

ENGROSSED LEGISLATIVE BILL 838

Introduced by Jacobson, 42; von Gillern, 4; Hallstrom, 1.

A BILL FOR AN ACT relating to law; to amend sections 8-2901, 25-2701, 30-2301, 30-2302, 30-2322, 30-2323, 30-2325, 30-3803, 30-38,103, 77-3503, 87-704, 87-706, and 87-709, Reissue Revised Statutes of Nebraska, sections 30-3801 and 77-2004, Revised Statutes Cumulative Supplement, 2024, and sections 8-2701, 8-2702, 8-2711, 8-2742, 8-2903, 87-302, 87-1301, 87-1302, 87-1304, 87-1305, 87-1306, and 87-1308, Revised Statutes Supplement, 2025; to change provisions relating to the Nebraska Money Transmitters Act, financial exploitation of a vulnerable adult or senior adult, rules and codes of civil and criminal procedure, decedents' estates, the Nebraska Uniform Trust Code, certifications of trust, inheritance taxes, deceptive trade practices, the Equipment Business Regulation Act, and the Age-Appropriate Online Design Code Act; to impose an excise tax on certain remittance transfers; to provide for rounding of certain cash transaction amounts; to provide operative dates; to provide severability; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 8-2701, Revised Statutes Supplement, 2025, is amended to read:

8-2701 Sections 8-2701 to 8-2742 and sections 5 to 10 of this act shall be known and may be cited as the Nebraska Money Transmitters Act.

Sec. 2. Section 8-2702, Revised Statutes Supplement, 2025, is amended to read:

8-2702 For purposes of the Nebraska Money Transmitters Act:

(1) Acting in concert means persons knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement;

(2) Applicant means a person filing an application for a license under the

Nebraska Money Transmitters Act;

(3) Authorized delegate means a person designated by the licensee to engage in money transmission on behalf of the licensee;

(4) Average daily money transmission liability means the amount of the licensee's outstanding money transmission obligations in this state at the end of each day in a given period of time, added together, and divided by the total number of days in the given period of time. For purposes of calculating average daily money transmission liability under the Nebraska Money Transmitters Act for any licensee required to do so, the given period of time shall be each calendar quarter;

(5) Closed loop stored value means stored value that is redeemable by the issuer of such stored value only for goods or services provided by the issuer or affiliates of such issuer or franchisees of the issuer or affiliates of such franchisees, except to the extent the stored value is required by applicable law to be redeemable in cash for the cash value of the stored value;

(6)(a) Control means:

(i) Direct or indirect power over the vote of at least twenty-five percent of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

(ii) The power to elect or appoint a majority of key individuals, executive officers, managers, directors, trustees, or other persons that have managerial authority of a person in control of a licensee; or

(iii) The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

(b) For purposes of determining the percentage of a person controlled by any other person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, and any other person who shares such person's residence;

(7) Department means the Department of Banking and Finance;

(8) Director means the Director of Banking and Finance;

(9) Eligible rating means a credit rating of any of the three highest rating categories provided by an eligible rating service, whereby each category may include rating category modifiers such as plus or minus for Standard and Poor's Corporation or the equivalent for any other eligible rating service. Long-term credit ratings are deemed eligible if the rating is equal to A- or higher by Standard and Poor's Corporation, or the equivalent from any other eligible rating service. Short-term credit ratings are deemed eligible if the rating is equal to or higher than A-2 or SP-2 by Standard and Poor's Corporation or the equivalent from any other eligible rating service. In the event that ratings differ among eligible rating services, the highest rating shall apply when determining whether a security bears an eligible rating.

(10) Eligible rating service means any nationally recognized statistical rating organization approved by the Securities and Exchange Commission and any other organization designated by the director by rule or order;

(11) Federally insured depository financial institution means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company organized under the laws of the United States or any state of the United States, when such bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank, or industrial loan company has federally insured deposits;

(12) Foreign adversary person means:

(a) A foreign person that is domiciled in, is headquartered in, has its principal place of business in, or is organized under the laws of any country listed in 15 C.F.R. 791.4;

(b) An entity with respect to which a foreign person or combination of foreign persons described in subdivision (12)(a) of this section directly or indirectly own at least a twenty-five percent share; or

(c) A person subject to the direction or control of a foreign person or

entity described in subdivision (12)(a) or (b) of this section;

(13) In this state means at a physical location within this state for a transaction requested in person. For a transaction requested electronically or by telephone, the provider of money transmission may determine if the person requesting the transaction is in this state by relying on other information provided by such person regarding the location of the individual's residential address or the entity's principal place of business or other physical address location and any records associated with such person that the provider of money transmission may have that indicate the location of the individual's residential address or the entity's principal place of business or other physical address location, including, but not limited to, an address associated with an account;

(14) Individual means a natural person;

(15)(a) Informal value transfer system services means services provided by any system, mechanism, or network of persons or entities that:

(i) Receives money for the purpose of making the funds or an equivalent value payable to a third party in another geographic location, whether or not in the same form; or

(ii) Facilitates the transfer of money domestically or internationally outside the conventional money-transmission system.

(b) Informal value transfer system services includes hawala systems or agencies or similar systems or agencies for transferring money by payment to an agent who instructs a remote associate to pay a final recipient.

