

E AND R AMENDMENTS TO LB 717

Introduced by Guereca, 7, 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 8-135, Revised Statutes Supplement, 2025, is
4 amended to read:

5 8-135 (1) All persons, regardless of age, may become depositors in
6 any bank and shall be subject to the same duties and liabilities
7 respecting their deposits. Whenever a deposit is accepted by any bank in
8 the name of any person, regardless of age, the deposit may be withdrawn
9 by the depositor by any of the following methods:

10 (a) Check or other instrument in writing. The check or other
11 instrument in writing constitutes a receipt or acquittance if the check
12 or other instrument in writing is signed by the depositor and constitutes
13 a valid release and discharge to the bank for all payments so made; or

14 (b) Electronic means through:

15 (i) Preauthorized direct withdrawal;

16 (ii) An automatic teller machine;

17 (iii) A debit card;

18 (iv) A transfer by telephone;

19 (v) A network, including the Internet; or

20 (vi) Any electronic terminal, computer, magnetic tape, or other
21 electronic means.

22 (2) All persons, individually or with others and regardless of age,
23 may enter into an agreement with a bank for the lease of a safe deposit
24 box and shall be bound by the terms of the agreement.

25 (3) This section shall not be construed to affect the rights,
26 liabilities, or responsibilities of participants in an electronic fund
27 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693

1 et seq., as such act existed on January 1, 2026 ~~2025~~, and shall not
2 affect the legal relationships between a minor and any person other than
3 the bank.

4 **Sec. 2.** Section 8-141, Revised Statutes Supplement, 2025, is amended
5 to read:

6 8-141 (1) No bank shall directly or indirectly loan to any single
7 corporation, limited liability company, firm, or individual, including in
8 such loans all loans made to the several members or shareholders of such
9 corporation, limited liability company, or firm, for the use and benefit
10 of such corporation, limited liability company, firm, or individual, more
11 than twenty-five percent of the paid-up capital, surplus, and capital
12 notes and debentures or fifteen percent of the unimpaired capital and
13 unimpaired surplus of such bank, whichever is greater. Such limitations
14 shall be subject to the following exceptions:

15 (a) Obligations of any person, partnership, limited liability
16 company, association, or corporation in the form of notes or drafts
17 secured by shipping documents or instruments transferring or securing
18 title covering livestock or giving a lien on livestock shall be subject
19 under this section to a limitation of ten percent of such capital,
20 surplus, and capital notes and debentures or ten percent of such
21 unimpaired capital and unimpaired surplus, whichever is greater, in
22 addition to such twenty-five percent of such capital and surplus or such
23 fifteen percent of such unimpaired capital and unimpaired surplus. To
24 qualify for the additional ten percent limit, the bank shall perfect a
25 security interest in the livestock under applicable law and the livestock
26 shall at all times have a current market value equal to at least one
27 hundred fifteen percent of the amount of the secured note that exceeds
28 twenty-five percent of the bank's capital, surplus, and capital notes and
29 debentures or fifteen percent of the bank's unimpaired capital and
30 unimpaired surplus;

31 (b) Obligations of any person, partnership, limited liability

1 company, association, or corporation secured by not less than a like
2 amount of bonds or notes of the United States issued since April 24,
3 1917, or certificates of indebtedness of the United States, treasury
4 bills of the United States, or obligations fully guaranteed both as to
5 principal and interest by the United States shall be subject under this
6 section to a limitation of ten percent of such capital, surplus, and
7 capital notes and debentures or ten percent of such unimpaired capital
8 and unimpaired surplus, whichever is greater, in addition to such twenty-
9 five percent of such capital and surplus or such fifteen percent of such
10 unimpaired capital and unimpaired surplus;

11 (c) Obligations of any person, partnership, limited liability
12 company, association, or corporation which are secured by negotiable
13 warehouse receipts shall be subject under this section to a limitation of
14 ten percent of such capital, surplus, and capital notes and debentures or
15 ten percent of such unimpaired capital and unimpaired surplus, whichever
16 is greater, in addition to such twenty-five percent of such capital,
17 surplus, and capital notes and debentures or such fifteen percent of such
18 unimpaired capital and unimpaired surplus. To qualify for the additional
19 ten percent limit, the receipts securing the obligations shall at all
20 times have a current market value equal to at least one hundred fifteen
21 percent of the amount of the obligations that exceeds twenty-five percent
22 of the bank's capital, surplus, and capital note and debentures or
23 fifteen percent of the bank's unimpaired capital and unimpaired surplus;
24 or

25 (d) Obligations of any person, partnership, limited liability
26 company, association, or corporation which are secured by readily
27 marketable collateral having a market value, as determined by reliable
28 and continuously available price quotations, in an amount at least equal
29 to the face amount of the note or notes secured by such collateral, shall
30 be subject under this section to a limitation of ten percent of such
31 capital, surplus, and capital notes and debentures or ten percent of such

1 unimpaired capital and unimpaired surplus, whichever is greater, in
2 addition to such twenty-five percent of such capital and surplus or such
3 fifteen percent of such unimpaired capital and unimpaired surplus.

4 (2)(a) For purposes of this section, the discounting of bills of
5 exchange, drawn in good faith against actually existing values, and the
6 discounting of commercial paper actually owned by the persons negotiating
7 the bills of exchange or commercial paper shall not be considered as the
8 lending of money.

9 (b) Loans or obligations shall not be subject to any limitation
10 under this section, based upon such capital and surplus or such
11 unimpaired capital and unimpaired surplus, to the extent that such
12 capital and surplus or such unimpaired capital and unimpaired surplus are
13 secured or covered by guaranties, or by commitments or agreements to take
14 over or to purchase such capital and surplus or such unimpaired capital
15 and unimpaired surplus, made by any federal reserve bank or by the United
16 States Government or any authorized agency thereof, including any
17 corporation wholly owned directly or indirectly by the United States, or
18 general obligations of any state of the United States or any political
19 subdivision of the state. The phrase general obligation of any state or
20 any political subdivision of the state means an obligation supported by
21 the full faith and credit of an obligor possessing general powers of
22 taxation, including property taxation, but does not include municipal
23 revenue bonds and sanitary and improvement district warrants which are
24 subject to the limitations set forth in this section.

25 (c) Any bank may subscribe to, invest in, purchase, and own single-
26 family mortgages secured by the Federal Housing Administration or the
27 United States Department of Veterans Affairs and mortgage-backed
28 certificates of the Government National Mortgage Association which are
29 guaranteed as to payment of principal and interest by the Government
30 National Mortgage Association. Such mortgages and certificates shall not
31 be subject under this section to any limitation based upon such capital

1 and surplus or such unimpaired capital and unimpaired surplus.

2 (d) Obligations representing loans to any national banking
3 association or to any banking institution organized under the laws of any
4 state, when such loans are approved by the director by rule and
5 regulation or otherwise, shall not be subject under this section to any
6 limitation based upon such capital and surplus or such unimpaired capital
7 and unimpaired surplus.

8 (e) Loans or extensions of credit secured by a segregated deposit
9 account in the lending bank shall not be subject under this section to
10 any limitation based on such capital and surplus or such unimpaired
11 capital and unimpaired surplus. The director may adopt and promulgate
12 rules and regulations governing the terms and conditions of such security
13 interest and segregated deposit account.

14 (f) For the purpose of determining lending limits, partnerships
15 shall not be treated as separate entities. Each individual shall be
16 charged with his or her personal debt plus the debt of every partnership
17 in which he or she is a partner, except that for purposes of this section
18 (a) an individual shall only be charged with the debt of any limited
19 partnership in which he or she is a partner to the extent that the terms
20 of the limited partnership agreement provide that such individual is to
21 be held liable for the debts or actions of such limited partnership and
22 (b) no individual shall be charged with the debt of any general
23 partnership in which he or she is a partner beyond the extent to which
24 (i) his or her liability for such partnership debt is limited by the
25 terms of a contract or other written agreement between the bank and such
26 individual and (ii) any personal debt of such individual is incurred for
27 the use and benefit of such general partnership.

28 (3) A loan made within lending limits at the initial time the loan
29 was made may be renewed, extended, or serviced without regard to changes
30 in the lending limit of a bank following the initial extension of the
31 loan if (a) the renewal, extension, or servicing of the loan does not

1 result in the extension of funds beyond the initial amount of the loan or
2 (b) the accrued interest on the loan is not added to the original amount
3 of the loan in the process of renewal, extension, or servicing.

4 (4) Any bank may purchase or take an interest in life insurance
5 contracts for any purpose incidental to the business of banking. A bank's
6 purchase of any life insurance contract, as measured by its cash
7 surrender value, from any one life insurance company shall not at any
8 time exceed twenty-five percent of the paid-up capital, surplus, and
9 capital notes and debentures of such bank or fifteen percent of the
10 unimpaired capital and unimpaired surplus of such bank, whichever is
11 greater. A bank's purchase of life insurance contracts, as measured by
12 their cash surrender values, in the aggregate from all life insurance
13 companies shall not at any time exceed thirty-five percent of the paid-up
14 capital, surplus, undivided profits, and capital notes and debentures of
15 such bank. The limitations under this subsection on a bank's purchase of
16 life insurance contracts, in the aggregate from all life insurance
17 companies, shall not apply to any contract purchased prior to April 5,
18 1994.

19 (5) On and after January 21, 2013, the director has the authority to
20 determine the manner and extent to which credit exposure resulting from
21 derivative transactions, repurchase agreements, reverse repurchase
22 agreements, securities lending transactions, and securities borrowing
23 transactions shall be taken into account for purposes of determining
24 compliance with this section. In making such determinations, the director
25 may, but is not required to, act by rule and regulation or order.

26 (6) For purposes of this section:

27 (a) Derivative transaction means any transaction that is a contract,
28 agreement, swap, warrant, note, or option that is based, in whole or in
29 part, on the value of, any interest in, or any quantitative measure or
30 the occurrence of any event relating to, one or more commodities,
31 securities, currencies, interest or other rates, indices, or other

1 assets;

2 (b) Loan includes:

3 (i) All direct and indirect advances of funds to a person made on
4 the basis of any obligation of that person to repay the funds or
5 repayable from specific property pledged by or on behalf of that person;

6 (ii) To the extent specified by rule and regulation or order of the
7 director, any liability of a state bank to advance funds to or on behalf
8 of a person pursuant to a contractual commitment; and

9 (iii) Any credit exposure to a person arising from a derivative
10 transaction, repurchase agreement, reverse repurchase agreement,
11 securities lending transaction, or securities borrowing transaction
12 between the bank and the person; and

13 (c) Unimpaired capital and unimpaired surplus means:

14 (i) For qualifying banks that have elected to use the community bank
15 leverage ratio framework, as set forth under the Capital Adequacy
16 Standards of the appropriate federal banking agency:

17 (A) The bank's tier 1 capital as reported according to the capital
18 guidelines of the appropriate federal banking agency; and

19 (B) The bank's allowance for loan and lease losses or allowance for
20 credit losses, as applicable, as reported in the most recent consolidated
21 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
22 existed on January 1, 2026 ~~2025~~; and

23 (ii) For all other banks:

24 (A) The bank's tier 1 and tier 2 capital included in the bank's
25 risk-based capital under the capital guidelines of the appropriate
26 federal banking agency, based on the bank's most recent consolidated
27 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
28 existed on January 1, 2026 ~~2025~~; and

29 (B) The balance of the bank's allowance for loan and lease losses
30 not included in the bank's tier 2 capital for purposes of the calculation
31 of risk-based capital by the appropriate federal banking agency, based on

1 the bank's most recent consolidated report of condition filed under 12
2 U.S.C. 1817(a)(3), as such section existed on January 1, 2026 ~~2025~~.

3 (7) Notwithstanding the provisions of section 8-1,140, the director
4 may, by order, deny or limit the inclusion of goodwill in the calculation
5 of a bank's unimpaired capital and unimpaired surplus or in the
6 calculation of a bank's paid-up capital and surplus.

7 **Sec. 3.** Section 8-143.01, Revised Statutes Supplement, 2025, is
8 amended to read:

9 8-143.01 (1) No bank shall extend credit to any of its executive
10 officers, directors, or principal shareholders or to any related interest
11 of such persons in an amount that, when aggregated with the amount of all
12 other extensions of credit by the bank to that person and to all related
13 interests of that person, exceeds the higher of twenty-five thousand
14 dollars or five percent of the bank's unimpaired capital and unimpaired
15 surplus unless (a) the extension of credit has been approved in advance
16 by a majority vote of the entire board of directors of the bank, a record
17 of which shall be made and kept as a part of the records of such bank,
18 and (b) the interested party has abstained from participating directly or
19 indirectly in such vote.

20 (2) No bank shall extend credit to any of its executive officers,
21 directors, or principal shareholders or to any related interest of such
22 persons in an amount that, when aggregated with the amount of all other
23 extensions of credit by the bank to that person and to all related
24 interests of that person, exceeds five hundred thousand dollars except by
25 complying with the requirements of subdivisions (1)(a) and (b) of this
26 section.

27 (3) No bank shall extend credit to any of its executive officers,
28 and no such executive officer shall borrow from or otherwise become
29 indebted to his or her bank, except in the amounts and for the purposes
30 set forth in subsection (4) of this section.

31 (4) A bank shall be authorized to extend credit to any of its

1 executive officers:

2 (a) In any amount to finance the education of such executive
3 officer's children;

4 (b)(i) In any amount to finance or refinance the purchase,
5 construction, maintenance, or improvement of a residence of such
6 executive officer if the extension of credit is secured by a first lien
7 on the residence and the residence is owned or is expected to be owned
8 after the extension of credit by the executive officer and (ii) in the
9 case of a refinancing, only the amount of the refinancing used to repay
10 the original extension of credit, together with the closing costs of the
11 refinancing, and any additional amount thereof used for any of the
12 purposes enumerated in this subdivision are included within this category
13 of credit;

14 (c) In any amount if the extension of credit is (i) secured by a
15 perfected security interest in bonds, notes, certificates of
16 indebtedness, or treasury bills of the United States or in other such
17 obligations fully guaranteed as to principal and interest by the United
18 States, (ii) secured by unconditional takeout commitments or guarantees
19 of any department, agency, bureau, board, commission, or establishment of
20 the United States or any corporation wholly owned directly or indirectly
21 by the United States, or (iii) secured by a perfected security interest
22 in a segregated deposit account in the lending bank; or

23 (d) For any other purpose not specified in subdivisions (a), (b),
24 and (c) of this subsection if the aggregate amount of such other
25 extensions of credit to such executive officer does not exceed, at any
26 one time, the greater of two and one-half percent of the bank's
27 unimpaired capital and unimpaired surplus or twenty-five thousand
28 dollars, but in no event greater than one hundred thousand dollars or the
29 amount of the bank's lending limit as prescribed in section 8-141,
30 whichever is less.

31 (5)(a) Except as provided in subdivision (b) of this subsection, the

1 board of directors of a bank may obtain a credit report from a recognized
2 credit agency, on an annual basis, for any or all of its executive
3 officers.

4 (b) Subdivision (a) of this subsection does not apply to any
5 executive officer if such officer is excluded by a resolution of the
6 board of directors or by the bylaws of the bank from participating in the
7 major policymaking functions of the bank and does not actually
8 participate in the major policymaking functions of the bank.

9 (6) No bank shall extend credit to any of its executive officers,
10 directors, or principal shareholders or to any related interest of such
11 persons in an amount that, when aggregated with the amount of all other
12 extensions of credit by the bank to that person and to all related
13 interests of that person, exceeds the lending limit of the bank as
14 prescribed in section 8-141.

15 (7)(a) Except as provided in subdivision (b) of this subsection, no
16 bank shall extend credit to any of its executive officers, directors, or
17 principal shareholders or to any related interest of such persons unless
18 the extension of credit (i) is made on substantially the same terms,
19 including interest rates and collateral, as, and following credit-
20 underwriting procedures that are not less stringent than, those
21 prevailing at the time for comparable transactions by the bank with other
22 persons that are not covered by this section and who are not employed by
23 the bank and (ii) does not involve more than the normal risk of repayment
24 or present other unfavorable features.

25 (b) Nothing in subdivision (a) of this subsection shall prohibit any
26 extension of credit made by a bank pursuant to a benefit or compensation
27 program under the provisions of 12 C.F.R. 215.4(a)(2), as such regulation
28 existed on January 1, 2026 ~~2025~~.

29 (8) For purposes of this section:

30 (a) Executive officer means a person who participates or has
31 authority to participate, other than in the capacity of director, in the

1 major policymaking functions of the bank, whether or not the officer has
2 an official title, the title designates such officer as an assistant, or
3 such officer is serving without salary or other compensation. Executive
4 officer includes the chairperson of the board of directors, the
5 president, all vice presidents, the cashier, the corporate secretary, and
6 the treasurer, unless the executive officer is excluded by a resolution
7 of the board of directors or by the bylaws of the bank from
8 participating, other than in the capacity of director, in the major
9 policymaking functions of the bank, and the executive officer does not
10 actually participate in such functions. A manager or assistant manager of
11 a branch of a bank shall not be considered to be an executive officer
12 unless such individual participates or is authorized to participate in
13 the major policymaking functions of the bank; and

14 (b) Unimpaired capital and unimpaired surplus means the sum of:

15 (i) The total equity capital of the bank reported on its most recent
16 consolidated report of condition filed under section 8-166;

17 (ii) Any subordinated notes and debentures approved as an addition
18 to the bank's capital structure by the appropriate federal banking
19 agency; and

20 (iii) Any valuation reserves created by charges to the bank's income
21 reported on its most recent consolidated report of condition filed under
22 section 8-166.

