;

1 (15) A charter issued under the Nebraska Financial Innovation Act;
2 and

3 (16) A person that provides payroll processing services if such
4 person:

5 (a)(i) Employs less than twenty full time or full-time equivalent
6 employees for the provision of such services; or

7 (ii) Provides payroll processing services for less than fifty
8 employees residing in Nebraska;

9 (b) Has not been convicted of or pled guilty or nolo contendere to a
10 felony in a domestic, foreign, or military court and no key individual or
11 person in control of the person that provides payroll processing services
12 has been convicted of or pled guilty or nolo contendere to a felony in a
13 domestic, foreign, or military court;

14 (c) Has never had a financial services license or professional
15 license revoked in any jurisdiction and no key individual or person in
16 control of the person providing payroll processing services has ever had
17 a financial services license or professional license revoked in any
18 jurisdiction, except that a revocation that is formally vacated shall not
19 be deemed a revocation; and

20 (d) Does not otherwise engage in the business of money transmission
21 in this state or any other activity requiring a license under the
22 Nebraska Money Transmitters Act; and

23 (17) {16} A person exempt by regulation or order if the director
24 finds such exemption to be in the public interest and that the regulation
25 of such person is not necessary for the purposes of the Nebraska Money
26 Transmitters Act.

27 **Sec. 38.** Sections 6, 10, 12, 15, 19, 22, 23, 24, 27, 28, 29, 32,
28 33, and 39 of this act become operative three calendar months after the
29 adjournment of this legislative session. The other sections of this act
30 become operative on their effective date.

31 **Sec. 39.** Original sections 8-1,124 and 8-1502, Reissue Revised

1 Statutes of Nebraska, sections 8-3003, 8-3013, 45-735, and 45-737,
2 Revised Statutes Cumulative Supplement, 2024, and sections 8-1101,
3 8-2703, 8-3033, 8-3034, 45-101.04, 45-335, and 45-345, Revised Statutes
4 Supplement, 2025, are repealed.

5 **Sec. 40.** Original sections 8-2102 and 45-741, Reissue Revised
6 Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01,
7 8-183.04, 8-1,140, 8-318, 8-355, 8-1101.01, 8-1704, 8-1707, 8-2742,
8 8-2903, 8-3005, 8-3007, 21-17,102, 21-17,115, 45-349, 45-364, 59-1722,
9 and 69-2103, Revised Statutes Supplement, 2025, and section 4A-108,
10 Uniform Commercial Code, Revised Statutes Supplement, 2025, are repealed.

11 2. Renumber the remaining sections accordingly.