(c) Informal value transfer system services does not include armored car services or issuance of gift cards;

(16) Key individual means any individual ultimately responsible for establishing or directing policies and procedures of the licensee, such as an executive officer, manager, director, or trustee;

(17) Licensee means a person licensed under the Nebraska Money Transmitters Act;

(18) Material litigation means litigation, that according to United States

generally accepted accounting principles, is significant to a person's financial health and would be required to be disclosed in the person's annual audited financial statements, report to shareholders, or similar records;

(19) Model Money Transmission Modernization Act means the Model Money Transmission Modernization Act approved for state adoption by the Conference of State Bank Supervisors Board of Directors that sets nationwide standards, including net worth, surety bond, and permissible investments requirements, to modernize the supervision and regulation of money transmitters;

(20) Monetary value means a medium of exchange, whether or not redeemable in money;

(21) Money means a medium of exchange that is authorized or adopted by the United States or a foreign government. Money includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more governments;

(22)(a) Money transmission means any of the following:

(i) Selling or issuing payment instruments to a person located in this state;

(ii) Selling or issuing stored value to a person located in this state;
and

(iii) Receiving money for transmission from a person located in this state.

(b) Money transmission includes payroll processing services and informal value transfer system services. Money transmission does not include the provision solely of online or telecommunications services or network access;

(23) Multistate licensing process means any agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations, or notice and information requirements for a change of key individuals;

(24) Nationwide Mortgage Licensing System and Registry means the Nationwide Mortgage Licensing System and Registry, also known as the Nationwide

Multistate Licensing System and Registry, developed by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators and owned and operated by the State Regulatory Registry LLC, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries;

(25)(a) Outstanding money transmission obligation means:

(i) Any payment instrument or stored value issued or sold by the licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee or has been escheated in accordance with applicable abandoned property laws; or

(ii) Any money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or has been escheated in accordance with applicable abandoned property laws.

(b) For purposes of subdivision (25) of this section, in the United States includes, to the extent applicable, a person in any state, territory, or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a United States military installation that is located in a foreign country;

(26) Payment instrument means a written or electronic check, draft, money order, traveler's check, or other written or electronic instrument for the transmission or payment of money or monetary value, whether or not negotiable. Payment instrument does not include stored value or any instrument that:

(a) Is redeemable by the issuer only for goods or services provided by the issuer or affiliates of such issuer or franchisees of the issuer or affiliates of such franchisees except to the extent the instrument is required by applicable law to be redeemable in cash for the cash value of the instrument; or

(b) Is not sold publicly but issued and distributed as part of a loyalty, rewards, or promotional program;

(27) Payroll processing services means receiving money for transmission pursuant to a contract with a person to deliver wages or salaries, make payment of payroll taxes to state and federal agencies, make payments relating to employee benefit plans, or make distributions of other authorized deductions from wages or salaries. Payroll processing services does not include an employer performing payroll processing services on the employer's own behalf or on behalf of an affiliate of the employer;

(28) Person means any individual, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation, or other corporate entity identified by the director;

(29) Receipt means a paper receipt, electronic record, or other written confirmation;

(30) Receiving money for transmission or money received for transmission means receiving money or monetary value in the United States for transmission within or outside the United States by electronic or other means;

(31) Remit means to make direct payments of money to a licensee or a representative of a licensee authorized to receive money or to deposit money in a bank in an account specified by the licensee; and

(32) Stored value means monetary value representing a claim against the issuer of the stored value evidenced by an electronic or digital record, and that is intended and accepted for use as a means of redemption for money or monetary value, or payment for goods or services. Stored value includes, but is not limited to, prepaid access as defined by 31 C.F.R. 1010.100. Notwithstanding the foregoing, stored value does not include a payment instrument or closed loop stored value, or stored value not sold publicly but issued and distributed as part of a loyalty, rewards, or promotional program.

Sec. 3. Section 8-2711, Revised Statutes Supplement, 2025, is amended to read:

8-2711 (1) Applicants for a license shall apply in a form and in a medium as prescribed by the director. Each such form shall contain content as set forth by rule, regulation, instruction, or procedure of the director and may be

changed or updated by the director in accordance with applicable law in order to carry out the purposes of the Nebraska Money Transmitters Act and maintain consistency with Nationwide Mortgage Licensing System and Registry licensing standards and practices. The application shall state or contain, as applicable:

(a) The legal name and residential and business addresses of the applicant and any fictitious or trade name used by the applicant in conducting the applicant's business;

(b) A list of any criminal conviction of the applicant and any material litigation in which the applicant has been involved in the ten-year period next preceding the submission of the application;

(c) A description of any money transmission previously provided by the applicant and the money transmission that the applicant seeks to provide in this state;

(d) A list of the applicant's proposed authorized delegates and the locations in this state where the applicant and its authorized delegates propose to engage in money transmission;

(e) A list of other states in which the applicant is licensed to engage in money transmission and any license revocation, suspension, or other disciplinary action taken against the applicant in another state;

(f) Information concerning any bankruptcy or receivership proceeding affecting the applicant or a person in control of an applicant;

(g) A sample form of contract for authorized delegates, if applicable;

(h) A sample form of payment instrument or stored value, as applicable;

(i) The name and address of any federally insured depository financial institution through which the applicant plans to conduct money transmission;

(j) A certification that the applicant is not a foreign adversary person, along with sufficient information to enable the director to verify the veracity of the certification;

(k) A certification that each key individual and person in control of the applicant is not a foreign adversary person, along with sufficient information to enable the director to verify the veracity of the certification; and

(1) Any other information the Director or the Nationwide Mortgage Licensing System and Registry reasonably requires with respect to the applicant.