23 (9) Any executive officer, director, or principal shareholder of a
24 bank or any other person who intentionally violates this section or who
25 aids, abets, or assists in a violation of this section is guilty of a
26 Class IV felony.

27 (10) The Director of Banking and Finance may adopt and promulgate
28 rules and regulations to carry out this section, including rules and
29 regulations defining or further defining terms used in this section,
30 consistent with the provisions of 12 U.S.C. 84 and implementing
31 Regulation O as such section and regulation existed on January 1, 2026

1 2025.

2 **Sec. 4.** Section 8-157.01, Revised Statutes Supplement, 2025, is
3 amended to read:

4 8-157.01 (1) Any establishing financial institution may establish
5 and maintain any number of automatic teller machines at which all banking
6 transactions, defined as receiving deposits of every kind and nature and
7 crediting such to customer accounts, cashing checks and cash withdrawals,
8 transferring funds from checking accounts to savings accounts,
9 transferring funds from savings accounts to checking accounts,
10 transferring funds from either checking accounts and savings accounts to
11 accounts of other customers, transferring payments from customer accounts
12 into accounts maintained by other customers of the financial institution
13 or the financial institution, including preauthorized draft authority,
14 preauthorized loans, and credit transactions, receiving payments payable
15 at the financial institution or otherwise, account balance inquiry, and
16 any other transaction incidental to the business of the financial
17 institution or which will provide a benefit to the financial
18 institution's customers or the general public, may be conducted. Any
19 automatic teller machine owned by a nonfinancial institution third party
20 shall be sponsored by an establishing financial institution. Neither such
21 automatic teller machines nor the transactions conducted thereat shall be
22 construed as the establishment of a branch or as branch banking.

23 (2) Any financial institution may become a user financial
24 institution by agreeing to pay the establishing financial institution the
25 automatic teller machine usage fee. Such agreement shall be implied by
26 the use of such automatic teller machines.

27 (3)(a)(i) All automatic teller machines shall be made available on a
28 nondiscriminating basis for use by Nebraska customers of a user financial
29 institution and (ii) all Nebraska automatic teller machine transactions
30 initiated by Nebraska customers of a user financial institution shall be
31 made on a nondiscriminating basis.

1 (b) It shall not be deemed discrimination if (i) an automatic teller
2 machine does not offer the same transaction services as other automatic
3 teller machines, (ii) there are no automatic teller machine usage fees
4 charged between affiliate financial institutions for the use of automatic
5 teller machines, (iii) the automatic teller machine usage fees of an
6 establishing financial institution that authorizes and directly or
7 indirectly routes Nebraska automatic teller machine transactions to
8 multiple switches, all of which comply with the requirements of
9 subdivision (3)(d) of this section, differ solely based upon the fees
10 established by the switches, (iv) automatic teller machine usage fees
11 differ based upon whether the transaction initiated at an automatic
12 teller machine is subject to a surcharge or provided on a surcharge-free
13 basis, or (v) the automatic teller machines established or sponsored by
14 an establishing financial institution are made available for use by
15 Nebraska customers of any user financial institution which agrees to pay
16 the automatic teller machine usage fee and which conforms to the
17 operating rules and technical standards established by the switch to
18 which a Nebraska automatic teller machine transaction is directly or
19 indirectly routed.

20 (c) The director, upon notice and after a hearing, may terminate or
21 suspend the use of any automatic teller machine if he or she determines
22 that the automatic teller machine is not made available on a
23 nondiscriminating basis or that Nebraska automatic teller machine
24 transactions initiated at such automatic teller machine are not made on a
25 nondiscriminating basis.

26 (d) A switch (i) shall provide to all financial institutions that
27 have a main office or approved branch located in the State of Nebraska
28 and that conform to the operating rules and technical standards
29 established by the switch an equal opportunity to participate in the
30 switch for the use of and access thereto; (ii) shall be capable of
31 operating to accept and route Nebraska automatic teller machine

1 transactions, whether receiving data from an automatic teller machine, an
2 establishing financial institution, or a data processing center; and
3 (iii) shall be capable of being directly or indirectly connected to every
4 data processing center for any automatic teller machine.

5 (e) The director, upon notice and after a hearing, may terminate or
6 suspend the operation of any switch with respect to all Nebraska
7 automatic teller machine transactions if he or she determines that the
8 switch is not being operated in the manner required under subdivision (3)
9 (d) of this section.

10 (f) Subject to the requirement for a financial institution to comply
11 with this subsection, no user financial institution or establishing
12 financial institution shall be required to become a member of any
13 particular switch.

14 (4) Any consumer initiating an electronic funds transfer at an
15 automatic teller machine for which an automatic teller machine surcharge
16 will be imposed shall receive notice in accordance with the provisions of
17 15 U.S.C. 1693b(d)(3)(A) and (B), as such section existed on January 1,
18 2026 ~~2025~~. Such notice shall appear on the screen of the automatic teller
19 machine or appear on a paper notice issued from such machine after the
20 transaction is initiated and before the consumer is irrevocably committed
21 to completing the transaction.

22 (5) A point-of-sale terminal may be established at any point within
23 this state by a financial institution, a group of two or more financial
24 institutions, or a combination of a financial institution or financial
25 institutions and a third party or parties. Such parties may contract with
26 a seller of goods and services or any other third party for the operation
27 of point-of-sale terminals.

28 (6) A seller of goods and services or any other third party on whose
29 premises one or more point-of-sale terminals are established shall not
30 be, solely by virtue of such establishment, a financial institution and
31 shall not be subject to the laws governing, or other requirements imposed

1 on, financial institutions, except for the requirement that it faithfully
2 perform its obligations in connection with any transaction originated at
3 any point-of-sale terminal on its premises.

4 (7) Nothing in this section shall be construed to prohibit nonbank
5 employees from assisting in transactions originated at automatic teller
6 machines or point-of-sale terminals, and such assistance shall not be
7 deemed to be engaging in the business of banking.

8 (8)(a) Annually by September 1, any entity operating as a switch in
9 Nebraska shall file a notice with the department setting forth its name,
10 address, and contact information for an officer authorized to answer
11 inquiries related to its operations in Nebraska.

12 (b) Any entity intending to operate in Nebraska as a switch shall
13 file a notice with the department setting forth its name, address, and
14 contact information for an officer authorized to answer inquiries related
15 to its operations in Nebraska. Such notice shall be filed at least thirty
16 days prior to the date on which the switch commences operations, and
17 thereafter annually by September 1.

18 (9) Nothing in this section prohibits ordinary clearinghouse
19 transactions between financial institutions.

20 (10) Nothing in this section shall prevent any financial institution
21 which has a main chartered office or an approved branch located in the
22 State of Nebraska from participating in a national automatic teller
23 machine program to allow its customers to use automatic teller machines
24 located outside of the State of Nebraska which are established by out-of-
25 state financial institutions or foreign financial institutions or to
26 allow customers of out-of-state financial institutions or foreign
27 financial institutions to use its automatic teller machines. Such
28 participation and any automatic teller machine usage fees charged or
29 received pursuant to the national automatic teller machine program or
30 usage fees charged for the use of its automatic teller machines by
31 customers of out-of-state financial institutions or foreign financial

1 institutions shall not be considered for purposes of determining (a) if
2 an automatic teller machine has been made available or Nebraska automatic
3 teller machine transactions have been made on a nondiscriminating basis
4 for use by Nebraska customers of a user financial institution or (b) if a
5 switch complies with subdivision (3)(d) of this section.

6 (11) An agreement to operate or share an automatic teller machine
7 may not prohibit, limit, or restrict the right of the operator or owner
8 of the automatic teller machine to charge a customer conducting a
9 transaction using an account from a foreign financial institution an
10 access fee or surcharge not otherwise prohibited under state or federal
11 law.

12 (12) Switch fees shall not be subject to this section or be
13 regulated by the department.

14 (13) Nothing in this section shall prevent a group of two or more
15 credit unions, each of which has a main chartered office or an approved
16 branch located in the State of Nebraska, from participating in a credit
17 union service organization organized on or before January 1, 2015, for
18 the purpose of owning automatic teller machines, provided that all
19 participating credit unions have an ownership interest in the credit
20 union service organization and that the credit union service organization
21 has an ownership interest in each of the participating credit unions'
22 automatic teller machines. Such participation and any automatic teller
23 machine usage fees associated with Nebraska automatic teller machine
24 transactions initiated by customers of participating credit unions at
25 such automatic teller machines shall not be considered for purposes of
26 determining if such automatic teller machines have been made available on
27 a nondiscriminating basis or if Nebraska automatic teller machine
28 transactions initiated at such automatic teller machines have been made
29 on a nondiscriminating basis, provided that all Nebraska automatic teller
30 machine transactions initiated by customers of participating credit
31 unions result in the same automatic teller machine usage fees for

1 essentially the same service routed over the same switch.

2 (14) Nebraska automatic teller machine usage fees and any agreements
3 relating to Nebraska automatic teller machine usage fees shall comply
4 with subsection (3) of this section.

5 (15) For purposes of this section:

6 (a) Access means the ability to utilize an automatic teller machine
7 or a point-of-sale terminal to conduct permitted banking transactions or
8 purchase goods and services electronically;

9 (b) Account means a checking account, a savings account, a share
10 account, or any other customer asset account held by a financial
11 institution. Such an account may also include a line of credit which a
12 financial institution has agreed to extend to its customer;

13 (c) Affiliate financial institution means any financial institution
14 which is a subsidiary of the same bank holding company;

15 (d) Automatic teller machine usage fee means any per transaction fee
16 established by a switch or otherwise established on behalf of an
17 establishing financial institution and collected from the user financial
18 institution and paid to the establishing financial institution for the
19 use of the automatic teller machine. An automatic teller machine usage
20 fee shall not include switch fees;

21 (e) Electronic funds transfer means any transfer of funds, other
22 than a transaction originated by check, draft, or similar paper
23 instrument, that is initiated through a point-of-sale terminal, an
24 automatic teller machine, or a personal terminal for the purpose of
25 ordering, instructing, or authorizing a financial institution to debit or
26 credit an account;

27 (f) Essentially the same service means the same Nebraska automatic
28 teller machine transaction offered by an establishing financial
29 institution irrespective of the user financial institution, the Nebraska
30 customer of which initiates the Nebraska automatic teller machine
31 transaction. A Nebraska automatic teller machine transaction that is

1 subject to a surcharge is not essentially the same service as the same
2 banking transaction for which a surcharge is not imposed;

3 (g) Establishing financial institution means any financial
4 institution which has a main chartered office or approved branch located
5 in the State of Nebraska that establishes or sponsors an automatic teller
6 machine or any out-of-state financial institution that establishes or
7 sponsors an automatic teller machine;

8 (h) Financial institution means a bank, savings bank, building and
9 loan association, savings and loan association, or credit union, whether
10 chartered by the department, the United States, or a foreign state
11 agency; any other similar organization which is covered by federal
12 deposit insurance; or a subsidiary of any such entity;

13 (i) Foreign financial institution means a financial institution
14 located outside the United States;

15 (j) Nebraska automatic teller machine transaction means a banking
16 transaction as defined in subsection (1) of this section which is (i)
17 initiated at an automatic teller machine established in whole or in part
18 or sponsored by an establishing financial institution, (ii) for an
19 account of a Nebraska customer of a user financial institution, and (iii)
20 processed through a switch regardless of whether it is routed directly or
21 indirectly from an automatic teller machine;

22 (k) Personal terminal means a personal computer and telephone,
23 wherever located, operated by a customer of a financial institution for
24 the purpose of initiating a transaction affecting an account of the
25 customer;

26 (l) Sponsoring an automatic teller machine means the acceptance of
27 responsibility by an establishing financial institution for compliance
28 with all provisions of law governing automatic teller machines and
29 Nebraska automatic teller machine transactions in connection with an
30 automatic teller machine owned by a nonfinancial institution third party;

31 (m) Switch fee means a fee established by a switch and assessed to a

1 user financial institution or to an establishing financial institution
2 other than an automatic teller machine usage fee; and

3 (n) User financial institution means any financial institution which
4 has a main chartered office or approved branch located in the State of
5 Nebraska which avails itself of and provides its customers with automatic
6 teller machine services.

7 **Sec. 5.** Section 8-183.04, Revised Statutes Supplement, 2025, is
8 amended to read:

9 8-183.04 (1) Notwithstanding any other provision of the Nebraska
10 Banking Act or any other Nebraska law, a state or federal savings
11 association which was formed and in operation as a mutual savings
12 association as of July 15, 1998, may elect to retain its mutual form of
13 corporate organization upon conversion to a state bank.

14 (2) All references to shareholders or stockholders for state banks
15 shall be deemed to be references to members for such a converted savings
16 association.

17 (3) The amount and type of capital required for such a converted
18 savings association shall be as required for federal mutual savings
19 associations in 12 C.F.R. 5.21, as such regulation existed on January 1,
20 2026 ~~2025~~, except that if at any time the department determines that the
21 capital of such a converted savings association is impaired, the director
22 may require the members to make up the capital impairment.

23 (4) The director may adopt and promulgate rules and regulations
24 governing such converted mutual savings associations. In adopting and
25 promulgating such rules and regulations, the director may consider the
26 provisions of sections 8-301 to 8-384 governing savings associations in
27 mutual form of corporate organization.

28 **Sec. 6.** Section 8-1,124, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 8-1,124 As used in sections 8-1,124 to 8-1,129, unless the context
31 otherwise requires:

1 (1) Emergency means any condition or occurrence, actual or
2 threatened, which interferes physically with the conduct of normal
3 business operations at one or more or all of the offices of a financial
4 institution, or which poses an imminent or existing threat to the safety
5 or security of persons or property, or both, including, but not limited
6 to, fire, flood, earthquake, hurricane, wind, rain, snow storm, labor
7 dispute and strike, power failure, cybersecurity event as defined in
8 section 87-1201, transportation failure, interruption of a communication
9 facility, shortage of fuel, housing, food, transportation, or labor,
10 robbery or attempted robbery, actual or threatened enemy attack, epidemic
11 or other catastrophe, riot, civil commotion, and any other act of
12 lawlessness or violence, actual or threatened;

13 (2) Financial institution means a bank, savings bank, building and
14 loan association, savings and loan association, credit union, or trust
15 company, or any office thereof, chartered by the department;

16 (3) Office means any place at which a financial institution
17 transacts its business or conducts operations related to its business;
18 and

19 (4) Officers means the person or persons designated by the board of
20 directors, supervisory committee, or other governing body of a financial
21 institution, to act for such financial institution in an emergency or, in
22 the absence of any such designation or of such officer or officers, the
23 president or any other officer in charge of such financial institution or
24 of such office or offices.

25 **Sec. 7.** Section 8-1,140, Revised Statutes Supplement, 2025, is
26 amended to read:

27 8-1,140 Notwithstanding any of the other provisions of the Nebraska
28 Banking Act or any other Nebraska statute, any bank incorporated under
29 the laws of this state and organized under the provisions of the act, or
30 under the laws of this state as they existed prior to May 9, 1933, shall
31 directly, or indirectly through a department, a subsidiary, or

1 subsidiaries, have all the rights, powers, privileges, benefits, and
2 immunities which may be exercised as of January 1, 2026 ~~2025~~, by a
3 federally chartered bank doing business in Nebraska, including the
4 exercise of all powers and activities that are permitted for a financial
5 subsidiary of a federally chartered bank. Such rights, powers,
6 privileges, benefits, and immunities shall not relieve such bank from
7 payment of state taxes assessed under any applicable laws of this state.

8 **Sec. 8.** Section 8-318, Revised Statutes Supplement, 2025, is amended
9 to read:

10 8-318 (1)(a) Shares of stock in any association, or in any federal
11 savings and loan association incorporated under the provisions of the
12 federal Home Owners' Loan Act, with its principal office and place of
13 business in this state, may be subscribed for, held, transferred,
14 surrendered, withdrawn, and forfeited and payments thereon received and
15 receipted for by any person, regardless of age, in the same manner and
16 with the same binding effect as though such person were of the age of
17 majority, except that a minor or his or her estate shall not be bound on
18 his or her subscription to stock except to the extent of payments
19 actually made thereon.

20 (b) Whenever a share account is accepted by any building and loan
21 association in the name of any person, regardless of age, the deposit may
22 be withdrawn by the shareholder by any of the following methods:

23 (i) Check or other instrument in writing. The check or other
24 instrument in writing constitutes a receipt or acquittance if the check
25 or other instrument in writing is signed by the shareholder and
26 constitutes a valid release in discharge to the building and loan
27 association for all payments so made; or

28 (ii) Electronic means through:

29 (A) Preauthorized direct withdrawal;

30 (B) An automatic teller machine;

31 (C) A debit card;

1 (D) A transfer by telephone;

2 (E) A network, including the Internet; or

3 (F) Any electronic terminal, computer, magnetic tape, or other
4 electronic means.

5 (c) This section shall not be construed to affect the rights,
6 liabilities, or responsibilities of participants in an electronic fund
7 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693
8 et seq., as it existed on January 1, 2026 ~~2025~~, and shall not affect the
9 legal relationships between a minor and any person other than the
10 building and loan association.

11 (2) All trustees, guardians, personal representatives,
12 administrators, and conservators appointed by the courts of this state
13 may invest and reinvest in, acquire, make withdrawals in whole or in
14 part, hold, transfer, or make new or additional investments in or
15 transfers of shares of stock in any (a) building and loan association
16 organized under the laws of the State of Nebraska or (b) federal savings
17 and loan association incorporated under the provisions of the federal
18 Home Owners' Loan Act, having its principal office and place of business
19 in this state, without an order of approval from any court.