(2) If an applicant is a corporation, limited liability company, partnership, or other legal entity, the applicant shall also provide:

(a) The date of the applicant's incorporation or formation and state or country of incorporation or formation;

(b) If applicable, a certificate of good standing from the state or country in which the applicant was incorporated or formed;

(c) A brief description of the structure or organization of the applicant, including any parents or subsidiaries of the applicant, and whether any such parents or subsidiaries are publicly traded;

(d) The legal name, any fictitious or trade name, all business and residential addresses, and the employment, as applicable, of each key individual and person in control of the applicant in the ten-year period preceding the submission of the application;

(e) A list of any criminal convictions and material litigation for a person in control of the applicant that is not an individual that has been involved with the applicant in the ten-year period preceding the submission of the application;

(f) A copy of audited financial statements of the applicant for the most recent fiscal year and for the two-year period preceding the submission of the application or, if determined to be acceptable to the director, certified unaudited financial statements for the most recent fiscal year or any other period acceptable to the director;

(g) A certified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

(h) If the applicant is a publicly traded corporation, a copy of the most recent report filed with the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934;

(i) If the applicant is a wholly owned subsidiary of:

(i) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed pursuant to the Securities Exchange Act of 1934; or

(ii) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

(j) The name and address of the applicant's registered agent in this state; and

(k) Any other information the director reasonably requires with respect to the applicant.

(3) A nonrefundable application fee of one thousand five hundred dollars must accompany an application for a license under this section.

(4) Other than the nonrefundable application fee, the director may waive one or more requirements of this section or permit an applicant to submit other information in lieu of the required information.

Sec. 4. Section 8-2742, Revised Statutes Supplement, 2025, is amended to read:

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

(1) 15 C.F.R. 791.4 means 15 C.F.R. 791.4, as such regulation existed on January 1, 2026;

(2) 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such regulation existed on January 1, 2025;

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

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

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

(6) Edge Act means the Edge Act, 12 U.S.C. 611 et seq., as such act

existed on January 1, 2025;

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

(8) Federal Deposit Insurance Act means the Federal Deposit Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1, 2025;

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

(10) Foreign Account Tax Compliance Act means the Foreign Account Tax Compliance Act, 26 U.S.C. 1471 et seq., as such act existed on January 1, 2025;

(11) International Banking Act of 1978 means the International Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on January 1, 2025;

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

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

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

Sec. 5. The Legislature finds and declares that:

(1) The United States has determined that the governments of China, Cuba, Iran, North Korea, Russia, and the Maduro Regime in Venezuela are foreign adversaries of the United States because they have engaged in long-term patterns or serious instances of conduct significantly adverse to United States national security or the security and safety of United States persons;

(2) China's effort to advance its technological capabilities poses significant threats to the United States and its citizens;

(3) China is currently operating a Military-Civil Fusion strategy with the goal of developing the most technologically advanced military in the world. A key part of this strategy is removing barriers between China's civilian sectors

and its military and defense industrial sectors;

(4) China is also seeking to grow its technological dominance in international markets;

(5) To advance its missions, China has increased its efforts to collect foreign data;

(6) Under Article 7 of China's National Intelligence Law of 2017, which states in part that any organization or citizen shall support, assist, and cooperate with the state intelligence work, China may compel its citizens and companies to assist with surveillance efforts or surrender data to Chinese intelligence agencies, including data belonging to the United States or its citizens;

(7) China's collection of data is a threat to national security and the United States Department of Homeland Security and the National Counterintelligence and Security Center have both issued publications warning United States citizens and businesses of the potential threats stemming from China's intelligence laws;

(8) In November 2025, the White House produced a security memo asserting that a Chinese technology company shares its customers' data, including customers' payment records, with the Chinese government and concurrently the Pentagon sent a letter to Congress indicating intent to list that Chinese technology company as a Chinese military company;

(9) The threat of data collection by foreign adversaries is not only a national security threat but also a threat to consumers who provide data and other information to foreign adversary-based companies;

(10) Pursuant to this state's supervisory authority over financial transactions, the state has put in place a regulatory scheme for licensing money transmitters;

(11) Money transmitters provide consumers with nonbank access to sending and receiving funds, often internationally, and require access to sensitive customer data;

(12) As a part of the licensing scheme, the state looks at the character

and general fitness of applicants to ensure that it is in the interest of the public to permit the applicant to engage in money transmission in the state; and

(13) Due to the risks posed by foreign adversaries to this state and its citizens, the state finds that it should not grant money transmitter licenses to companies with connections to foreign adversaries.

Sec. 6. (1)(a) For purposes of section 8-2713, if an applicant or any key individual or person in control of the applicant fails to establish that such applicant, key individual, or person in control is not a foreign adversary person, the director shall presume that the character and general fitness of such applicant, key individual, or person in control indicates that it is not in the interest of the public to permit the applicant to engage in money transmission.

(b) For purposes of section 8-2716, if a person, or group of persons acting in concert, seeking to acquire control of a licensee or if any key individual or person that would be in control of a licensee after acquisition of control fails to establish that such person, group, or key individual is not a foreign adversary person, the director shall presume that the character and general fitness of such person, group, or key individual indicates that it is not in the interest of the public to permit the person, group of persons acting in concert, or key individual to control the licensee.

(c) For purposes of section 8-2734, if a licensee or authorized delegate or any key individual or persons in control of a licensee or responsible person in control of the authorized delegate fails to establish that such licensee, delegate, key individual, or person in control is not a foreign adversary person, the director shall presume that the character and general fitness of such licensee, delegate, key individual, or person in control indicates that it is not in the interest of the public to permit the licensee, delegate, key individual, or person in control to provide money transmission.

(d) For purposes of section 8-2735, if an authorized delegate or a person in control of the authorized delegate fails to establish that such delegate or

person in control is not a foreign adversary person, the director shall presume that the character and general fitness of such delegate or person in control indicates that it is not in the interest of the public to permit the authorized delegate to provide money transmission.

(2) The presumptions described in subsection (1) of this section shall only be rebutted by clear and convincing evidence that:

(a) The relevant foreign government or foreign nongovernment person listed in 15 C.F.R. 791.4 has expressly exempted the relevant applicant, licensee, authorized delegate, key individual, or person from all legal obligations to share any information from an individual in this state with any foreign adversary person;

(b) The exemption described in subdivision (2)(a) of this section will be judicially enforceable within this state against the foreign government and nongovernment person by any individual in this state who uses the money transmitter services of the exempted individual or person;

(c) The exempted individual or person has established a relationship with an auditor organized within, and with its primary place of business within, the United States that will verify, through an external compliance audit or similar process conducted at least quarterly and in compliance with all applicable auditing standards, whether any information is shared by the exempted individual or person with a foreign adversary person during the duration of the license or at any point within three years after the expiration of the license; and

(d) The exempted individual or person has adopted a policy that it will promptly notify all affected individuals and the Attorney General if it or its auditor concludes that information has been shared with a foreign adversary person during the duration of the license or at any point within three years after the expiration of the license.

Sec. 7. (1) On the operative date of this section, the changes made by this legislative bill shall apply to all existing and future licenses and applications for license under the Nebraska Money Transmitters Act.

(2) Within sixty days after the operative date of this section, the director shall send a written request to each licensee and applicant with a completed application that requests supplemental information necessary for the director to investigate and determine compliance with the changes made by this legislative bill, including the certifications required by section 8-2711. For any licensee that does not provide such information within sixty days after receiving such request or that the director has reasonable suspicion to believe is a foreign adversary person or has any key individual or person in control that is a foreign adversary person, the director shall institute proceedings under section 8-2734 to revoke the licensee's license.

Sec. 8. Within thirty days after the operative date of this section, the director shall prescribe forms and instructions and issue an order governing applications under the Nebraska Money Transmitters Act to require information sufficient to show that the applicant is not a foreign adversary person.

Sec. 9. The Department of Banking and Finance shall, as requested, provide to the Department of Revenue the data of money transmitters as necessary to meet the responsibilities of the Department of Revenue under the Nebraska Money Transmitters Act, to the extent the Department of Banking and Finance collects such information. The Department of Revenue may, as requested by the director, share information with the Department of Banking and Finance as necessary to enforce the Nebraska Money Transmitters Act.

Sec. 10. (1) For purposes of this section:

(a) Active duty member of the armed forces means a person who is a member of the armed forces of the United States on active duty as defined in 10 U.S.C. 101(d)(1), as such section existed on January 1, 2026, or a member of the Nebraska National Guard in active service of the state;

(b) Credit card has the same meaning as in 15 U.S.C. 1693o-2, as such section existed on January 1, 2026;

(c) Debit card has the same meaning as in 15 U.S.C. 1693o-2, as such section existed on January 1, 2026, except that debit card shall not include a general-use prepaid card as defined in 15 U.S.C. 16931-1, as such section

existed on January 1, 2026;

(d) Dependent means a spouse or any other person for whom an active duty member of the armed forces provided more than one-half of that person's support during the previous calendar year;

(e) Designated recipient has the same meaning as in section 919 of the Electronic Fund Transfer Act, 15 U.S.C. 1693o-1, as such section existed on January 1, 2026;

(f) Foreign adversary country means any country listed in 15 C.F.R. 791.4, as such regulation existed on January 1, 2026;

(g) Remittance transfer has the same meaning as in section 919 of the Electronic Fund Transfer Act, 15 U.S.C. 1693o-1, as such section existed on January 1, 2026, except that it shall only apply where the sender provides cash, a money order, a cashier's check, or any other similar physical instrument to the remittance transfer provider;

(h) Remittance transfer provider has the same meaning as in section 919 of the Electronic Fund Transfer Act, 15 U.S.C. 1693o-1, as such section existed on January 1, 2026; and

(i) Sender has the same meaning as in section 919 of the Electronic Fund Transfer Act, 15 U.S.C. 1693o-1, as such section existed on January 1, 2026.

(2) There is hereby imposed an excise tax of twenty-five percent on any remittance transfer by a licensee or authorized delegate to a resident of a foreign adversary country, with the exception of Cuba and Venezuela.

(3)(a) The tax imposed by this section shall not apply to a remittance transfer:

(i) If the sender or designated recipient of such transfer is an active duty member of the armed forces or a dependent of such member; or

(ii) For which the funds being transferred are:

(A) Withdrawn from an account held in or by a financial institution:

(I) Described in 31 U.S.C. 5312(a)(2)(A) through (H), as such section existed on January 1, 2026; and

(II) That is subject to the requirements of 31 U.S.C. Chapter 53,

Subchapter II, as such subchapter existed on January 1, 2026; or

(B) Funded with a debit card or credit card issued in the United States.

(b) To qualify for the exemption under subdivision (3)(a)(i) of this section, the sender or designated recipient shall present a valid United States Department of Defense Common Access Card or other valid military identification to the remittance transfer provider at the time of the transaction.

(4)(a) The sender of a remittance transfer shall pay the tax imposed by this section on such transfer.