20 (3) Trustees created solely by the terms of a trust instrument may
21 invest in, acquire, hold, and transfer such shares, and make withdrawals,
22 in whole or in part, therefrom, without any order of court, unless
23 expressly limited, restricted, or prohibited therefrom by the terms of
24 such trust instrument.

25 (4) All building and loan associations referred to in this section
26 are qualified to act as trustee or custodian within the provisions of the
27 federal Self-Employed Individuals Tax Retirement Act of 1962, as amended,
28 or under the terms and provisions of section 408(a) of the Internal
29 Revenue Code, if the provisions of such retirement plan require the funds
30 of such trust or custodianship to be invested exclusively in shares or
31 accounts in the association or in other associations. If any such

1 retirement plan, within the judgment of the association, constitutes a
2 qualified plan under the federal Self-Employed Individuals Tax Retirement
3 Act of 1962, or under the terms and provisions of section 408(a) of the
4 Internal Revenue Code, and the regulations promulgated thereunder at the
5 time the trust was established and accepted by the association, is
6 subsequently determined not to be such a qualified plan or subsequently
7 ceases to be such a qualified plan, in whole or in part, the association
8 may continue to act as trustee of any deposits theretofore made under
9 such plan and to dispose of the same in accordance with the directions of
10 the member and beneficiaries thereof. No association, in respect to
11 savings made under this section, shall be required to segregate such
12 savings from other assets of the association. The association shall keep
13 appropriate records showing in proper detail all transactions engaged in
14 under the authority of this section.

15 **Sec. 9.** Section 8-355, Revised Statutes Supplement, 2025, is amended
16 to read:

17 8-355 Notwithstanding any of the provisions of Chapter 8, article 3,
18 or any other Nebraska statute, except as provided in section 8-345.02,
19 any association incorporated under the laws of the State of Nebraska and
20 organized under the provisions of such article shall have all the rights,
21 powers, privileges, benefits, and immunities which may be exercised as of
22 January 1, 2026 2025, by a federal savings and loan association doing
23 business in Nebraska. Such rights, powers, privileges, benefits, and
24 immunities shall not relieve such association from payment of state taxes
25 assessed under any applicable laws of this state.

26 **Sec. 10.** Section 8-1101, Revised Statutes Supplement, 2025, is
27 amended to read:

28 8-1101 For purposes of the Securities Act of Nebraska, unless the
29 context otherwise requires:

30 (1) Agent means any individual other than a broker-dealer who
31 represents a broker-dealer or issuer in effecting or attempting to effect

1 sales of securities, but agent does not include an individual who
2 represents (a) an issuer in (i) effecting a transaction in a security
3 exempted by subdivision (6), (7), or (8) of section 8-1110, (ii)
4 effecting certain transactions exempted by section 8-1111, (iii)
5 effecting transactions in a federal covered security as described in
6 section 18(b)(3) of the Securities Act of 1933, or (iv) effecting
7 transactions with existing employees, limited liability company members,
8 partners, or directors of the issuer or any of its subsidiaries if no
9 commission or other remuneration is paid or given directly or indirectly
10 for soliciting any person in this state or (b) a broker-dealer in
11 effecting transactions described in section 15(h)(2) of the Securities
12 Exchange Act of 1934. A partner, limited liability company member,
13 officer, or director of a broker-dealer is an agent only if he or she
14 otherwise comes within this definition;

15 (2) Broker-dealer means any person engaged in the business of
16 effecting transactions in securities for the account of others or for his
17 or her own account. Broker-dealer does not include (a) an issuer-dealer,
18 agent, bank, savings institution, or trust company, (b) an issuer
19 effecting a transaction in its own security exempted by subdivision (5)
20 (a), (b), (c), (d), (e), or (f) of section 8-1110 or which qualifies as a
21 federal covered security pursuant to section 18(b)(1) of the Securities
22 Act of 1933, (c) a person who has no place of business in this state if
23 he or she effects transactions in this state exclusively with or through
24 the issuers of the securities involved in the transactions, other broker-
25 dealers, or banks, savings institutions, credit unions, trust companies,
26 insurance companies, investment companies as defined in the Investment
27 Company Act of 1940, pension or profit-sharing trusts, or other financial
28 institutions or institutional buyers, whether acting for themselves or as
29 trustees, (d) a person who is registered as a broker-dealer with the
30 Securities and Exchange Commission under the Securities Exchange Act of
31 1934 and has no place of business in this state if during any period of

1 twelve consecutive months he or she does not effect transactions in
2 securities or offer to effect transactions with more than five people in
3 this state in any manner to persons other than those specified in
4 subdivision (2)(c) of this section, ~~or~~ (e) a person who is a resident of
5 Canada and who has no office or other physical presence in Nebraska if
6 the following conditions are satisfied: (i) The person must be registered
7 with, or be a member of, a securities self-regulatory organization in
8 Canada or a stock exchange in Canada; (ii) the person must maintain, in
9 good standing, its provisional or territorial registration or membership
10 in a securities self-regulatory organization in Canada, or stock exchange
11 in Canada; (iii) the person effects, or attempts to effect, (A) a
12 transaction with or for a Canadian client who is temporarily present in
13 this state and with whom the Canadian broker-dealer had a bona fide
14 customer relationship before the client entered this state or (B) a
15 transaction with or for a Canadian client in a self-directed tax
16 advantaged retirement plan in Canada of which that client is the holder
17 or contributor; and (iv) the person complies with all provisions of the
18 Securities Act of Nebraska relating to the disclosure of material
19 information in connection with the transaction, or (f) a person that is
20 exempt from registration as a broker-dealer with the Securities and
21 Exchange Commission pursuant to Section 15(b)(13) of the Securities and
22 Exchange Act of 1934;

23 (3) Department means the Department of Banking and Finance. Director
24 means the Director of Banking and Finance of the State of Nebraska except
25 as further provided in section 8-1120;

26 (4) Federal covered adviser means a person who is registered under
27 section 203 of the Investment Advisers Act of 1940;

28 (5) Federal covered security means any security described as a
29 covered security under section 18(b) of the Securities Act of 1933 or
30 rules and regulations under the act;

31 (6) Guaranteed means guaranteed as to payment of principal,

1 interest, or dividends;

2 (7) Investment adviser means any person who for compensation engages
3 in the business of advising others, either directly or through
4 publications or writings, as to the value of securities or as to the
5 advisability of investing in, purchasing, or selling securities or who
6 for compensation and as a part of a regular business issues or
7 promulgates analyses or reports concerning securities. Investment adviser
8 also includes financial planners and other persons who, as an integral
9 component of other financially related services, provide the foregoing
10 investment advisory services to others for compensation and as part of a
11 business or who hold themselves out as providing the foregoing investment
12 advisory services to others for compensation. Investment adviser does not
13 include (a) an investment adviser representative, (b) a bank, savings
14 institution, or trust company, (c) a lawyer, accountant, engineer, or
15 teacher whose performance of these services is solely incidental to the
16 practice of his or her profession, (d) a broker-dealer or its agent whose
17 performance of these services is solely incidental to its business as a
18 broker-dealer and who receives no special compensation for them, (e) an
19 issuer-dealer, (f) a publisher of any bona fide newspaper, news column,
20 newsletter, news magazine, or business or financial publication or
21 service, whether communicated in hard copy form, by electronic means, or
22 otherwise which does not consist of the rendering of advice on the basis
23 of the specific investment situation of each client, (g) a person who has
24 no place of business in this state if (i) his or her only clients in this
25 state are other investment advisers, federal covered advisers, broker-
26 dealers, banks, savings institutions, credit unions, trust companies,
27 insurance companies, investment companies as defined in the Investment
28 Company Act of 1940, pension or profit-sharing trusts, or other financial
29 institutions or institutional buyers, whether acting for themselves or as
30 trustees, or (ii) during the preceding twelve-month period, he or she has
31 had five or fewer clients who are residents of this state other than

1 those persons specified in subdivision (g)(i) of this subdivision, (h)
2 any person that is a federal covered adviser or is excluded from the
3 definition of investment adviser under section 202 of the Investment
4 Adviser Act of 1940, or (i) such other persons not within the intent of
5 this subdivision as the director may by rule and regulation or order
6 designate;

7 (8) Investment adviser representative means any partner, limited
8 liability company member, officer, or director or any person occupying a
9 similar status or performing similar functions of a partner, limited
10 liability company member, officer, or director or other individual,
11 except clerical or ministerial personnel, who is employed by or
12 associated with an investment adviser that is registered or required to
13 be registered under the Securities Act of Nebraska or who has a place of
14 business located in this state and is employed by or associated with a
15 federal covered adviser, and who (a) makes any recommendations or
16 otherwise renders advice regarding securities, (b) manages accounts or
17 portfolios of clients, (c) determines which recommendation or advice
18 regarding securities should be given, (d) solicits, offers, or negotiates
19 for the sale of or sells investment advisory services, or (e) supervises
20 employees who perform any of the foregoing;

21 (9) Issuer means any person who issues or proposes to issue any
22 security, except that (a) with respect to certificates of deposit,
23 voting-trust certificates, or collateral-trust certificates or with
24 respect to certificates of interest or shares in an unincorporated
25 investment trust not having a board of directors, or persons performing
26 similar functions, or of the fixed, restricted management, or unit type,
27 the term issuer means the person or persons performing the acts and
28 assuming the duties of depositor or manager pursuant to the provisions of
29 the trust or other agreement or instrument under which the security is
30 issued and (b) with respect to a fractional or pooled interest in a
31 viatical settlement contract, issuer means the person who creates, for

1 the purpose of sale, the fractional or pooled interest. In the case of a
2 viatical settlement contract that is not fractionalized or pooled, issuer
3 means the person effecting a transaction with a purchaser of such
4 contract;

5 (10) Issuer-dealer means (a) any issuer located in the State of
6 Nebraska or (b) any issuer which registered its securities by
7 qualification who proposes to sell to the public of the State of Nebraska
8 the securities that it issues without the benefit of another registered
9 broker-dealer. Such securities shall have been approved for sale in the
10 State of Nebraska pursuant to section 8-1104;

11 (11) Nonissuer means not directly or indirectly for the benefit of
12 the issuer;

13 (12) Person means an individual, a corporation, a partnership, a
14 limited liability company, an association, a joint-stock company, a trust
15 in which the interests of the beneficiaries are evidenced by a security,
16 an unincorporated organization, a government, or a political subdivision
17 of a government;

18 (13) Sale or sell includes every contract of sale of, contract to
19 sell, or disposition of a security or interest in a security for value.
20 Offer or offer to sell includes every attempt or offer to dispose of, or
21 solicitation of an offer to buy, a security or interest in a security for
22 value. Any security given or delivered with or as a bonus on account of
23 any purchase of securities or any other thing is considered to constitute
24 part of the subject of the purchase and to have been offered and sold for
25 value. A purported gift of assessable stock shall be considered to
26 involve an offer and sale. Every sale or offer of a warrant or right to
27 purchase or subscribe to another security of the same or another issuer,
28 as well as every sale or offer of a security which gives the holder a
29 present or future right or privilege to convert into another security of
30 the same or another issuer, shall be considered to include an offer of
31 the other security;

1 (14) Security means any note, stock, treasury stock, bond,
2 debenture, units of beneficial interest in a real estate trust, evidence
3 of indebtedness, certificate of interest or participation in any profit-
4 sharing agreement, collateral-trust certificate, preorganization
5 certificate or subscription, transferable share, investment contract,
6 viatical settlement contract or any fractional or pooled interest in such
7 contract, membership interest in any limited liability company organized
8 under Nebraska law or any other jurisdiction unless otherwise excluded
9 from this definition, voting-trust certificate, certificate of deposit
10 for a security, certificate of interest or participation in an oil, gas,
11 or mining title or lease or in payments out of production under such a
12 title or lease, in general any interest or instrument commonly known as a
13 security, or any certificate of interest or participation in, temporary
14 or interim certificate for, guarantee of, or warrant or right to
15 subscribe to or purchase any of the foregoing. Security does not include
16 any insurance or endowment policy or annuity contract issued by an
17 insurance company. Security also does not include a membership interest
18 in a limited liability company when all of the following exist: (a) The
19 member enters into a written commitment to be engaged actively and
20 directly in the management of the limited liability company; and (b) all
21 members of the limited liability company are actively engaged in the
22 management of the limited liability company. For the limited purposes of
23 determining professional malpractice insurance premiums, a security
24 issued through a transaction that is exempted pursuant to subdivision
25 (23) of section 8-1111 shall not be considered a security;

26 (15) State means any state, territory, or possession of the United
27 States as well as the District of Columbia and Puerto Rico; and

28 (16) Viatical settlement contract means an agreement for the
29 purchase, sale, assignment, transfer, devise, or bequest of all or any
30 portion of the death benefit or ownership of a life insurance policy or
31 contract for consideration which is less than the expected death benefit

1 of the life insurance policy or contract. Viatical settlement contract
2 does not include (a) the assignment, transfer, sale, devise, or bequest
3 of a death benefit of a life insurance policy or contract made by the
4 viator to an insurance company or to a viatical settlement provider or
5 broker licensed pursuant to the Viatical Settlements Act, (b) the
6 assignment of a life insurance policy or contract to a bank, savings
7 bank, savings and loan association, credit union, or other licensed
8 lending institution as collateral for a loan, or (c) the exercise of
9 accelerated benefits pursuant to the terms of a life insurance policy or
10 contract and consistent with applicable law.

11 **Sec. 11.** Section 8-1101.01, Revised Statutes Supplement, 2025, is
12 amended to read:

13 8-1101.01 For purposes of the Securities Act of Nebraska:

14 (1) Fair practice or ethical rules or standards promulgated by the
15 Securities and Exchange Commission, the Financial Industry Regulatory
16 Authority, or a self-regulatory organization approved by the Securities
17 and Exchange Commission means such practice, rules, or standards as they
18 existed on January 1, 2026 ~~2025~~;

19 (2) Federal rules and regulations adopted under the Investment
20 Advisers Act of 1940 or the Securities Act of 1933 means such rules and
21 regulations as they existed on January 1, 2026 ~~2025~~; and

22 (3) Securities Act of 1933, Securities Exchange Act of 1934,
23 Investment Advisers Act of 1940, Investment Company Act of 1940,
24 Commodity Exchange Act, and the federal Interstate Land Sales Full
25 Disclosure Act means the acts as they existed on January 1, 2026 ~~2025~~.

26 **Sec. 12.** Section 8-1502, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 8-1502 (1) Except as provided in subsection (2) of this section, no
29 person acting personally or as agent shall acquire control of any state-
30 chartered bank or trust company without first giving sixty days' notice
31 to the Department of Banking and Finance on forms provided by the

1 department of such proposed acquisition.

2 The Director of Banking and Finance, upon receipt of a substantially
3 complete such notice, shall act upon it within thirty days, and, unless
4 he or she disapproves the proposed acquisition within that period of
5 time, it may become effective on the sixty-first day after receipt
6 without his or her approval, except that the director may extend the
7 thirty-day period an additional thirty days if in his or her judgment any
8 material information submitted is substantially inaccurate or the
9 acquiring party has not furnished all the information required by
10 sections 8-1501 to 8-1505 or by the director.

11 An acquisition may be made prior to the expiration of the
12 disapproval period if the director issues written notice of his or her
13 intent not to disapprove the action.

14 Within three days after his or her decision to disapprove any
15 proposed acquisition, the director shall notify the acquiring party in
16 writing of the disapproval. The notice shall provide a statement of the
17 basis for the disapproval.

18 (2) The notice requirements of subsection (1) of this section shall
19 not apply when:

20 (a) Shares of a state-chartered bank or trust company are acquired
21 by a person in the regular course of securing or collecting a debt
22 previously contracted in good faith or through inheritance or a bona fide
23 gift if notice of such acquisition is given to the department, on forms
24 provided by the department, within thirty days after the acquisition;

25 (b) Shares of a state-chartered bank or trust company are
26 transferred from an individual or individuals to a trust formed by the
27 individual or individuals for estate-planning purposes if (i) there is no
28 change in the proportion of shares held by the trust for such individual
29 or individuals compared to the ownership of such individual or
30 individuals prior to the formation of the trust, (ii) the individual or
31 individuals control the trust, and (iii) notice of the proposed transfer

1 is given to the department, on forms provided by the department, at least
2 thirty days prior to the proposed transfer and the department does not
3 disapprove the transfer for the reason that the transfer is an attempt to
4 subvert the requirements of sections 8-1501 to 8-1505; or

5 (c) The director, the Governor, and the Secretary of State jointly
6 determine that an emergency exists which requires expeditious action or
7 that the department must act immediately to prevent probable failure of
8 the institution to be acquired.

9 **Sec. 13.** Section 8-1704, Revised Statutes Supplement, 2025, is
10 amended to read:

11 8-1704 CFTC rule shall mean any rule, regulation, or order of the
12 Commodity Futures Trading Commission in effect on January 1, 2026 ~~2025~~.

13 **Sec. 14.** Section 8-1707, Revised Statutes Supplement, 2025, is
14 amended to read:

15 8-1707 Commodity Exchange Act shall mean the act of Congress known
16 as the Commodity Exchange Act, 7 U.S.C. 1, as amended on January 1, 2026
17 ~~2025~~.