(b) If any tax imposed by this section is not paid at the time a transfer is made, then to the extent that such tax is not paid, the remittance transfer provider of such transfer shall pay the tax.

(c) The remittance transfer provider of a remittance transfer shall collect the amount of the tax imposed by this section on such transfer from the sender and remit such tax to the Department of Revenue quarterly.

(5) Sections 77-2707 to 77-2711 shall apply to the tax imposed by this section as if such tax were a sales or use tax imposed by the Nebraska Revenue Act of 1967.

(6) The Department of Revenue may share any information related to the tax imposed by this section with the Department of Banking and Finance.

(7)(a) No refund of the tax imposed by this section shall be allowed unless a claim for such refund is filed within the required period for a refund of sales taxes.

(b) The Department of Revenue shall establish an expedited refund process for any active duty member of the armed forces or dependent who was charged the tax in error.

(c) To be eligible for the expedited refund process described in subdivision (7)(b) of this section, an active duty member of the armed forces or dependent who was charged in error shall submit proof of military status to the Department of Revenue.

(8) The Department of Revenue may adopt and promulgate rules and regulations to prescribe any and all forms and supporting documentation

necessary for the payment, collection, and reporting of the tax imposed by this section and to establish the expedited refund process described in subdivision (7)(b) of this section.

(9) The Department of Revenue may use electronic funds transfer to collect the tax imposed by this section or to pay any refund of such tax.

(10) The use of any electronic filing of documents or electronic funds transfer shall not alter the rights of any party from the rights of such party if a different method of filing or payment was used.

(11) All taxes received by the Department of Revenue pursuant to this section shall be remitted to the State Treasurer for credit to the General Fund.

(12) Upon request from the Department of Revenue, the Department of Banking and Finance may make a claim against the surety bond of a licensee for payment of any tax imposed by this section on such licensee.

Sec. 11. Section 8-2901, Reissue Revised Statutes of Nebraska, is amended to read:

8-2901 For purposes of sections 8-2901 to 8-2903:

(1) Account means a contract of deposit of funds between the depositor and a financial institution and:

(a) The account is owned by a vulnerable adult or senior adult, whether individually or with one or more other persons; or

(b) A vulnerable adult or senior adult is a beneficiary of the account, including a formal or informal trust account, a payable on death account, a conservatorship account, or a guardianship account;

(2) Authorized contact means an adult person designated by a vulnerable adult or senior adult to be contacted by a financial institution in the event of an emergency, a loss of contact with the customer, or suspected financial exploitation;

(3) Department means the Department of Health and Human Services;

(4) Financial exploitation means:

(a) The wrongful or unauthorized taking, withholding, appropriation, or

use of the money, assets, or other property or the identifying information of a vulnerable adult or senior adult by any person; or

(b) An act or omission by a person, including through the use of a power of attorney on behalf of, or as the conservator or guardian of, a vulnerable adult or senior adult, to:

(i) Obtain control, through deception, intimidation, fraud, or undue influence, over the vulnerable adult's or senior adult's money, assets, or other property to deprive the vulnerable adult or senior adult of the ownership, use, benefit, or possession of the property; or

(ii) Convert the money, assets, or other property of a vulnerable adult or senior adult to deprive a vulnerable adult or senior adult of the ownership, use, benefit, or possession of the property;

(5) Financial institution means a bank, savings bank, building and loan association, savings and loan association, or credit union, whether chartered by the Department of Banking and Finance, the United States, or a foreign state agency; any other similar organization which is covered by federal deposit insurance; a subsidiary or affiliate of any such entity; or a trust company as defined in section 8-230;

(6) Law enforcement agency has the same meaning as in section 28-359;

(7) Senior adult has the same meaning as in section 28-366.01;

(8) Transaction means any of the following as applicable to services provided by a financial institution:

(a) A transfer or request to transfer or disburse funds or assets in an account;

(b) A request to initiate a wire transfer, initiate an automated clearinghouse transfer, or issue a money order, cashier's check, or official check;

(c) A request to negotiate a check or other negotiable instrument;

(d) A request to change the ownership of, or access to, an account;

(e) A request for a loan, guarantee of a loan, extension of credit, or draw on a line of credit;

(f) A request to encumber any movable or immovable property, including real property, personal property, or fixtures; and

(g) A request to designate or change the designation of beneficiaries to receive any property, benefit, or contract right for a vulnerable adult or senior adult at death; and

(9) Vulnerable adult has the same meaning as in section 28-371.

Sec. 12. Section 8-2903, Revised Statutes Supplement, 2025, is amended to read:

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

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

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

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

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

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

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

(2) A financial institution is not required to act under subsection (1) of this section when provided with information alleging that financial

exploitation may have occurred, may have been attempted, is occurring, or is being attempted, but may use the financial institution's discretion to determine whether or not to act under subsection (1) of this section based on the information available to the financial institution at the time.

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

(ii) A third party reasonably associated with a vulnerable adult or senior adult includes, but is not limited to, the following: (A) A parent, spouse, adult child, sibling, or other known family member or close associate of a vulnerable adult or senior adult; (B) an authorized contact provided by a vulnerable adult or senior adult to the financial institution; (C) a co-owner, additional authorized signatory, or beneficiary on a vulnerable adult's or a senior adult's account; (D) an attorney in fact, trustee, conservator, guardian, or other fiduciary who has been selected by a vulnerable adult or senior adult, a court, or a third party to manage some or all of the financial affairs of the vulnerable adult or senior adult; and (E) an attorney known to represent or have represented the vulnerable adult or senior adult.