18 **Sec. 15.** Section 8-2102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 8-2102 For purposes of the Interstate Branching and Merger Act,
21 unless the context otherwise requires:

22 (1) Bank means a bank as defined in 12 U.S.C. 1813, as such section
23 existed on January 1, 2026 ~~2012~~;

24 (2) Department means the Department of Banking and Finance;

25 (3) Director means the Director of Banking and Finance;

26 (4) Home state means (a) with respect to a state chartered bank, the
27 state in which the bank is chartered and (b) with respect to a national
28 bank, the state in which the main office of the bank is located;

29 (5) Home state regulator means, with respect to an out-of-state
30 state chartered bank, the bank supervisory agency of the state in which
31 such bank is chartered;

1 (6) Host state means a state, other than the home state of a bank,
2 in which the bank maintains, or seeks to establish and maintain, a
3 branch;

4 (7) Interstate merger transaction means a merger or consolidation of
5 two or more banks, at least one of which is a Nebraska bank and at least
6 one of which is an out-of-state bank, and the conversion of the main
7 office and the branches of any bank involved in such merger or
8 consolidation into branches of the resulting bank;

9 (8) Nebraska bank means a bank whose home state is Nebraska;

10 (9) Nebraska state chartered bank means a corporation which is
11 chartered to conduct a bank in this state pursuant to the Nebraska
12 Banking Act;

13 (10) Out-of-state bank means a bank whose home state is a state
14 other than Nebraska;

15 (11) Out-of-state state chartered bank means a bank chartered under
16 the laws of any state other than Nebraska;

17 (12) Resulting bank means a bank that has resulted from an
18 interstate merger transaction under the Interstate Branching and Merger
19 Act; and

20 (13) State means any state of the United States, the District of
21 Columbia, any territory of the United States, Puerto Rico, Guam, American
22 Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands,
23 and the Northern Mariana Islands.

24 **Sec. 16.** Section 8-2703, Revised Statutes Supplement, 2025, is
25 amended to read:

26 8-2703 The Nebraska Money Transmitters Act does not apply to:

27 (1) An operator of a payment system to the extent that such operator
28 provides processing, clearing, or settlement services, between or among
29 persons exempted from the Nebraska Money Transmitters Act under this
30 section or licensees, in connection with wire transfers, credit card
31 transactions, debit card transactions, stored value transactions,

1 automated clearinghouse transfers, or similar funds transfers;

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

5 (a) There exists a written agreement between the payee and the agent
6 directing the agent to collect and process payments from payors on the
7 behalf of the payee;

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

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

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

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

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

23 (c) Bears sole responsibility to satisfy the outstanding money
24 transmission obligation to the sender, including the obligation to make
25 the sender whole in connection with any failure to transmit the funds to
26 the designated recipient of the sender;

27 (4) The United States or any department, agency, or instrumentality
28 thereof or any agent of the United States or any department, agency, or
29 instrumentality thereof;

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

1 (6) A state, county, or city or any governmental agency, political
2 subdivision, or instrumentality of a state, or any agent of a state,
3 county, or city or any governmental agency, political subdivision, or
4 instrumentality of a state;

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

10 (8) Electronic funds transfer of governmental benefits for a
11 federal, state, county, or other governmental agency by a contractor on
12 behalf of the United States or a department, agency, or instrumentality
13 thereof, or on behalf of a state, county, or other governmental
14 subdivision, agency, or instrumentality thereof;

15 (9) A board of trade designated as a contract market under the
16 Commodity Exchange Act or a person that, in the ordinary course of
17 business, provides clearance and settlement services for a board of trade
18 to the extent of such person's operation as or for such a board;

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

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

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

30 (13) A person expressly appointed as a third-party service provider
31 to or agent of an entity exempt under subdivision (7) of this section,

1 solely to the extent that:

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

6 (b) The exempt entity assumes all risk of loss and all legal
7 responsibility for satisfying the outstanding money transmission
8 obligations owed to purchasers and holders of the outstanding money
9 transmission obligations upon receipt of the purchaser's or holder's
10 money or monetary value by the service provider or agent;

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

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

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

16 (c) To engage in the debt management business pursuant to sections
17 69-1201 to 69-1217;

18 (15) A charter issued under the Nebraska Financial Innovation Act;
19 and

20 (16) A person that provides payroll processing services if such
21 person:

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

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

26 (b) Has not been convicted of or pled guilty or nolo contendere to a
27 felony in a domestic, foreign, or military court and no key individual or
28 person in control of the person that provides payroll processing services
29 has been convicted of or pled guilty or nolo contendere to a felony in a
30 domestic, foreign, or military court;

31 (c) Has never had a financial services license or professional

1 license revoked in any jurisdiction and no key individual or person in
2 control of the person providing payroll processing services has ever had
3 a financial services license or professional license revoked in any
4 jurisdiction, except that a revocation that is formally vacated shall not
5 be deemed a revocation; and

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

9 (17) (16) A person exempt by regulation or order if the director
10 finds such exemption to be in the public interest and that the regulation
11 of such person is not necessary for the purposes of the Nebraska Money
12 Transmitters Act.

13 **Sec. 17.** Section 8-2742, Revised Statutes Supplement, 2025, is
14 amended to read:

15 8-2742 For purposes of the Nebraska Money Transmitters Act:

16 (1) 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such regulation
17 existed on January 1, 2026 ~~2025~~;

18 (2) Bank Secrecy Act means the Bank Secrecy Act, 31 U.S.C. 5311 et
19 seq., and the implementing regulations of such act, as such act and
20 regulations existed on January 1, 2026 ~~2025~~;

21 (3) Bank Service Company Act means the Bank Service Company Act, 12
22 U.S.C. 1861 et seq., as such act existed on January 1, 2026 ~~2025~~;

23 (4) Commodity Exchange Act means the Commodity Exchange Act, 7
24 U.S.C. 1 et seq., as such act existed on January 1, 2026 ~~2025~~;

25 (5) Edge Act means the Edge Act, 12 U.S.C. 611 et seq., as such act
26 existed on January 1, 2026 ~~2025~~;

27 (6) Federal Credit Union Act means the Federal Credit Union Act, 12
28 U.S.C. 1751 et seq., as such act existed on January 1, 2026 ~~2025~~;

29 (7) Federal Deposit Insurance Act means the Federal Deposit
30 Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1,
31 2026 ~~2025~~;

1 (8) Federal remittance rule means 12 C.F.R. part 1005, subpart B, as
2 such regulation existed on January 1, 2026 ~~2025~~;

3 (9) Foreign Account Tax Compliance Act means the Foreign Account Tax
4 Compliance Act, 26 U.S.C. 1471 et seq., as such act existed on January 1,
5 2026 ~~2025~~;

6 (10) International Banking Act of 1978 means the International
7 Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on
8 January 1, 2026 ~~2025~~;

9 (11) Securities Exchange Act of 1934 means the Securities Exchange
10 Act of 1934, 15 U.S.C. 78a et seq., as such act existed on January 1,
11 2026 ~~2025~~;

12 (12) United States Bankruptcy Code means 11 U.S.C. 101 et seq., as
13 such sections existed on January 1, 2026 ~~2025~~; and

14 (13) Uniting and Strengthening America by Providing Appropriate
15 Tools Required to Intercept and Obstruct Terrorism Act of 2001 means the
16 Uniting and Strengthening America by Providing Appropriate Tools Required
17 to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, as
18 such act existed on January 1, 2026 ~~2025~~.

19 **Sec. 18.** Section 8-2903, Revised Statutes Supplement, 2025, is
20 amended to read:

21 8-2903 (1) When a financial institution, or an employee of a
22 financial institution, reasonably believes, or has received information
23 from the department or a law enforcement agency demonstrating that it is
24 reasonable to believe, that financial exploitation of a vulnerable adult
25 or senior adult may have occurred, may have been attempted, is occurring,
26 or is being attempted, the financial institution may, but is not required
27 to:

28 (a) Delay or refuse a transaction with or involving the vulnerable
29 adult or senior adult;

30 (b) Delay or refuse to permit the withdrawal or disbursement of
31 funds contained in the vulnerable adult's or senior adult's account;

1 (c) Prevent a change in ownership of the vulnerable adult's or
2 senior adult's account;

3 (d) Prevent a transfer of funds from the vulnerable adult's or
4 senior adult's account to an account owned wholly or partially by another
5 person;

6 (e) Refuse to comply with instructions given to the financial
7 institution by an agent or a person acting for or with an agent under a
8 power of attorney signed or purported to have been signed by the
9 vulnerable adult or senior adult; or

10 (f) Prevent the designation or change the designation of
11 beneficiaries to receive any property, benefit, or contract rights for a
12 vulnerable adult or senior adult at death.

13 (2) A financial institution is not required to act under subsection
14 (1) of this section when provided with information alleging that
15 financial exploitation may have occurred, may have been attempted, is
16 occurring, or is being attempted, but may use the financial institution's
17 discretion to determine whether or not to act under subsection (1) of
18 this section based on the information available to the financial
19 institution at the time.

20 (3)(a)(i) A financial institution may notify any third party
21 reasonably associated with a vulnerable adult or senior adult if the
22 financial institution reasonably believes that the financial exploitation
23 of a vulnerable adult or senior adult may have occurred, may have been
24 attempted, is occurring, or is being attempted.

25 (ii) A third party reasonably associated with a vulnerable adult or
26 senior adult includes, but is not limited to, the following: (A) A
27 parent, spouse, adult child, sibling, or other known family member or
28 close associate of a vulnerable adult or senior adult; (B) an authorized
29 contact provided by a vulnerable adult or senior adult to the financial
30 institution; (C) a co-owner, additional authorized signatory, or
31 beneficiary on a vulnerable adult's or a senior adult's account; (D) an

1 attorney in fact, trustee, conservator, guardian, or other fiduciary who
2 has been selected by a vulnerable adult or senior adult, a court, or a
3 third party to manage some or all of the financial affairs of the
4 vulnerable adult or senior adult; and (E) an attorney known to represent
5 or have represented the vulnerable adult or senior adult.

6 (b) A financial institution may choose not to notify any third party
7 reasonably associated with a vulnerable adult or senior adult of
8 suspected financial exploitation of the vulnerable adult or senior adult
9 if the financial institution reasonably believes the third party is, may
10 be, or may have been engaged in the financial exploitation of the
11 vulnerable adult or senior adult or if requested to refrain from making a
12 notification by a law enforcement agency, if such notification could
13 interfere with a law enforcement investigation.

14 (c) Nothing in this subsection shall prevent a financial institution
15 from notifying the department or a law enforcement agency, if the
16 financial institution reasonably believes that the financial exploitation
17 of a vulnerable adult or senior adult may have occurred, may have been
18 attempted, is occurring, or is being attempted.

19 (4) The authority granted the financial institution under subsection
20 (1) of this section expires upon the sooner of: (a) Thirty business days
21 after the date on which the financial institution first acted under
22 subsection (1) of this section; (b) when the financial institution is
23 satisfied that the transaction or act will not result in financial
24 exploitation of the vulnerable adult or senior adult; or (c) upon
25 termination by an order of a court of competent jurisdiction.

26 (5) Unless otherwise directed by order of a court of competent
27 jurisdiction, a financial institution may extend the duration under
28 subsection (4) of this section based on a reasonable belief that the
29 financial exploitation of a vulnerable adult or senior adult may continue
30 to occur or continue to be attempted.

31 (6) A financial institution and its bank holding company, if any,

1 and any employees, agents, officers, and directors of the financial
2 institution and its bank holding company, if any, shall be immune from
3 any civil, criminal, or administrative liability that may otherwise exist
4 (a) for delaying or refusing to execute a transaction, withdrawal, or
5 disbursement, or for not delaying or refusing to execute such
6 transaction, withdrawal, or disbursement under this section and (b) for
7 actions taken in furtherance of determinations made under subsections (1)
8 through (5) of this section.

9 (7)(a) Notwithstanding any other law to the contrary, the refusal by
10 a financial institution to engage in a transaction as authorized under
11 subsection (1) of this section shall not constitute the wrongful dishonor
12 of an item under section 4-402, Uniform Commercial Code.

13 (b) Notwithstanding any other law to the contrary, a reasonable
14 belief that payment of a check will facilitate the financial exploitation
15 of a vulnerable adult or senior adult shall constitute reasonable grounds
16 to doubt the collectability of the item for purposes of the federal Check
17 Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal
18 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
19 part 229, as such acts and part existed on January 1, 2026 2025.

20 **Sec. 19.** Section 8-3003, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 8-3003 For purposes of the Nebraska Financial Innovation Act:

23 (1) Blockchain means a distributed digital record of controllable
24 electronic record transactions;

25 (2) Centralized finance means centralized digital asset exchanges,
26 businesses, or organizations with a valid physical address;

27 (3) Control has the following meaning:

28 (a) A person has control of a controllable electronic record if:

29 (i) The following conditions are met:

30 (A) The controllable electronic record or the system in which it is
31 recorded, if any, gives the person:

1 (I) The power to derive substantially all the benefit from the
2 controllable electronic record;

3 (II) Subject to subdivision (b) of this subdivision, the exclusive
4 power to prevent others from deriving substantially all the benefit from
5 the controllable electronic record; and

6 (III) Subject to subdivision (b) of this subdivision, the exclusive
7 power to transfer control of the controllable electronic record to
8 another person or cause another person to obtain control of a
9 controllable electronic record that derives from the controllable
10 electronic record; and

11 (B) The controllable electronic record, a record attached to or
12 logically associated with the controllable electronic record, or the
13 system in which the controllable electronic record is recorded, if any,
14 enables the person to readily identify itself as having the powers
15 specified in subdivision (a)(i) of this subdivision; or

16 (ii) Another person obtains control of the controllable electronic
17 record on behalf of the person, or having previously obtained control of
18 the controllable electronic record, acknowledges that it has control on
19 behalf of the person.

20 (b) A power specified in subdivisions (3)(a)(i)(A)(II) or (III) of
21 this section can be exclusive, even if:

22 (i) The controllable electronic record or the system in which it is
23 recorded, if any, limits the use to which the controllable electronic
24 record may be put or has protocols that are programmed to result in a
25 transfer of control; and

26 (ii) The person has agreed to share the power with another person.

27 (c) For the purposes of subdivision (3)(a)(i)(B) of this section, a
28 person may be identified in any way, including by name, identifying
29 number, cryptographic key, office, or account number;

30 (4) Controllable electronic borrowing means the act of receiving
31 digital assets or the use of digital assets from a lender in exchange for

1 the payment to the lender of digital assets, interest, fees, or rewards;

2 (5) Controllable electronic record means an electronic record that
3 can be subjected to control. The term has the same meaning as digital
4 asset and does not include electronic chattel paper, electronic
5 documents, investment property, and transferable records under the
6 Uniform Electronic Transactions Act;

7 (6) Controllable electronic record exchange means a business that
8 allows customers to purchase, sell, convert, send, receive, or trade
9 digital assets for other digital assets;

10 (7) Controllable electronic record lending means the act of
11 providing digital assets to a borrower in exchange for digital assets,
12 interest, fees, or rewards;

13 (8) Controllable electronic records staking means the act of
14 pledging a digital asset or token with an expectation of gaining digital
15 assets, interest, fees, or other rewards on such act;

16 (9) Customer means a digital asset depositor or digital asset
17 account holder;

18 (10) Decentralized finance means digital asset exchanges,
19 businesses, or organizations operating independently on blockchains;

20 (11) Department means the Department of Banking and Finance;

21 (12) Digital asset depository means (a) a financial institution that
22 securely holds liquid assets when such assets are in the form of
23 controllable electronic records, either as a corporation organized,
24 chartered, and operated pursuant to the Nebraska Financial Innovation Act
25 as a digital asset depository institution (b) or a financial institution
26 which has been further chartered by the director to operate ~~operating a~~
27 ~~digital asset depository business in as a digital asset depository~~
28 ~~department of the financial institution under a charter granted by the~~
29 ~~director;~~

30 (13) Digital asset depository department means a financial
31 institution operating a digital asset depository business as a digital

1 asset depository department under a charter granted by the director;

2 (14) Digital asset depository institution means a corporation
3 operating a digital asset depository business organized and chartered
4 pursuant to the Nebraska Financial Innovation Act;

5 (15) Director means the Director of Banking and Finance;

6 (16) Financial institution means a bank, savings bank, building and
7 loan association, ~~or~~ savings and loan association, or credit union
8 chartered by the United States, the department, or a foreign state
9 agency; or a trust company;

10 (17) Fork means a change to the protocol of a blockchain network;

11 (18) Independent node verification network means a shared electronic
12 database where copies of the same information are stored on multiple
13 computers; and

14 (19) Stablecoin means a controllable electronic record designed to
15 have a stable value that is backed by a reserve asset.

16 **Sec. 20.** Section 8-3005, Revised Statutes Supplement, 2025, is
17 amended to read:

18 8-3005 (1)(a) A digital asset depository may:

19 (i) Make contracts as a corporation under Nebraska law;

20 (ii) Sue and be sued;

21 (iii) Receive notes as permitted by federal law;

22 (iv) Carry on a nonlending digital asset banking business for
23 customers, consistent with subdivision (2)(b) of this section;

24 (v) Provide payment services upon the request of a customer; and

25 (vi) Make an application to become a member bank of the federal
26 reserve system.

27 (b) A digital asset depository shall maintain its main office and
28 the primary office of its chief executive officer in Nebraska.

29 (c) As otherwise authorized by this section, a digital asset
30 depository may conduct business with customers outside this state.

31 (2)(a) A digital asset depository institution, consistent with the

1 Nebraska Financial Innovation Act, shall be organized as a corporation
2 under the Nebraska Model Business Corporation Act to exercise the powers
3 set forth in subsection (1) of this section.