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

(c) Nothing in this subsection shall prevent a financial institution from notifying the department or a law enforcement agency, if the financial institution reasonably believes that the financial exploitation of a vulnerable

adult or senior adult may have occurred, may have been attempted, is occurring, or is being attempted.

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

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

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

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

(b) Notwithstanding any other law to the contrary, a reasonable belief that payment of a check will facilitate the financial exploitation of a vulnerable adult or senior adult shall constitute reasonable grounds to doubt the collectability of the item for purposes of the federal Check Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal Expedited Funds

Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R. part 229, as such acts and part existed on January 1, 2025.

(8) A financial institution shall be immune from any civil, criminal, or administrative liability that may otherwise exist for choosing not to implement an authorized contact program. A financial institution, when acting in a reasonable manner, shall be immune from any civil, criminal, or administrative liability that may otherwise exist for any actions or omissions related to the administration of such a program. A financial institution shall not be liable for the actions of an authorized contact.

(9) A financial institution shall be immune from any civil, criminal, or administrative liability for declining to interact with an authorized contact if the financial institution reasonably believes that:

(a) The authorized contact is, may be, or may have been engaged in the financial exploitation of the vulnerable adult or senior adult; or

(b) Such interaction is not in the best interests of the vulnerable adult or senior adult.

(10) A person designated as an authorized contact who acts in good faith and exercises reasonable care in providing information to the financial institution, or in assisting the financial institution or law enforcement in an investigation of suspected financial exploitation, shall be immune from any administrative, civil, or criminal liability that might otherwise arise from such actions.

Sec. 13. Section 25-2701, Reissue Revised Statutes of Nebraska, is amended to read:

25-2701 (1) All provisions in the rules and codes of criminal and civil procedure governing actions and proceedings in the district court not in conflict with statutes specifically governing procedure in county courts and related to matters for which no specific provisions have been made for county courts shall govern and apply to all actions and proceedings in the county court.

(2) County courts may seal records of a person as provided under sections

43-2,108.01 to 43-2,108.05.

(3) Unless specifically provided to the contrary in the Uniform Probate Code or unless inconsistent with its provisions, the rules and codes of civil procedure, including the rules concerning vacation of orders and appellate review, govern proceedings under this section.

Sec. 14. Section 30-2301, Reissue Revised Statutes of Nebraska, is amended to read:

30-2301 (1) Any part of a decedent's estate not effectively disposed of by will passes by intestate succession to the decedent's heirs as prescribed in the following sections of this code, except as modified by the decedent's will.

(2) A decedent by will may expressly exclude or limit the right of an individual or class to succeed to property of the decedent passing by intestate succession. If that individual or a member of that class survives the decedent, the share of the decedent's intestate estate to which that individual or class would have succeeded passes as if that individual or each member of that class had disclaimed the intestate share.

Sec. 15. Section 30-2302, Reissue Revised Statutes of Nebraska, is amended to read:

30-2302 The intestate share of the surviving spouse is:

(1) if there is no surviving issue or parent of the decedent, the entire intestate estate;

(2) if there is no surviving issue but the decedent is survived by a parent or parents, the first one hundred fifty thousand dollars, plus one-half of the balance of the intestate estate;

(3) if there are surviving issue all of whom are issue of the surviving spouse also, the first one hundred fifty thousand dollars, plus one-half of the balance of the intestate estate;

(4) if there are surviving issue one or more of whom are not issue of the surviving spouse, one-half of the intestate estate.

Sec. 16. Section 30-2322, Reissue Revised Statutes of Nebraska, is amended to read:

30-2322 A surviving spouse of a decedent who was domiciled in this state is entitled to a homestead allowance of seven thousand five hundred dollars for a decedent who dies before January 1, 2011, twenty thousand dollars for a decedent who dies on or after January 1, 2011, and before January 1, 2027, and twenty-five thousand dollars for a decedent who dies on or after January 1, 2027. If there is no surviving spouse, each minor child and each dependent child of the decedent is entitled to a homestead allowance amounting to the amount allowed for a surviving spouse divided by the number of minor and dependent children of the decedent. The homestead allowance is exempt from and has priority over all claims against the estate except for costs and expenses of administration. Homestead allowance is in addition to any share passing to the surviving spouse or minor or dependent child by the will of the decedent unless otherwise provided therein, by intestate succession or by way of elective share.

Sec. 17. Section 30-2323, Reissue Revised Statutes of Nebraska, is amended to read:

30-2323 (1) In addition to the homestead allowance, the surviving spouse of a decedent who was domiciled in this state is entitled from the estate to value not exceeding five thousand dollars for a decedent who dies before January 1, 2011, twelve thousand five hundred dollars for a decedent who dies on or after January 1, 2011, and before January 1, 2027, and seventeen thousand five hundred dollars for a decedent who dies on or after January 1, 2027, in excess of any security interests therein in household furniture, automobiles, furnishings, appliances, and personal effects. If there is no surviving spouse, children of the decedent are entitled jointly to the same value unless the decedent has provided in his or her will that one or more of such children shall be disinherited, in which case only those children not so disinherited shall be so entitled. For purposes of this section, disinherited means providing in one's will that a child shall take nothing or a nominal amount of ten dollars or less from the estate.

(2) If encumbered chattels are selected and if the value in excess of

security interests, plus that of other exempt property, is less than the amount allowed under subsection (1) of this section, or if there is not that amount worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the amount allowed under subsection (1) of this section. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the estate except for costs and expenses of administration, except for claims filed by the Department of Health and Human Services pursuant to section 68-919 notwithstanding the order of payment established in section 30-2487, and except that the right to any assets to make up a deficiency of exempt property shall abate as necessary to permit prior payment of homestead allowance and family allowance.

(3) These rights are in addition to any benefit or share passing to the surviving spouse by the will of the decedent unless otherwise provided therein, by intestate succession, or by way of elective share. These rights are in addition to any benefit or share passing to the surviving children by intestate succession and are in addition to any benefit or share passing by the will of the decedent to those surviving children not disinherited unless otherwise provided in the will.

Sec. 18. Section 30-2325, Reissue Revised Statutes of Nebraska, is amended to read:

30-2325 If the estate is otherwise sufficient, property specifically devised is not used to satisfy rights to homestead and exempt property. Subject to this restriction, the surviving spouse, the guardians of the minor children, or children who are adults may select property of the estate as homestead allowance and exempt property. After giving such notice as the court may require in a proceeding initiated under the provisions of section 30-2405, the personal representative may make these selections if the surviving spouse, the children or the guardians of the minor children are unable or fail to do so within a reasonable time or if there are no guardians of the minor children. The personal representative may execute an instrument or deed of distribution

to establish the ownership of property taken as homestead allowance or exempt property. The personal representative may determine the family allowance in a lump sum not exceeding nine thousand dollars for a decedent who dies before January 1, 2011, twenty thousand dollars for a decedent who dies on or after January 1, 2011, and before January 1, 2027, and twenty-five thousand dollars for a decedent who dies on or after January 1, 2027, or periodic installments not exceeding seven hundred fifty dollars per month for one year for a decedent who dies before January 1, 2011, one thousand six hundred sixty-six dollars and sixty-seven cents per month for one year for a decedent who dies on or after January 1, 2011, and before January 1, 2027, and two thousand eighty-three dollars and thirty-three cents per month for one year for a decedent who dies on or after January 1, 2027. The personal representative may disburse funds of the estate in payment of the family allowance and any part of the homestead allowance payable in cash. The personal representative or any interested person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this section may petition the court for appropriate relief, which relief may provide a family allowance larger or smaller than that which the personal representative determined or could have determined.

The homestead allowance, the exempt property, and the family allowance as finally determined by the personal representative or by the court, shall vest in the surviving spouse as of the date of decedent's death, as a vested indefeasible right of property, shall survive as an asset of the surviving spouse's estate if unpaid on the date of death of such surviving spouse, and shall not terminate upon the death or remarriage of the surviving spouse.

Sec. 19. Section 30-3801, Revised Statutes Cumulative Supplement, 2024, is amended to read:

30-3801 (UTC 101) Sections 30-3801 to 30-38,115 and sections 21 to 23 of this act shall be known and may be cited as the Nebraska Uniform Trust Code.

Sec. 20. Section 30-3803, Reissue Revised Statutes of Nebraska, is amended to read:

30-3803 (UTC 103) In the Nebraska Uniform Trust Code:

(1) "Action", with respect to an act of a trustee, includes a failure to act.

(2) "Ascertainable standard" means a standard relating to an individual's health, education, support, or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code of 1986, as defined in section 49-801.01.

(3) "Beneficiary" means a person that:

(A) has a present or future beneficial interest in a trust, vested or contingent; or

(B) in a capacity other than that of trustee, holds a power of appointment over trust property.

(4) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in subsection (a) of section 30-3831.

(5) "Conservator" means a person appointed by the court to administer the estate of a minor or adult individual.

(6) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

(7) "Guardian" means a person who has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, but excludes one who is merely a guardian ad litem.

(8) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

(9) "Jurisdiction", with respect to a geographic area, includes a state or country.

(10) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

(11) "Power of withdrawal" means a presently exercisable general power of appointment other than a power: (A) which is exercisable by a trustee and limited by an ascertainable standard; or (B) which is exercisable by another

person only upon consent of the trustee or a person holding an adverse interest.

(12) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

(13) "Qualified beneficiary" means a beneficiary who, on the date the beneficiary's qualification is determined:

(A) is a distributee or permissible distributee of trust income or principal;

(B) would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in subdivision (A) of this subdivision terminated on that date without causing the trust to terminate; or

(C) would be a distributee or permissible distributee of trust income or principal if the trust terminated on that date.

(14) "Regulated financial-service institution" means a state-chartered or federally chartered financial institution in which the monetary deposits are insured by the Federal Deposit Insurance Corporation.

(15) "Revocable", as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

(16) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

(17) "Spendthrift provision" means a term of a trust which restrains both voluntary and involuntary transfer of a beneficiary's interest.

(18) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession subject to the legislative authority of the United States.

(19) "Terms of a trust" means: (A) Except as otherwise provided in subdivision (19)(B) of this section, the manifestation of the settlor's intent

regarding a trust's provisions as: (i) Expressed in the trust instrument; or (ii) established by other evidence that would be admissible in a judicial proceeding; or (B) the trust's provisions, as established, determined, or amended by a: (i) Trustee or other person in accordance with applicable law; (ii) court order; or (iii) nonjudicial settlement agreement under section 30-3811.

(20) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

(21) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.

Sec. 21. A contract to make a trust, or not to revoke a trust, if executed on or after January 1, 1977, shall only be established by: (1) Provisions of a will or a trust stating the material provisions of the contract; (2) an express reference in a will or trust to a contract and extrinsic evidence proving the terms of the contract; or (3) a writing signed by the decedent evidencing the contract. The execution of a joint trust does not create a presumption of a contract not to revoke the trust.