4 (b) A digital asset depository institution shall not accept demand
5 deposits of United States currency or United States currency that may be
6 accessed or withdrawn by check or similar means for payment to third
7 parties and except as otherwise provided in this subsection, a digital
8 asset depository institution shall not make any loans to consumers for
9 personal, property or household purposes, mortgage loans, or commercial
10 loans of any fiat currency including, but not limited to, United States
11 currency, including the provision of temporary credit relating to
12 overdrafts. Notwithstanding this prohibition against fiat currency
13 lending by a digital asset depository institution, a digital asset
14 depository institution may facilitate the provision of digital asset
15 business services resulting from the interaction of customers with
16 centralized finance or decentralized finance platforms including, but not
17 limited to, controllable electronic record exchange, staking,
18 controllable electronic record lending, and controllable electronic
19 record borrowing. A digital asset depository institution may purchase
20 debt obligations specified by subdivision (2)(c) of section 8-3009.

21 (c) A digital asset depository institution may open a branch in this
22 state or in another state in the manner set forth in section 8-157 or
23 8-2303. A branch in another state is subject to the laws of the host
24 state. A digital asset depository institution, including any branch of
25 the digital asset depository institution, may only accept digital asset
26 deposits or provide other digital asset business services under the
27 Nebraska Financial Innovation Act to individual customers or a customer
28 that is a legal entity other than a natural person engaged in a bona fide
29 business which is lawful under the laws of Nebraska, the laws of the host
30 state if the entity is headquartered in another state, and federal law.

31 (3) The deposit limitations of subdivision (2)(a)(ii) of section

1 8-157 shall not apply to a digital asset depository.

2 (4) Any United States currency coming into an account established by
3 a customer of a digital asset depository institution shall be held in a
4 financial institution, the deposits of which are insured by the Federal
5 Deposit Insurance Corporation, ~~which maintained a main chartered office~~
6 ~~in this state, any branch thereof in this state, or any branch of the~~
7 ~~financial institution which maintained the main chartered office in this~~
8 ~~state prior to becoming a branch of such financial institution.~~

9 (5) A digital asset depository institution shall establish and
10 maintain programs for compliance with the federal Bank Secrecy Act, in
11 accordance with 12 C.F.R. 208.63, as the act and rule existed on January
12 1, 2026 2025.

13 (6) A digital asset depository shall help meet the digital financial
14 needs of the communities in which it operates, consistent with safe and
15 sound operations, and shall maintain and update a public file available
16 to any person on request and on any Internet website or mobile
17 application it maintains containing specific information about its
18 efforts to meet community needs, including:

19 (a) The collection and reporting of data;

20 (b) Its policies and procedures for accepting and responding to
21 consumer complaints; and

22 (c) Its efforts to assist with financial literacy or personal
23 finance programs to increase knowledge and skills of Nebraska students in
24 areas such as digital assets, budgeting, credit, checking and savings
25 accounts, loans, stocks, and insurance.

26 **Sec. 21.** Section 8-3007, Revised Statutes Supplement, 2025, is
27 amended to read:

28 8-3007 (1) No customer shall open or maintain an account with a
29 digital asset depository or otherwise receive any services from the
30 digital asset depository unless the customer meets the criteria of this
31 subsection. A customer shall:

1 (a) Make sufficient evidence available to the digital asset
2 depository to enable compliance with anti-money laundering, customer
3 identification, and beneficial ownership requirements, as determined by
4 the federal Bank Secrecy Act guidance and the policies and practices of
5 the institution; and

6 (b) If the customer is a legal entity other than a natural person:

7 (i) Be in good standing with the jurisdiction in the United States
8 in which it is incorporated or organized; and

9 (ii) Be engaged in a business that is lawful and bona fide in
10 Nebraska, in the host state, if applicable, and under federal law
11 consistent with subsection (3) of this section.

12 (2) A customer which meets the criteria of subsection (1) of this
13 section may be issued a digital asset depository account and otherwise
14 receive services from the digital asset depository, contingent on the
15 digital asset depository maintaining sufficient insurance under
16 subsection (5) of section 8-3023.

17 (3) Consistent with subdivisions (1)(a)(iv) and (v) of section
18 8-3005, and in addition to any requirements specified by federal law, a
19 digital asset depository shall require that any potential customer that
20 is a legal entity other than a natural person provide reasonable evidence
21 that the entity is engaged in a business that is lawful and bona fide in
22 Nebraska, in the host state, if applicable, and under federal law or is
23 likely to open a lawful, bona fide business within a federal Bank Secrecy
24 Act compliant timeframe, as the act existed on January 1, 2026 ~~2025~~. For
25 purposes of this subsection, reasonable evidence includes business entity
26 filings, articles of incorporation or organization, bylaws, operating
27 agreements, business plans, promotional materials, financing agreements,
28 or other evidence.

29 **Sec. 22.** Section 8-3013, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 8-3013 (1) The capital stock of each digital asset depository

1 institution chartered under the Nebraska Financial Innovation Act shall
2 be subscribed for as paid-up stock. Except as provided in subsection (3)
3 of this section, a ~~No~~ digital asset depository institution shall not be
4 chartered with capital stock of less than ten million dollars.

5 (2) A ~~No~~ digital asset depository institution shall not commence
6 business until the full amount of its authorized capital is subscribed
7 and all capital stock is fully paid in. Except as provided in subsection
8 (3) of this section, a ~~No~~ digital asset depository institution shall not
9 may be chartered without a paid-up surplus fund of at least three years
10 of estimated operating expenses in the amount disclosed pursuant to
11 subsection (2) of section 8-3015 or in another amount required by the
12 director.

13 (3) Notwithstanding the provisions of subsections (1) and (2) of
14 this section and at the discretion of the director, a digital asset
15 depository institution may be chartered and commence business if such
16 institution meets the capital and surplus requirements for a
17 substantially similar federal charter, license, or regulatory structure
18 as determined by the director.

19 (4) {3} A digital asset depository institution may acquire
20 additional capital prior to the granting of a charter and shall report
21 this capital as an amendment to its charter application.

22 **Sec. 23.** Section 8-3033, Revised Statutes Supplement, 2025, is
23 amended to read:

24 8-3033 For purposes of the Controllable Electronic Record Fraud
25 Prevention Act:

26 (1) Blockchain analytics means the analysis of data from blockchains
27 or public distributed ledgers, including associated transaction
28 information;

29 (2) Blockchain analytics software means a software service that uses
30 blockchain analytics data to provide risk-specific information about
31 controllable electronic record addresses, among other things;

1 (3) Controllable electronic record has the same meaning as in
2 section 8-3003;

3 (4) Controllable electronic record address means an alphanumeric
4 identifier associated with a controllable electronic record wallet
5 identifying the location to which a controllable electronic record
6 transaction can be sent;

7 (5) Controllable electronic record kiosk means an electronic
8 terminal acting as a mechanical agent of the controllable electronic
9 record kiosk operator to enable the controllable electronic record kiosk
10 operator to facilitate the exchange of controllable electronic records
11 for money, bank credit, or other controllable electronic records,
12 including, but not limited to, by (a) connecting directly to a separate
13 controllable electronic record exchange that performs the actual
14 controllable electronic record transmission or (b) drawing upon the
15 controllable electronic record in the possession of the electronic
16 terminal's operator;

17 (6) Controllable electronic record kiosk operator means a person, or
18 a third party acting on behalf of another person, that engages in
19 controllable electronic record business activity via a controllable
20 electronic record kiosk located in this state or a person that owns,
21 operates, or manages a money transmission kiosk located in this state
22 through which controllable electronic record business activity is
23 offered;

24 (7) Controllable electronic record kiosk transaction means a
25 transaction conducted or performed, in whole or in part, by electronic
26 means via a controllable electronic record kiosk. Controllable electronic
27 record kiosk transaction includes, but is not limited to, a transaction
28 made at a controllable electronic record kiosk (a) to purchase
29 controllable electronic records with United States dollars, (b) or to
30 sell controllable electronic records for United States dollars, or (c) to
31 fund a stored value account, which, at the time the stored value account

1 is funded or thereafter, offers the ability to purchase a controllable
2 electronic record and is utilized to purchase a controllable electronic
3 record; and

4 (8) Controllable electronic record wallet means a software
5 application or other mechanism providing a means to hold the keys
6 necessary to access and transfer controllable electronic records;

7 (9) Customer means new customers and existing customers;

8 (10) Department means the Department of Banking and Finance;

9 (11) Existing customer means an individual whose first controllable
10 electronic record kiosk transaction with the controllable electronic
11 record kiosk operator was more than fourteen days prior;

12 (12) New customer means an individual during the fourteen-day period
13 after such individual's first transaction with the controllable
14 electronic record kiosk operator that the individual has never previously
15 transacted with. The individual shall remain defined as a new customer
16 during the fourteen-day period after the first controllable electronic
17 record kiosk transaction with the controllable electronic record kiosk
18 operator; and

19 (13) Transaction hash means a unique identifier made up of a string
20 of characters that acts as a record of and provides proof that the
21 transaction was verified and added to the blockchain.

22 **Sec. 24.** Section 8-3034, Revised Statutes Supplement, 2025, is
23 amended to read:

24 8-3034 (1) A controllable electronic record kiosk operator shall not
25 engage in controllable electronic record kiosk transactions or hold
26 itself out as being able to engage in such transactions with or on behalf
27 of another person unless the kiosk operator has a license issued under
28 the Nebraska Money Transmitters Act ~~pursuant to section 8-2725.~~

29 (2) A controllable electronic record kiosk operator shall report
30 each controllable electronic record kiosk as an authorized delegate under
31 the Nebraska Money Transmitters Act ~~pursuant to section 8-2730.~~

1 (3) In addition to the required reporting of authorized delegates
2 pursuant to the Nebraska Money Transmitters Act ~~section 8-2730~~, each
3 controllable electronic record kiosk operator shall submit to the
4 department within forty-five days after the end of each calendar quarter
5 a list of all associated controllable electronic record addresses
6 utilized by each controllable electronic record kiosk, on a form as
7 prescribed by the department.

8 **Sec. 25.** Section 21-17,102, Revised Statutes Supplement, 2025, is
9 amended to read:

10 21-17,102 (1) Funds not used in loans to members may be invested:

11 (a) In securities, obligations, or other instruments of or issued by
12 or fully guaranteed as to principal and interest by the United States of
13 America or any agency or instrumentality thereof or in any trust or
14 trusts established for investing directly or collectively in the same;

15 (b) In securities, obligations, or other instruments of any state of
16 the United States, the District of Columbia, the Commonwealth of Puerto
17 Rico, and the several territories organized by Congress or any political
18 subdivision thereof;

19 (c) In deposits, obligations, or other accounts of financial
20 institutions organized under state or federal law;

21 (d) In loans to or in share accounts of other credit unions or
22 corporate central credit unions;

23 (e) In obligations issued by banks for cooperatives, federal land
24 banks, federal intermediate credit banks, federal home loan banks, the
25 Federal Home Loan Bank Board, or any corporation designated in 31 U.S.C.
26 9101 as a wholly owned government corporation; in obligations,
27 participation certificates, or other instruments of or insured by or
28 fully guaranteed as to principal and interest by the Federal National
29 Mortgage Association or the Government National Mortgage Association; in
30 mortgages, obligations, or other securities which are or ever have been
31 sold by the Federal Home Loan Mortgage Corporation pursuant to section

1 305 or section 306 of the Federal Home Loan Mortgage Corporation Act, 12
2 U.S.C. 1454 et seq.; in obligations or other instruments or securities of
3 the Student Loan Marketing Association; or in obligations, participation,
4 securities, or other instruments of or issued by or fully guaranteed as
5 to principal and interest by any other agency of the United States. A
6 state credit union may issue and sell securities which are guaranteed
7 pursuant to section 306(g) of the National Housing Act, 12 U.S.C.
8 1721(g);

9 (f) In participation certificates evidencing a beneficial interest
10 in obligations or in a right to receive interest and principal
11 collections therefrom, which obligations have been subjected by one or
12 more government agencies to a trust or trusts for which any executive
13 department, agency, or instrumentality of the United States or
14 administrator thereof has been named to act as trustee;

15 (g) In share accounts or deposit accounts of any corporate central
16 credit union in which such investments are specifically authorized by the
17 board of directors of the credit union making the investment;

18 (h) In the shares, stock, or other obligations of any other
19 organization, not to exceed ten percent of the credit union's capital and
20 not to exceed five percent of the credit union's capital in any one
21 corporation's stock, bonds, or other obligations, unless otherwise
22 approved by the director. Such authority shall not include the power to
23 acquire control, directly or indirectly, of another financial
24 institution, nor invest in shares, stocks, or obligations of any
25 insurance company or trade association except as otherwise expressly
26 provided for or approved by the director;

27 (i) In the capital stock of the National Credit Union Administration
28 Central Liquidity Facility;

29 (j) In obligations of or issued by any state or political
30 subdivision thereof, including any agency, corporation, or
31 instrumentality of a state or political subdivision, except that no

1 credit union may invest more than ten percent of its capital in the
2 obligations of any one issuer, exclusive of general obligations of the
3 issuer;

4 (k) In securities issued pursuant to the Nebraska Business
5 Development Corporation Act;

6 (l) In participation loans with other credit unions, credit union
7 organizations, or other organizations; and

8 (m) In insurance policies and other investment products to fund
9 employee benefit plans for its employees, not to exceed fifteen percent
10 of the net worth of a credit union from a single issuer or twenty-five
11 percent of the net worth of a credit union in aggregate. Employee benefit
12 plan has the same meaning as in 29 U.S.C. 1002(3), as such section
13 existed on January 1, 2026 ~~2025~~. If the employee benefits arrangement
14 does not present a risk to the safety and soundness of the domestic
15 credit union as determined by the director, the purchase of those
16 investment products is not subject to the limitations of the Credit Union
17 Act.

18 (2) In addition to investments expressly permitted by the Credit
19 Union Act, a credit union may make any other type of investment approved
20 by the department by rule, regulation, or order.

21 **Sec. 26.** Section 21-17,115, Revised Statutes Supplement, 2025, is
22 amended to read:

23 21-17,115 Notwithstanding any of the other provisions of the Credit
24 Union Act or any other Nebraska statute, any credit union incorporated
25 under the laws of the State of Nebraska and organized under the
26 provisions of the act shall have all the rights, powers, privileges,
27 benefits, and immunities which may be exercised as of January 1, 2026
28 ~~2025~~, by a federal credit union doing business in Nebraska on the
29 condition that such rights, powers, privileges, benefits, and immunities
30 shall not relieve such credit union from payment of state taxes assessed
31 under any applicable laws of this state.

1 **Sec. 27.** Section 45-101.04, Revised Statutes Supplement, 2025, is
2 amended to read:

3 45-101.04 The limitation on the rate of interest provided in section
4 45-101.03 shall not apply to:

5 (1) Other rates of interest authorized for loans made by any
6 licensee or permittee operating under a license or permit duly issued by
7 the Department of Banking and Finance pursuant to the Credit Union Act,
8 the Nebraska Installment Loan and Sales Act, subsection (4) of section
9 8-319, or sections 8-815 to 8-829;

10 (2) Loans made to any corporation, partnership, limited liability
11 company, or trust;

12 (3) The guarantor or surety of any loan to a corporation,
13 partnership, limited liability company, or trust;

14 (4) Loans made when the aggregate principal amount of the
15 indebtedness is one hundred twenty-five thousand dollars or more of the
16 borrower to any one financial institution, licensee, or permittee;

17 (5) Loans insured, guaranteed, sponsored, or participated in, either
18 in whole or part, by any agency, department, or program of the United
19 States or state government;

20 (6) Loans or advances of money, repayable on demand, which are made
21 solely upon securities, as defined in subdivision (14) of section 8-1101,
22 pledged as collateral for such repayment and in which such loans or
23 advances are used by the borrower only for the purchase of securities as
24 so defined. It shall be lawful to contract for and receive any rate of
25 interest on such transaction as the parties thereto may expressly agree;

26 (7) Interest charges made on open credit accounts by a person who
27 sells goods or services on credit when the interest charges do not exceed
28 one and one-third percent per month for any charges which remain unpaid
29 for more than thirty days following rendition of the statement of
30 account;

31 (8) A minimum charge of ten dollars per loan which may be charged by

1 the lender in lieu of all interest charges;

2 (9) Loans described in subsection (4) of section 8-319 made by a
3 state or federal savings and loan association at a rate not to exceed
4 nineteen percent per annum;

5 (10) Loans made primarily for business or agricultural purposes or
6 secured by real property when such loans are made (a) by a licensee,
7 registrant, or permittee operating under a license, registration, or
8 permit duly issued by the Department of Banking and Finance except for
9 licensees operating under the Nebraska Installment Loan and Sales Act,
10 (b) by any financial institution insured by the Federal Deposit Insurance
11 Corporation or the National Credit Union Administration, or (c) by any
12 insurance company organized under the laws of this state and subject to
13 regulation by the Department of Insurance;

14 (11) Loans secured solely by real property when such loans are (a)
15 made by licensees operating under the Nebraska Installment Loan and Sales
16 Act and (b) made to finance or refinance the purchase of the property or
17 construction on or improvements to the property, if the Department of
18 Banking and Finance has the authority to examine such loans for
19 compliance with sections 45-101.02 and 45-101.03. A licensee making a
20 loan pursuant to this subdivision may obtain an interest in any fixtures
21 attached to such real property and any insurance proceeds payable in
22 connection with such real property or the loan;

23 (12) Loans secured by a reverse mortgage pursuant to section
24 45-702.01;

25 (13) Interest charges made on any goods or services sold under an
26 installment contract pursuant to the Nebraska Installment Loan and Sales
27 Act. Subject to section 45-365, it shall be lawful to contract for and
28 receive any rate of interest on such contract as the parties may
29 expressly agree to in writing; or

30 (14) Fees which may be charged by a licensee for services pursuant
31 to the Delayed Deposit Services Licensing Act.

1 **Sec. 28.** Section 45-335, Revised Statutes Supplement, 2025, is
2 amended to read:

3 45-335 For purposes of the Nebraska Installment Loan and Sales Act,
4 unless the context otherwise requires:

5 (1) Applicant means a person applying for a license under the
6 Nebraska Installment Loan and Sales Act;

7 (2) Basic time price means the cash sale price of the goods or
8 services which are the subject matter of an installment sales contract
9 plus the amount included therein, if a separate identified charge is made
10 therefor and stated in the contract, for insurance, registration,
11 certificate of title, debt cancellation contract, debt suspension
12 contract, electronic title and lien services, guaranteed asset protection
13 waiver, and license fees, filing fees, an origination fee, and fees and
14 charges prescribed by law which actually are or will be paid to public
15 officials for determining the existence of or for perfecting, releasing,
16 or satisfying any security related to the credit transaction or any
17 charge for nonfiling insurance if such charge does not exceed the amount
18 of fees and charges prescribed by law which would have been paid to
19 public officials for filing, perfecting, releasing, and satisfying any
20 security related to the credit transaction and less the amount of the
21 buyer's downpayment in money or goods or both;

22 (3) Branch office means any location, other than the main office
23 location, at which the business of a licensee is to be conducted,
24 including:

25 (a) Any offices physically located in Nebraska; and

26 (b) Any offices that, while not physically located in this state,
27 intend to transact business with Nebraska residents;

28 (4) Breach of security of the system means unauthorized acquisition
29 of data that compromises the security, confidentiality, or integrity of
30 information;

31 (5) Buyer means a person who buys goods or obtains services from a

1 seller in an installment sale;

2 (6) Cash price or cash sale price means the price stated in an
3 installment sales contract for which the seller would have sold or
4 furnished to the buyer and the buyer would have bought or acquired from
5 the seller goods or services which are the subject matter of the contract
6 if such sale had been a sale for cash instead of an installment sale. It
7 may include the cash price of accessories or services related to the sale
8 such as delivery, installation, alterations, modifications, and
9 improvements and may include taxes to the extent imposed on the cash
10 sale;

11 (7) Consumer means an individual who is a resident of Nebraska and
12 who seeks to obtain, obtains, or has obtained financial products or
13 services that are to be used primarily for personal, family, or household
14 purposes;

15 (8)(a) Control in the case of a corporation means (i) direct or
16 indirect ownership of or the right to control twenty-five percent or more
17 of the voting shares of the corporation or (ii) the ability of a person
18 or group acting in concert to elect a majority of the directors or
19 otherwise effect a change in policy.

20 (b) Control in the case of any other entity means (i) the power,
21 directly or indirectly, to direct the management or policies of the
22 entity, (ii) the contribution of twenty-five percent or more of the
23 capital of the entity, or (iii) the right to receive, upon dissolution,
24 twenty-five percent or more of the capital of the entity;

25 (9) Debt cancellation contract means a loan term or contractual
26 arrangement modifying loan terms under which a financial institution or
27 licensee agrees to cancel all or part of a buyer's obligation to repay an
28 extension of credit from the financial institution or licensee upon the
29 occurrence of a specified event. The debt cancellation contract may be
30 separate from or a part of other loan documents. The term debt
31 cancellation contract does not include loan payment deferral arrangements

1 in which the triggering event is the buyer's unilateral election to defer
2 repayment or the financial institution's or licensee's unilateral
3 decision to allow a deferral of repayment;

4 (10) Debt suspension contract means a loan term or contractual
5 arrangement modifying loan terms under which a financial institution or
6 licensee agrees to suspend all or part of a buyer's obligation to repay
7 an extension of credit from the financial institution or licensee upon
8 the occurrence of a specified event. The debt suspension contract may be
9 separate from or a part of other loan documents. The term debt suspension
10 contract does not include loan payment deferral arrangements in which the
11 triggering event is the buyer's unilateral election to defer repayment or
12 the financial institution's or licensee's unilateral decision to allow a
13 deferral of repayment;

14 (11) Department means the Department of Banking and Finance;

15 (12) Director means the Director of Banking and Finance;

16 (13) Financial institution has the same meaning as in section
17 8-101.03;

18 (14) Goods means all personal property, except money or things in
19 action, and includes goods which, at the time of sale or subsequently,
20 are so affixed to realty as to become part thereof whether or not
21 severable therefrom;

22 (15) Guaranteed asset protection waiver means a waiver that is
23 offered, sold, or provided in accordance with the Guaranteed Asset
24 Protection Waiver Act;

25 (16) Installment sale means any transaction, whether or not
26 involving the creation or retention of a security interest, in which a
27 buyer acquires goods or services from a seller pursuant to an agreement
28 which provides for a time-price differential and under which the buyer
29 agrees to pay all or part of the time-sale price in one or more
30 installments and within one hundred forty-five months, except that the
31 purchase of mobile homes may exceed such one-hundred-forty-five-month

1 limitation. Installment sale does not include a consumer rental purchase
2 agreement defined in and regulated by the Consumer Rental Purchase
3 Agreement Act;

4 (17) Installment sales contract means an agreement entered into in
5 this state evidencing an installment sale except those otherwise provided
6 for in separate acts;

7 (18) Licensee means any person who obtains a license under the
8 Nebraska Installment Loan and Sales Act;

9 (19) Loan or installment loan means a loan or any extension of
10 credit to a consumer originated or made with an interest rate greater
11 than the maximum interest rate allowed under section 45-101.03 and ~~, a~~
12 minimum loan term of six months ~~, and a principal balance of less than~~
13 ~~twenty-five thousand dollars;~~

14 (20) Mortgage loan originator has the same meaning as in section
15 45-702;

16 (21) Nationwide Mortgage Licensing System and Registry means a
17 licensing system, also known as the Nationwide Multistate Licensing
18 System and Registry, developed and maintained by the Conference of State
19 Bank Supervisors and the American Association of Residential Mortgage
20 Regulators for the licensing and registration of mortgage loan
21 originators, mortgage bankers, installment loan companies, and other
22 state-regulated financial services entities and industries;

23 (22) Person means individual, partnership, limited liability
24 company, association, financial institution, trust, corporation, or any
25 other legal entity;

26 (23) Real property means an owner-occupied single-family, two-
27 family, three-family, or four-family dwelling which is located in this
28 state, which is occupied, used, or intended to be occupied or used for
29 residential purposes, and which is, or is intended to be, permanently
30 affixed to the land;

31 (24) Sales finance company means a person purchasing one or more

1 installment sales contracts from one or more sellers or acquiring any
2 rights of ownership, servicing, or other forms of participation in or
3 otherwise engaging with a consumer on behalf of the purchaser of one or
4 more installment sales contracts from one or more sellers. Sales finance
5 company includes, but is not limited to, a financial institution or
6 installment loan licensee, if so engaged;

7 (25) Seller means a person who sells goods or furnishes services to
8 a buyer under an installment sale;

9 (26) Services means work, labor, and services of any kind performed
10 in conjunction with an installment sale but does not include services for
11 which the prices charged are required by law to be established and
12 regulated by the government of the United States or any state;

13 (27) Time-price differential, however denominated or expressed,
14 means the amount, as limited in the Nebraska Installment Loan and Sales
15 Act, to be added to the basic time price; and

16 (28) Time-sale price means the total of the basic time price of the
17 goods or services, the amount of the buyer's downpayment in money or
18 goods or both, and the time-price differential.

19 **Sec. 29.** Section 45-345, Revised Statutes Supplement, 2025, is
20 amended to read:

21 45-345 (1) A licensee shall notify the director through the
22 Nationwide Mortgage Licensing System and Registry at least thirty days
23 prior to the occurrence of any change of the licensee's name, trade name,
24 or doing business as designation.

25 (2)(a) Except as provided in subdivisions (b) and (c) of this
26 subsection, a licensee shall notify the director in writing or through
27 the Nationwide Mortgage Licensing System and Registry within three
28 business days from the time that the licensee becomes aware of any breach
29 of the security of the system of computerized data owned or licensed by
30 the licensee, which contains personal information about a Nebraska
31 resident, or the unauthorized access to or use of such information about

1 a Nebraska resident as a result of the breach.

2 (b) If a licensee would be required under Nebraska law to provide
3 notification to a Nebraska resident regarding such incident, then the
4 licensee shall provide a copy of such notification to the department
5 prior to or simultaneously with the licensee's notification to the
6 Nebraska resident.

7 (c) Notice required by this subsection may be delayed if a law
8 enforcement agency determines that the notice will impede a criminal
9 investigation. Notice shall be made in good faith, without unreasonable
10 delay, and as soon as possible after the law enforcement agency
11 determines that notification will no longer impede the investigation.

12 (d) For purposes of this subsection, the terms breach of the
13 security of the system and personal information have the same meaning as
14 in section 87-802.

15 (3) A licensee shall maintain the minimum net worth required by
16 section 45-337 while a license issued to the licensee under the Nebraska
17 Installment Loan and Sales Act is in effect. The minimum net worth shall
18 be proven by an annual audit conducted by a certified public accountant.
19 A licensee shall submit a copy of the annual audit to the director as
20 required by section 45-337 or upon written request of the director. If a
21 licensee fails to maintain the required minimum net worth, the department
22 may issue a notice of cancellation of the license in lieu of revocation
23 proceedings.

24 (4)(a) Every licensee shall, at the time any loan is made, give to
25 the borrower, or if there are two or more borrowers, to one of the
26 borrowers, a statement in the English language disclosing in clear and
27 distinct terms the information required to be disclosed under the federal
28 Consumer Credit Protection Act.

29 (b) The licensee shall also give to the borrower a copy of any
30 writing evidencing a loan if the writing requires or provides for the
31 signature of the borrower. The writing evidencing the borrower's

1 obligation to pay a loan shall contain a clear and conspicuous notice in
2 form and content substantially as follows:

3 NOTICE TO CONSUMER: 1. Do not sign this paper before you read it. 2.
4 You are entitled to a copy of this paper. 3. You may prepay the unpaid
5 balance at any time without penalty and may be entitled to receive a
6 refund of unearned charges in accordance with law.

7 (5)(a) Every licensee shall disclose to the borrower, in connection
8 with any refinance of an existing installment loan, whether or not the
9 borrower will receive a net tangible benefit through such refinance. Such
10 disclosure shall be on a worksheet prescribed by the director or on a
11 form prescribed by the director substantially similar to such worksheet.

12 (b) For purposes of this subsection, net tangible benefit means a
13 benefit of a refinance that will be in the financial interests of the
14 borrower. Net tangible benefit includes, but is not limited to:

15 (i) Obtaining a lower interest rate;

16 (ii) Obtaining a lower monthly payment, including principal,
17 interest, taxes, and insurance;

18 (iii) Obtaining a shorter amortization schedule;

19 (iv) Changing from an adjustable interest rate to a fixed interest
20 rate;

21 (v) Eliminating a negative amortization feature;

22 (vi) Eliminating a balloon payment feature;

23 (vii) Receiving cash out from the new loan in an amount greater than
24 all closing costs incurred in connection with such loan;

25 (viii) Avoiding foreclosure;

26 (ix) Eliminating private insurance; and

27 (x) Consolidating other existing loans into a new loan.

28 (6) {5} All licensees under the Nebraska Installment Loan and Sales
29 Act shall, on or before March 1 of each year, file with the department a
30 report of the licensee's earnings and operations for the preceding
31 calendar year, the licensee's assets at the end of the year, and any

1 other relevant information as the department may reasonably require. The
2 report shall be made under oath and shall be in the form and manner
3 prescribed by the department.

4 (7) ~~(6)~~ All installment loan licensees shall submit a mortgage
5 report of condition as required by section 45-726 on or before a date or
6 dates established by rule, regulation, or order of the director.

7 (8) ~~(7)~~ Upon written request of a borrower, the licensee shall
8 provide a written statement of the dates and amounts of payments made and
9 the amounts of any default and deferment charges assessed preceding the
10 month in which the request is received and the total amount unpaid as of
11 the end of the period covered by the statement and a copy of the loan
12 agreement and security agreement, and a facsimile of any insurance
13 certificate issued as part of the transaction, if applicable. The
14 licensee may charge a reasonable fee for such copies, not to exceed fifty
15 cents per page.

16 (9) ~~(8)~~ A licensee shall answer in writing, within ten business days
17 after receipt, any written request for payoff information from a borrower
18 or a borrower's representative. This service shall be provided without
19 charge to the borrower, except that when such information is provided
20 upon request within sixty days after the fulfillment of a previous
21 request, a processing fee of up to ten dollars may be charged for the
22 subsequent request.

23 **Sec. 30.** Section 45-349, Revised Statutes Supplement, 2025, is
24 amended to read:

25 45-349 (1) Except as provided in section 45-350 and subsection (6)
26 of this section, every installment loan licensee may make loans and may
27 contract for and receive on such loans charges at a rate not exceeding
28 twenty-four percent per annum on that part of the unpaid principal
29 balance on any loan not in excess of one thousand dollars, and twenty-one
30 percent per annum on any remainder of such unpaid principal balance.
31 Except for loans secured by mobile homes, an installment loan licensee

1 may not make loans for a period in excess of one hundred forty-five
2 months ~~if the amount of the loan is greater than three thousand dollars~~
3 ~~but less than twenty-five thousand dollars.~~ Unless otherwise allowed for
4 by law, charges on loans made under the Nebraska Installment Loan and
5 Sales Act shall not be paid, deducted, or received in advance. The
6 contracting for, charging of, or receiving of charges as provided for in
7 subsection (2) of this section shall not be deemed to be the payment,
8 deduction, or receipt of such charges in advance.

9 (2) When the loan contract requires repayment in substantially equal
10 and consecutive monthly installments of principal and charges combined,
11 the installment loan licensee may, at the time the loan is made,
12 precompute the charges at the agreed rate on scheduled unpaid principal
13 balances according to the terms of the contract and add such charges to
14 the principal of the loan. Every payment may be applied to the combined
15 total of principal and precomputed charges until the contract is fully
16 paid. All payments made on account of any loan except for default and
17 deferment charges shall be deemed to be applied to the unpaid
18 installments in the order in which the unpaid installments are due. The
19 portion of the precomputed charges applicable to any particular month of
20 the contract, as originally scheduled or following a deferment, shall be
21 that proportion of such precomputed charges, excluding any adjustment
22 made for a first installment period of more than one month and any
23 adjustment made for deferment, which the balance of the contract
24 scheduled to be outstanding during such month bears to the sum of all
25 monthly balances originally scheduled to be outstanding by the contract.
26 This section shall not limit or restrict the manner of calculating
27 charges, whether by way of add-on, single annual rate, or otherwise, if
28 the rate of charges does not exceed what is permitted by this section.
29 Charges may be contracted for and earned at a single annual rate, except
30 that the total charges from such rate shall not be greater than the total
31 charges from the several rates otherwise applicable to the different

1 portions of the unpaid balance according to subsection (1) of this
2 section. All loan contracts made pursuant to this subsection are subject
3 to the following adjustments:

4 (a) Notwithstanding the requirement for substantially equal and
5 consecutive monthly installments, the first installment period may not
6 exceed one month by more than twenty-one days and may not fall short of
7 one month by more than eleven days. The charges for each day exceeding
8 one month shall be one-thirtieth of the charges which would be applicable
9 to a first installment period of one month. The charge for extra days in
10 the first installment period may be added to the first installment and
11 such charges for such extra days shall be excluded in computing any
12 rebate;

13 (b) If prepayment in full by cash, a new loan, or otherwise occurs
14 before the first installment due date, the charges shall be recomputed at
15 the rate of charges contracted for in accordance with this section upon
16 the actual unpaid principal balance of the loan for the actual time
17 outstanding by applying the payment, or payments, first to charges at the
18 agreed rate and the remainder to the principal. The amount of charges so
19 computed shall be retained in lieu of all precomputed charges;

20 (c) If a contract is prepaid in full by cash, a new loan, or
21 otherwise after the first installment due date, the borrower shall
22 receive a rebate of an amount which is not less than the amount obtained
23 by applying to the unpaid principal balances as originally scheduled or,
24 if deferred, as deferred, for the period following prepayment, according
25 to the actuarial method, the rate of charge contracted for in accordance
26 with this section. The licensee may round the rate of charge to the
27 nearest one-half of one percent if such procedure is not consistently
28 used to obtain a greater yield than would otherwise be permitted. Any
29 default and deferment charges which are due and unpaid may be deducted
30 from any rebate. No rebate shall be required for any partial prepayment.
31 No rebate of less than one dollar need be made. Acceleration of the

1 maturity of the contract shall not in itself require a rebate. If
2 judgment is obtained before the final installment date, the contract
3 balance shall be reduced by the rebate which would be required for
4 prepayment in full as of the date judgment is obtained;

5 (d) If any installment on a precomputed or interest-bearing loan is
6 unpaid in full for ten or more consecutive days, Sundays and holidays
7 included, after it is due, the licensee may charge and collect a default
8 charge not exceeding an amount equal to five percent of such installment.
9 If any installment payment is made by a check, draft, or similar signed
10 order which is not honored because of insufficient funds, no account, or
11 any other reason except an error of a third party to the loan contract,
12 the licensee may charge and collect a fifteen-dollar bad check charge.
13 Such default or bad check charges may be collected when due or at any
14 time thereafter;

15 (e) If, as of an installment due date, the payment date of all
16 wholly unpaid installments is deferred one or more full months and the
17 maturity of the contract is extended for a corresponding period, the
18 licensee may charge and collect a deferment charge not exceeding the
19 charge applicable to the first of the installments deferred, multiplied
20 by the number of months in the deferment period. The deferment period is
21 that period during which no payment is made or required by reason of such
22 deferment. The deferment charge may be collected at the time of deferment
23 or at any time thereafter. The portion of the precomputed charges
24 applicable to each deferred balance and installment period following the
25 deferment period shall remain the same as that applicable to such balance
26 and periods under the original loan contract. No installment on which a
27 default charge has been collected, or on account of which any partial
28 payment has been made, shall be deferred or included in the computation
29 of the deferment charge unless such default charge or partial payment is
30 refunded to the borrower or credited to the deferment charge. Any payment
31 received at the time of deferment may be applied first to the deferment

1 charge and the remainder, if any, applied to the unpaid balance of the
2 contract, except that if such payment is sufficient to pay, in addition
3 to the appropriate deferment charge, any installment which is in default
4 and the applicable default charge, it shall be first so applied and any
5 such installment shall not be deferred or subject to the deferment
6 charge. If a loan is prepaid in full during the deferment period, the
7 borrower shall receive, in addition to the required rebate, a rebate of
8 that portion of the deferment charge applicable to any unexpired full
9 month or months of such deferment period; and

10 (f) If two or more full installments are in default for one full
11 month or more at any installment date and if the contract so provides,
12 the installment loan licensee may reduce the contract balance by the
13 rebate which would be required for prepayment in full as of such
14 installment date and the amount remaining unpaid shall be deemed to be
15 the unpaid principal balance and thereafter in lieu of charging,
16 collecting, receiving, and applying charges as provided in this
17 subsection, charges may be charged, collected, received, and applied at
18 the agreed rate as otherwise provided by this section until the loan is
19 fully paid.

20 (3) The charges, as referred to in subsection (1) of this section,
21 shall not be compounded. The charging, collecting, and receiving of
22 charges as provided in subsection (2) of this section shall not be deemed
23 compounding. If part or all of the consideration for a loan contract is
24 the unpaid principal balance of a prior loan, then the principal amount
25 payable under such loan contract may include any unpaid charges on the
26 prior loan which have accrued within sixty days before the making of such
27 loan contract and may include the balance remaining after giving the
28 rebate required by subsection (2) of this section. Except as provided in
29 subsection (2) of this section, charges shall (a) be computed and paid
30 only as a percentage per month of the unpaid principal balance or
31 portions thereof and (b) be computed on the basis of the number of days

1 actually elapsed. For purposes of computing charges, whether at the
2 maximum rate or less, a month shall be that period of time from any date
3 in a month to the corresponding date in the next month but if there is no
4 such corresponding date then to the last day of the next month, and a day
5 shall be considered one-thirtieth of a month when computation is made for
6 a fraction of a month.

7 (4) Except as provided in subsections (5) and (6) of this section,
8 in addition to that provided for under the Nebraska Installment Loan and
9 Sales Act, no further or other amount whatsoever shall be directly or
10 indirectly charged, contracted for, or received. If any amount, in excess
11 of the charges permitted, is charged, contracted for, or received, the
12 loan contract shall not on that account be void, but the installment loan
13 licensee shall have no right to collect or receive any interest or other
14 charges whatsoever. If such interest or other charges have been collected
15 or contracted for, the licensee shall refund to the borrower all interest
16 and other charges collected and shall not collect any interest or other
17 charges contracted for and thereafter due on the loan involved, as
18 liquidated damages, and the installment loan licensee or its assignee, if
19 found liable, shall pay the costs of any action relating thereto,
20 including reasonable attorney's fees. No installment loan licensee shall
21 be found liable under this subsection if it shows by a preponderance of
22 the evidence that the violation was not intentional and resulted from a
23 bona fide error notwithstanding the maintenance of procedures reasonably
24 adopted to avoid any such error.

25 (5) A borrower may be required to pay all reasonable expenses
26 incurred in connection with the making, closing, disbursing, extending,
27 readjusting, or renewing of loans. Such expenses may include abstracting,
28 recording, releasing, and registration fees; premiums paid for nonfiling
29 insurance; premiums paid on insurance policies covering tangible personal
30 property securing the loan; amounts charged for a debt cancellation
31 contract or a debt suspension contract, as agreed upon by the parties, if

1 the debt cancellation contract or debt suspension contract is a contract
2 of a financial institution or installment loan licensee and such contract
3 is sold directly by such financial institution or licensee or by an
4 unaffiliated, nonexclusive agent of such financial institution or
5 licensee in accordance with 12 C.F.R. part 37, as such part existed on
6 January 1, 2026 ~~2025~~, and the financial institution or installment loan
7 licensee is responsible for the unaffiliated, nonexclusive agent's
8 compliance with such part; title examinations; credit reports; survey;
9 taxes or charges imposed upon or in connection with the making and
10 recording or releasing of any mortgage; amounts charged for a guaranteed
11 asset protection waiver; and fees and expenses charged for electronic
12 title and lien services. Except as provided in subsection (6) of this
13 section, a borrower may also be required to pay a nonrefundable loan
14 origination fee not to exceed the lesser of five hundred dollars or an
15 amount equal to seven percent of that part of the original principal
16 balance of any loan not in excess of two thousand dollars and five
17 percent on that part of the original principal balance in excess of two
18 thousand dollars, if the installment loan licensee has not made another
19 loan to the borrower within the previous twelve months. If the licensee
20 has made another loan to the borrower within the previous twelve months,
21 a nonrefundable loan origination fee may only be charged on new funds
22 advanced on each successive loan. Such reasonable initial charges may be
23 collected from the borrower or included in the principal balance of the
24 loan at the time the loan is made and shall not be considered interest or
25 a charge for the use of the money loaned.

26 (6)(a) Loans secured solely by real property that are not made
27 pursuant to subdivision (11) of section 45-101.04 on real property shall
28 not be subject to the limitations on the rate of interest provided in
29 subsection (1) of this section or the limitations on the nonrefundable
30 loan origination fee under subsection (5) of this section if (i) the
31 principal amount of the loan is seven thousand five hundred dollars or

1 more and (ii) the sum of the principal amount of the loan and the
2 balances of all other liens against the property do not exceed one
3 hundred percent of the appraised value of the property. Acceptable
4 methods of determining appraised value shall be made by the department
5 pursuant to rule, regulation, or order.

6 (b) An origination fee on such loan shall be computed only on the
7 principal amount of the loan reduced by any portion of the principal that
8 consists of the amount required to pay off another loan made under this
9 subsection by the same licensee.

10 (c) A prepayment penalty on such loan shall be permitted only if (i)
11 the maximum amount of the penalty to be assessed is stated in writing at
12 the time the loan is made, (ii) the loan is prepaid in full within two
13 years from the date of the loan, and (iii) the loan is prepaid with money
14 other than the proceeds of another loan made by the same licensee. Such
15 prepayment penalty shall not exceed six months' interest on eighty
16 percent of the original principal balance computed at the agreed rate of
17 interest on the loan.

18 (d) An installment loan licensee making a loan pursuant to this
19 subsection may obtain an interest in any fixtures attached to such real
20 property and any insurance proceeds payable in connection with such real
21 property or the loan.

22 (e) For purposes of this subsection, principal amount of the loan
23 means the total sum owed by the borrower including, but not limited to,
24 insurance premiums, loan origination fees, or any other amount that is
25 financed, except that for purposes of subdivision (6)(b) of this section,
26 loan origination fees shall not be included in calculating the principal
27 amount of the loan.

28 **Sec. 31.** Section 45-364, Revised Statutes Supplement, 2025, is
29 amended to read:

30 45-364 (1) Each retail installment sales contract shall be in
31 writing, shall be signed by both the buyer and the seller, and shall

1 contain the following items, and a copy thereof shall be delivered to the
2 buyer at the time the instrument is signed, except for contracts made in
3 conformance with subdivision (5)(c) of section 45-336:

4 (a) The cash sale price;

5 (b) The amount of the buyer's downpayment, and whether made in money
6 or goods, or partly in money and partly in goods, including a brief
7 description of any goods traded in;

8 (c) The difference between subdivisions (a) and (b) of this
9 subsection;

10 (d) The amount included for insurance if a separate charge is made
11 therefor, specifying the types of coverages;

12 (e) The amount included for a debt cancellation contract or a debt
13 suspension contract if the debt cancellation contract or debt suspension
14 contract is a contract of a financial institution or licensee, such
15 contract is sold directly by such financial institution or licensee or by
16 an unaffiliated, nonexclusive agent of such financial institution or
17 licensee in accordance with 12 C.F.R. part 37, as such part existed on
18 January 1, 2026 ~~2025~~, and the financial institution or licensee is
19 responsible for the unaffiliated, nonexclusive agent's compliance with
20 such part, and a separate charge is made therefor;

21 (f) The amount included for electronic title and lien services other
22 than fees and charges prescribed by law which actually are or will be
23 paid to public officials for determining the existence of or for
24 perfecting, releasing, or satisfying any security related to the credit
25 transaction;

26 (g) The basic time price, which is the sum of subdivisions (c), (d),
27 (e), and (f) of this subsection;

28 (h) The time-price differential;

29 (i) The amount of the time-price balance, which is the sum of
30 subdivisions (g) and (h) of this subsection, payable in installments by
31 the buyer to the seller;

1 (j) The number, amount, and due date or period of each installment;

2 (k) The time-sales price; and

3 (1) The amount included for a guaranteed asset protection waiver.

4 (2) The contract shall contain substantially the following notice:

5 NOTICE TO THE BUYER. DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT OR IF
6 IT CONTAINS BLANK SPACES. YOU ARE ENTITLED TO A COPY OF THE CONTRACT YOU
7 SIGN.

8 (3) The items listed in subsection (1) of this section need not be
9 stated in the sequence or order set forth in such subsection. Additional
10 items may be included to explain the computations made in determining the
11 amount to be paid by the buyer. No installment sales contract shall be
12 signed by the buyer or proffered by the seller when it contains blank
13 spaces to be filled in after execution, except that if delivery of the
14 goods or services is not made at the time of the execution of the
15 contract, the identifying numbers or marks of the goods, or similar
16 information, and the due date of the first installment may be inserted in
17 the contract after its execution.

18 (4) If a seller proffers an installment sales contract as part of a
19 transaction which delays or cancels, or promises to delay or cancel, the
20 payment of the time-price differential on the contract if the buyer pays
21 the basic time price, cash price, or cash sale price within a certain
22 period of time, the seller shall, in clear and conspicuous writing,
23 either within the installment sales contract or in a separate document,
24 inform the buyer of the exact date by which the buyer must pay the basic
25 time price, cash price, or cash sale price in order to delay or cancel
26 the payment of the time-price differential. The seller or any subsequent
27 purchaser of the installment sales contract, including a sales finance
28 company, shall not be allowed to change such date.

29 (5) Upon written request from the buyer, the holder of an
30 installment sales contract shall give or forward to the buyer a written
31 statement of the dates and amounts of payments and the total amount

1 unpaid under such contract. A buyer shall be given a written receipt for
2 any payment when made in cash.

3 (6) After payment of all sums for which the buyer is obligated under
4 a contract, the holder shall deliver or mail to the buyer at his or her
5 last-known address one or more good and sufficient instruments or copies
6 thereof to acknowledge payment in full and shall release all security in
7 the goods and mark canceled and return to the buyer the original
8 agreement or copy thereof or instruments or copies thereof signed by the
9 buyer. For purposes of this section, a copy shall meet the requirements
10 of section 25-12,112.

11 **Sec. 32.** Section 45-735, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 45-735 (1) A mortgage loan originator shall be an employee or
14 independent agent of a single Nebraska licensed mortgage banker,
15 registrant, or installment loan company that shall directly supervise,
16 control, and maintain responsibility for the acts and omissions of the
17 mortgage loan originator.

18 (2)(a) A mortgage loan originator shall not engage in mortgage loan
19 origination activities at any location that is not a main office location
20 of a licensed mortgage banker, registrant, or installment loan company or
21 a branch office of a licensed mortgage banker or registrant. The licensed
22 mortgage banker, registrant, or installment loan company shall designate
23 the location or locations at which each mortgage loan originator is
24 originating residential mortgage loans.

25 (b) The department may adopt and promulgate rules, regulations, and
26 orders to authorize and regulate the use of remote work arrangements
27 conducted outside of a main office location or branch office by employees
28 or agents, including mortgage loan originators, of licensed mortgage
29 bankers, registrants, or installment loan companies.

30 (3) Any licensed mortgage banker, registrant, or installment loan
31 company who engages an independent agent as a mortgage loan originator

1 shall maintain a written agency contract with such mortgage loan
2 originator. Such written agency contract shall provide that the mortgage
3 loan originator is originating loans exclusively for the licensed
4 mortgage banker, registrant, or installment loan company.

5 (4) A licensed mortgage banker, registrant, or installment loan
6 company that has hired a licensed mortgage loan originator as an employee
7 or entered into an independent agent agreement with such licensed
8 mortgage loan originator shall provide notification to the department as
9 soon as reasonably possible after entering into such relationship, along
10 with a fee of fifty dollars. The employing entity shall not allow the
11 mortgage loan originator to conduct such activity in this state prior to
12 such notification to the department and confirmation that the department
13 has received notice of the termination of the mortgage loan originator's
14 prior employment.

15 (5) A licensed mortgage banker, registrant, or installment loan
16 company shall notify the department no later than ten days after the
17 termination, whether voluntary or involuntary, of a mortgage loan
18 originator unless the mortgage loan originator has previously notified
19 the department of the termination.

20 **Sec. 33.** Section 45-737, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 45-737 A licensee licensed as a mortgage banker shall:

23 (1) Disburse required funds paid by the borrower and held in escrow
24 for the payment of insurance payments no later than the date upon which
25 the premium is due under the insurance policy;

26 (2) Disburse funds paid by the borrower and held in escrow for the
27 payment of real estate taxes prior to the time such real estate taxes
28 become delinquent;

29 (3) Pay any penalty incurred by the borrower because of the failure
30 of the licensee to make the payments required in subdivisions (1) and (2)
31 of this section unless the licensee establishes that the failure to

1 timely make the payments was due solely to the fact that the borrower was
2 sent a written notice of the amount due more than fifteen calendar days
3 before the due date to the borrower's last-known address and failed to
4 timely remit the amount due to the licensee;

5 (4) At least annually perform a complete escrow analysis. If there
6 is a change in the amount of the periodic payments, the licensee shall
7 mail written notice of such change to the borrower at least twenty
8 calendar days before the effective date of the change in payment. The
9 following information shall be provided to the borrower, without charge,
10 in one or more reports, at least annually:

11 (a) The name and address of the licensee;

12 (b) The name and address of the borrower;

13 (c) A summary of the escrow account activity during the year which
14 includes all of the following:

15 (i) The balance of the escrow account at the beginning of the year;

16 (ii) The aggregate amount of deposits to the escrow account during
17 the year; and

18 (iii) The aggregate amount of withdrawals from the escrow account
19 for each of the following categories:

20 (A) Payments applied to loan principal;

21 (B) Payments applied to interest;

22 (C) Payments applied to real estate taxes;

23 (D) Payments for real property insurance premiums; and

24 (E) All other withdrawals; and

25 (d) A summary of loan principal for the year as follows:

26 (i) The amount of principal outstanding at the beginning of the
27 year;

28 (ii) The aggregate amount of payments applied to principal during
29 the year; and

30 (iii) The amount of principal outstanding at the end of the year;

31 (5) Establish and maintain a toll-free telephone number or accept

1 collect telephone calls to respond to inquiries from borrowers, if the
2 licensee services residential mortgage loans. If a licensee ceases to
3 service residential mortgage loans, it shall continue to maintain a toll-
4 free telephone number or accept collect telephone calls to respond to
5 inquiries from borrowers for a period of twelve months after the date the
6 licensee ceased to service residential mortgage loans. A telephonic
7 messaging service which does not permit the borrower an option of
8 personal contact with an employee, agent, or contractor of the licensee
9 shall not satisfy the conditions of this section. Each day such licensee
10 fails to comply with this subdivision shall constitute a separate
11 violation of the Residential Mortgage Licensing Act;

12 (6) Answer in writing, within seven business days after receipt, any
13 written request for payoff information received from a borrower or a
14 borrower's designated representative. This service shall be provided
15 without charge to the borrower, except that when such information is
16 provided upon request within sixty days after the fulfillment of a
17 previous request, a processing fee of up to ten dollars may be charged;

18 (7) Record or cause to be recorded a release of mortgage pursuant to
19 the provisions of section 76-2803 or, in the case of a trust deed, record
20 or cause to be recorded a reconveyance pursuant to the provisions of
21 section 76-2803;

22 (8) Maintain a copy of all documents and records relating to each
23 residential mortgage loan and application for a residential mortgage
24 loan, including, but not limited to, loan applications, federal Truth in
25 Lending Act statements, good faith estimates, appraisals, notes, rights
26 of rescission, and mortgages or trust deeds for a period of five years
27 after the date the residential mortgage loan is funded or the loan
28 application is denied or withdrawn;

29 (9) Notify the director in writing or through the Nationwide
30 Mortgage Licensing System and Registry within three business days after
31 the occurrence of any of the following:

1 (a) The filing of a voluntary petition in bankruptcy by the licensee
2 or notice of a filing of an involuntary petition in bankruptcy against
3 the licensee;

4 (b) The licensee has lost the ability to fund a loan or loans after
5 it had made a loan commitment or commitments and approved a loan
6 application or applications;

7 (c) Any other state or jurisdiction institutes license denial, cease
8 and desist, suspension, or revocation procedures against the licensee;

9 (d) The attorney general of any state, the Consumer Financial
10 Protection Bureau, or the Federal Trade Commission initiates an action to
11 enforce consumer protection laws against the licensee or any of the
12 licensee's officers, directors, shareholders, partners, members,
13 employees, or agents;

14 (e) The Federal National Mortgage Association, Federal Home Loan
15 Mortgage Corporation, Federal Housing Administration, or Government
16 National Mortgage Association suspends or terminates the licensee's
17 status as an approved seller or seller and servicer;

18 (f) The filing of a criminal indictment or information against the
19 licensee or any of its officers, directors, shareholders, partners,
20 members, employees, or agents;

21 (g) The licensee or any of the licensee's officers, directors,
22 shareholders, partners, members, employees, or agents was convicted of,
23 pleaded guilty to, or was found guilty after a plea of nolo contendere to
24 (i) a misdemeanor under state or federal law which involves dishonesty or
25 fraud or which involves any aspect of the mortgage banking business,
26 depository institution business, or installment loan company business or
27 (ii) any felony under state or federal law; or

28 (h)(i) Except as provided in subdivisions (9)(h)(ii) and (iii) of
29 this section, a licensee shall notify the director in writing or through
30 the Nationwide Mortgage Licensing System and Registry within three
31 business days from the time that the licensee becomes aware of any breach

1 of security of the system of computerized data owned or licensed by the
2 licensee, which contains personal information about a Nebraska resident,
3 or the unauthorized access to or use of such information about a Nebraska
4 resident as a result of the breach.

5 (ii) If a licensee would be required under Nebraska law to provide
6 notification to a Nebraska resident regarding such incident, then the
7 licensee shall provide a copy of such notification to the department
8 prior to or simultaneously with the licensee's notification to the
9 Nebraska resident.

10 (iii) Notice required by subdivision (9)(h) of this section may be
11 delayed if a law enforcement agency determines that the notice will
12 impede a criminal investigation. Notice shall be made in good faith,
13 without unreasonable delay, and as soon as possible after the law
14 enforcement agency determines that notification will no longer impede the
15 investigation.

16 (iv) For purposes of subdivision (9)(h) of this section, the terms
17 breach of the security of the system and personal information have the
18 same meaning as in section 87-802; and

19 (10) Notify the director in writing or through the Nationwide
20 Mortgage Licensing System and Registry within thirty days after the
21 occurrence of a material development other than as described in
22 subdivision (9) of this section, including, but not limited to, any of
23 the following:

24 (a) Business reorganization;

25 (b) A change of name, trade name, doing business as designation, or
26 main office address;

27 (c) The establishment of a branch office. Notice of such
28 establishment shall be on a form prescribed by the department and
29 accompanied by a fee of seventy-five dollars for each branch office;

30 (d) The relocation or closing of a branch office; or

31 (e) The entry of an order against the licensee or any of the

1 licensee's officers, directors, shareholders, partners, members,
2 employees, or agents, including orders to which the licensee or other
3 parties consented, by any other state or federal regulator.

4 (11)(a) Disclose to the borrower, in connection with any refinance
5 of an existing residential mortgage loan, whether or not the borrower
6 will receive a net tangible benefit through such refinance. Such
7 disclosure shall be on a worksheet prescribed by the director or on a
8 form prescribed by the director substantially similar to such worksheet.

9 (b) For purposes of this subsection, net tangible benefit means a
10 benefit of a refinance that will be in the financial interests of the
11 borrower. Net tangible benefit includes, but is not limited to:

12 (i) Obtaining a lower interest rate;

13 (ii) Obtaining a lower monthly payment, including principal,
14 interest, taxes, and insurance;

15 (iii) Obtaining a shorter amortization schedule;

16 (iv) Changing from an adjustable interest rate to a fixed interest
17 rate;

18 (v) Eliminating a negative amortization feature;

19 (vi) Eliminating a balloon payment feature;

20 (vii) Receiving cash out from the new loan in an amount greater than
21 all closing costs incurred in connection with such loan;

22 (viii) Avoiding foreclosure;

23 (ix) Eliminating private mortgage insurance; and

24 (x) Consolidating other existing loans into a new mortgage loan.

25 **Sec. 34.** Section 45-741, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 45-741 (1) The director may examine documents and records maintained
28 by a licensee, registrant, individual, or person subject to the
29 Residential Mortgage Licensing Act. The director may investigate
30 complaints about a licensee, registrant, individual, or person subject to
31 the act. The director may investigate reports of alleged violations of

1 the act, any federal law governing residential mortgage loans, or any
2 rule, regulation, or order of the director under the act. For purposes of
3 investigating violations or complaints arising under the act or for the
4 purposes of examination, the director may review, investigate, or examine
5 any licensee, registrant, individual, or person subject to the act as
6 often as necessary in order to carry out the purposes of the act.

7 (2) For purposes of any investigation, examination, or proceeding,
8 including, but not limited to, initial licensing, license renewal,
9 license suspension, license conditioning, or license revocation, the
10 director shall have the authority to access, receive, and use any books,
11 accounts, records, files, documents, information, or evidence, including,
12 but not limited to:

13 (a) Criminal, civil, and administrative history information;

14 (b) Personal history and experience information, including
15 independent credit reports obtained from a consumer reporting agency
16 described in 15 U.S.C. 1681a(p), as such section existed on January 1,
17 2026 ~~2010~~; and

18 (c) Any other documents, information, or evidence the director deems
19 relevant to the inquiry or investigation regardless of the location,
20 possession, control, or custody of such documents, information, or
21 evidence.

22 (3) Each licensee, registrant, individual, or person subject to the
23 Residential Mortgage Licensing Act shall make available to the director
24 upon request the books, accounts, records, files, or documents relating
25 to the operations of such licensee, registrant, individual, or person
26 subject to the act. The director shall have access to such books,
27 accounts, records, files, and documents and may interview the officers,
28 principals, mortgage loan originators, employees, independent
29 contractors, agents, and customers of the licensee, registrant,
30 individual, or person subject to the act, concerning the business of the
31 licensee, registrant, individual, or person subject to the act.

1 (4) Each licensee, registrant, individual, or person subject to the
2 act shall make or compile reports or prepare other information as
3 instructed by the director in order to carry out the purposes of this
4 section, including, but not limited to:

5 (a) Accounting compilations;

6 (b) Information lists and data concerning loan transactions on a
7 form prescribed by the director; or

8 (c) Such other information deemed necessary to carry out the
9 purposes of this section.

10 (5) The director may send a notice of investigation or inquiry
11 request for information to a licensee or registrant. Upon receipt by a
12 licensee or registrant of the director's notice of investigation or
13 inquiry request for information, the licensee or registrant shall respond
14 within twenty-one calendar days. Each day beyond that time a licensee or
15 registrant fails to respond as required by this subsection shall
16 constitute a separate violation of the act. This subsection shall not be
17 construed to require the director to send a notice of investigation to a
18 licensee, a registrant, or any person.

19 (6) For the purpose of any investigation, examination, or proceeding
20 under the act, the director or any officer designated by him or her may
21 administer oaths and affirmations, subpoena witnesses and compel their
22 attendance, take evidence, and require the production of any books,
23 papers, correspondence, memoranda, agreements, or other documents or
24 records which the director deems relevant or material to the inquiry. If
25 any person refuses to comply with a subpoena issued under this section or
26 to testify with respect to any matter relevant to the proceeding, the
27 district court of Lancaster County may, on application of the director,
28 issue an order requiring the person to comply with the subpoena and to
29 testify. Failure to obey an order of the court to comply with the
30 subpoena may be punished by the court as civil contempt.

31 (7) In conducting an examination or investigation under this

1 section, the director may rely on reports made by the licensee or
2 registrant which have been prepared within the preceding twelve months
3 for the following federal agencies or federally related entities:

4 (a) The United States Department of Housing and Urban Development;

5 (b) The Federal Housing Administration;

6 (c) The Federal National Mortgage Association;

7 (d) The Government National Mortgage Association;

8 (e) The Federal Home Loan Mortgage Corporation;

9 (f) The United States Department of Veterans Affairs; or

10 (g) The Consumer Financial Protection Bureau.

11 (8) In order to carry out the purposes of this section, the director
12 may:

13 (a) Enter into agreements or relationships with other government
14 officials or regulatory associations in order to improve efficiencies and
15 reduce the regulatory burden by sharing resources, standardized or
16 uniform methods or procedures, and documents, records, information, or
17 evidence obtained under this section;

18 (b) Use, hire, contract, or employ publicly or privately available
19 analytical systems, methods, or software to examine or investigate the
20 licensee, registrant, individual, or person subject to the act;

21 (c) Accept and rely on examination or investigation reports made by
22 other government officials, within or without this state; or

23 (d) Accept audit reports made by an independent certified public
24 accountant for the licensee, registrant, individual, or person subject to
25 the act in the course of that part of the examination covering the same
26 general subject matter as the audit and incorporate the audit report in
27 the report of the examination, report of investigation, or other writing
28 of the director.

29 (9) If the director receives a complaint or other information
30 concerning noncompliance with the act by an exempt person, the director
31 shall inform the agency having supervisory authority over the exempt

1 person of the complaint.

2 (10) No licensee, registrant, individual, or person subject to
3 investigation or examination under this section shall knowingly withhold,
4 abstract, remove, mutilate, destroy, or secrete any books, records,
5 computer records, or other information.

6 (11) The total charge for an examination or investigation shall be
7 paid by the licensee or registrant as set forth in sections 8-605 and
8 8-606.

9 (12) Examination reports shall not be deemed public records and may
10 be withheld from the public pursuant to section 84-712.05.

11 (13) Complaint files shall be deemed public records.

12 (14) The authority of this section shall remain in effect, whether
13 such a licensee, registrant, individual, or person subject to the
14 Residential Mortgage Licensing Act acts or claims to act under any
15 licensing or registration law of this state or claims to act without such
16 authority.

17 **Sec. 35.** Section 59-1722, Revised Statutes Supplement, 2025, is
18 amended to read:

19 59-1722 (1) Any transaction involving the sale of a franchise as
20 defined in 16 C.F.R. 436.1(h), as such regulation existed on January 1,
21 2026 ~~2025~~, shall be exempt from the Seller-Assisted Marketing Plan Act,
22 except that such transactions shall be subject to subdivision (1)(d) of
23 section 59-1757, those provisions regulating or prescribing the use of
24 the phrase buy-back or secured investment or similar phrases as set forth
25 in sections 59-1726 to 59-1728 and 59-1751, and all sections which
26 provide for their enforcement. The exemption shall only apply if:

27 (a) The franchise is offered and sold in compliance with the
28 requirements of 16 C.F.R. part 436, Disclosure Requirements and
29 Prohibitions Concerning Franchising, as such part existed on January 1,
30 2026 ~~2025~~;

31 (b) Before placing any advertisement in a Nebraska-based

1 publication, offering for sale to any prospective purchaser in Nebraska,
2 or making any representations in connection with such offer or sale to
3 any prospective purchaser in Nebraska, the seller files a notice with the
4 Department of Banking and Finance which contains (i) the name, address,
5 and telephone number of the seller and the name under which the seller
6 intends to do business and (ii) a brief description of the plan offered
7 by the seller; and

8 (c) The seller pays a filing fee of one hundred dollars.

9 (2) The department may request a copy of the disclosure document
10 upon receipt of a written complaint or inquiry regarding the seller or
11 upon a reasonable belief that a violation of the Seller-Assisted
12 Marketing Plan Act has occurred or may occur. The seller shall provide
13 such copy within ten business days of receipt of the request.

14 (3) All funds collected by the department under this section shall
15 be remitted to the State Treasurer for credit to the Securities Act Cash
16 Fund.

17 (4) The Director of Banking and Finance may by order deny or revoke
18 an exemption specified in this section with respect to a particular
19 offering of one or more business opportunities if the director finds that
20 such an order is in the public interest or is necessary for the
21 protection of purchasers. An order shall not be entered without
22 appropriate prior notice to all interested parties, an opportunity for
23 hearing, and written findings of fact and conclusions of law. If the
24 public interest or the protection of purchasers so requires, the director
25 may by order summarily deny or revoke an exemption specified in this
26 section pending final determination of any proceedings under this
27 section. An order under this section shall not operate retroactively.

28 **Sec. 36.** Section 69-2103, Revised Statutes Supplement, 2025, is
29 amended to read:

30 69-2103 For purposes of the Consumer Rental Purchase Agreement Act:

31 (1) Advertisement means a commercial message in any medium that

1 aids, promotes, or assists directly or indirectly a consumer rental
2 purchase agreement but does not include in-store merchandising aids such
3 as window signs and ceiling banners;

4 (2) Cash price means the price at which the lessor would have sold
5 the property to the consumer for cash on the date of the consumer rental
6 purchase agreement for the property;

7 (3) Consumer means a natural person who rents property under a
8 consumer rental purchase agreement;

9 (4) Consumer rental purchase agreement means an agreement which is
10 for the use of property by a consumer primarily for personal, family, or
11 household purposes, which is for an initial period of four months or
12 less, whether or not there is any obligation beyond the initial period,
13 which is automatically renewable with each payment, and which permits the
14 consumer to become the owner of the property. A consumer rental purchase
15 agreement in compliance with the act shall not be construed to be a lease
16 or agreement which constitutes a credit sale as defined in 12 C.F.R.
17 1026.2(a)(16), as such regulation existed on January 1, 2026 ~~2025~~, and 15
18 U.S.C. 1602(h), as such section existed on January 1, 2026 ~~2025~~, or a
19 lease which constitutes a consumer lease as defined in 12 C.F.R. 1013.2,
20 as such regulation existed on January 1, 2026 ~~2025~~. Consumer rental
21 purchase agreement does not include:

22 (a) Any lease for agricultural, business, or commercial purposes;

23 (b) Any lease made to an organization;

24 (c) A lease or agreement which constitutes an installment sale or
25 installment sales contract as defined in section 45-335;

26 (d) A security interest as defined in subdivision (35) of section
27 1-201, Uniform Commercial Code; and

28 (e) A home solicitation sale as defined in section 69-1601;

29 (5) Consummation means the occurrence of an event which causes a
30 consumer to become contractually obligated on a consumer rental purchase
31 agreement;

1 (6) Department means the Department of Banking and Finance;

2 (7) Lease payment means a payment to be made by the consumer for the
3 right of possession and use of the property for a specific lease period
4 but does not include taxes imposed on such payment;

5 (8) Lease period means a week, month, or other specific period of
6 time, during which the consumer has the right to possess and use the
7 property after paying the lease payment and applicable taxes for such
8 period;

9 (9) Lessor means a person who in the ordinary course of business
10 operates a commercial outlet which regularly leases, offers to lease, or
11 arranges for the leasing of property under a consumer rental purchase
12 agreement;

13 (10) Property means any property that is not real property under the
14 laws of this state when made available for a consumer rental purchase
15 agreement; and

16 (11) Total of payments to acquire ownership means the total of all
17 charges imposed by the lessor and payable by the consumer as a condition
18 of acquiring ownership of the property. Total of payments to acquire
19 ownership includes lease payments and any initial nonrefundable
20 administrative fee or required delivery charge but does not include
21 taxes, late charges, reinstatement fees, or charges for optional products
22 or services.

23 **Sec. 37.** Section 4A-108, Uniform Commercial Code, Revised Statutes
24 Supplement, 2025, is amended to read:

25 4A-108 Relationship to federal Electronic Fund Transfer Act.

26 (a) Except as provided in subsection (b), this article does not
27 apply to a funds transfer any part of which is governed by the federal
28 Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq., as such act existed
29 on January 1, 2026 ~~2025~~.

30 (b) This article applies to a funds transfer that is a remittance
31 transfer as defined in the federal Electronic Fund Transfer Act, 15

1 U.S.C. 1693o-1, as such section existed on January 1, 2026 ~~2025~~, unless
2 the remittance transfer is an electronic fund transfer as defined in the
3 federal Electronic Fund Transfer Act, 15 U.S.C. 1693a, as such section
4 existed on January 1, 2026 ~~2025~~.

5 (c) In a funds transfer to which this article applies, in the event
6 of an inconsistency between an applicable provision of this article and
7 an applicable provision of the federal Electronic Fund Transfer Act, the
8 provision of the federal Electronic Fund Transfer Act governs to the
9 extent of the inconsistency.

10 **Sec. 38.** Sections 6, 10, 12, 16, 19, 22, 23, 24, 27, 28, 29, 32,
11 33, and 39 of this act become operative three calendar months after the
12 adjournment of this legislative session. The other sections of this act
13 become operative on their effective date.

14 **Sec. 39.** Original sections 8-1,124 and 8-1502, Reissue Revised
15 Statutes of Nebraska, sections 8-3003, 8-3013, 45-735, and 45-737,
16 Revised Statutes Cumulative Supplement, 2024, and sections 8-1101,
17 8-2703, 8-3033, 8-3034, 45-101.04, 45-335, and 45-345, Revised Statutes
18 Supplement, 2025, are repealed.

19 **Sec. 40.** Original sections 8-2102 and 45-741, Reissue Revised
20 Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01,
21 8-183.04, 8-1,140, 8-318, 8-355, 8-1101.01, 8-1704, 8-1707, 8-2742,
22 8-2903, 8-3005, 8-3007, 21-17,102, 21-17,115, 45-349, 45-364, 59-1722,
23 and 69-2103, Revised Statutes Supplement, 2025, and section 4A-108,
24 Uniform Commercial Code, Revised Statutes Supplement, 2025, are repealed.

25 **Sec. 41.** Since an emergency exists, this act takes effect when
26 passed and approved according to law.

27 2. On page 1, line 6, after "8-1707," insert "8-2703,"; in line 12
28 strike "capital and surplus" and insert "the applicability of the
29 Nebraska Money Transmitters Act,"; and in line 13 strike "requirements
30 for".