Sec. 22. A provision in a trust purporting to penalize any interested person for contesting the trust or instituting other proceedings relating to the trust is unenforceable if probable cause exists for instituting proceedings.

Sec. 23. The rules of construction that apply in this state to the interpretation and disposition of property by will shall also apply as appropriate to the interpretation of the terms of a trust and the disposition of the trust property.

Sec. 24. Section 30-38,103, Reissue Revised Statutes of Nebraska, is amended to read:

30-38,103 (a) A certification of trust may confirm the following facts or contain the following information:

(1) The existence of a trust and, for an inter vivos trust, the date of execution or, for a testamentary trust, the date of death of the decedent;

(2) The identity of the grantor, settlor, or testator and each currently acting trustee;

(3) The powers of the trustee and any restrictions imposed upon the trustee in dealing with the assets of the trust;

(4) The name or method of choosing successor trustees;

(5) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke it;

(6) If there is more than one trustee, whether all of the currently acting trustees must, or if less than all, may, act to exercise identified powers of the trustee;

(7) The identifying number of the trust and whether it is a social security number or an employer identification number;

(8) The name of each beneficiary and the relationship to the grantor, settlor, or testator;

(9) The state or other jurisdiction under which the trust was established;

(10) The form in which title to the assets of the trust is to be taken;

and

(11) Any information necessary to establish a person's ownership of a homestead for purposes of obtaining a homestead exemption under sections 77-3501 to 77-3529.

(b) The certification of trust shall contain a statement that the trust has not been revoked or amended to make any representations contained in the certification of trust incorrect and that the signatures are those of all the acting trustees.

Sec. 25. Section 77-2004, Revised Statutes Cumulative Supplement, 2024, is amended to read:

77-2004 (1) In the case of a person described in subsection (2) of this section, the rate of tax shall be:

(a) For decedents dying prior to January 1, 2023, one percent of the clear market value of the property received by each person in excess of forty thousand dollars; and

(b) For decedents dying on or after January 1, 2023, one percent of the clear market value of the property received by each person in excess of one hundred thousand dollars.

(2) Persons subject to inheritance tax at the rate prescribed by this section are:

(a) A father, mother, grandfather, grandmother, brother, sister, son, daughter, child or children legally adopted as such in conformity with the laws of the state where adopted;

(b) Any lineal descendant;

(c) Any lineal descendant legally adopted as such in conformity with the laws of the state where adopted;

(d) Any person to whom the deceased for not less than ten years prior to death stood in the acknowledged relation of a parent;

(e) Any lineal descendant of a person described in subdivision (d) of this subsection;

(f) Any lineal descendant of a person described in subdivision (d) of this subsection legally adopted as such in conformity with the laws of the state where adopted; and

(g) The spouse or surviving spouse of any person described in subdivisions (a) through (f) of this subsection.

(3) Any interest in property, including any interest acquired in the manner set forth in section 77-2002, which may be valued at a sum less than or equal to the applicable exempt amount under subsection (1) of this section shall not be subject to tax. In addition, the homestead allowance, exempt property, and family maintenance allowance shall not be subject to tax. Interests passing to the surviving spouse by will, in the manner set forth in section 77-2002, or in any other manner shall not be subject to tax. Any interest passing to a person described in subsection (2) of this section who is under twenty-two years of age shall not be subject to tax.

Sec. 26. Section 77-3503, Reissue Revised Statutes of Nebraska, is amended to read:

77-3503 Owner shall mean the owner of record or surviving spouse, the vendee in possession under a land contract or surviving spouse, one of the joint tenants or tenants in common or surviving spouse, or the beneficiary of a trust of which the trustee is the record title owner and the beneficiary-occupant (1) has a specific right to occupy the premises as stated in the trust instrument, (2) has the right to amend or revoke the trust to obtain such power of occupancy or of title, or (3) has the power to withdraw the homestead premises from the trust and place the record title in such occupant's name. Owner shall also mean a resident of a dwelling complex, the record title owner of which is a not-for-profit corporation, who has by purchase for fair market value secured a life tenancy in a taxable unit of the complex. The deed, trust instrument, or contract, or a certification of trust as described in sections 30-38,102 to 30-38,106, showing that the criteria of this section have been met shall be on file on the appropriate public record as of January 1 of the year for which exemption is sought, except that if such instrument is not on file as of January 1, a copy of such instrument shall be attached to such application before the homestead exemption shall be granted.

Sec. 27. Section 87-302, Revised Statutes Supplement, 2025, is amended to read:

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

- (1) Passes off goods or services as those of another;
- (2) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) Uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or

connection that he or she does not have;

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

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

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

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

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

(11) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

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

(13) Uses or promotes the use of or establishes, operates, or participates in a pyramid promotional scheme in connection with the solicitation of such scheme to members of the public. This subdivision shall not be construed to prohibit a plan or operation, or to define a plan or operation as a pyramid promotional scheme, based on the fact that participants in the plan or operation give consideration in return for the right to receive compensation based upon purchases of goods, services, or intangible property by participants for personal use, consumption, or resale so long as the plan or operation does

not promote or induce inventory loading and the plan or operation implements an appropriate inventory repurchase program;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A person shall be deemed to have committed a violation of the Uniform Deceptive Trade Practices Act for each individually packaged product that is either manufactured, produced, imported, distributed, promoted, displayed for sale, offered for sale, attempted to sell, or sold in violation of this section. A violation under this subdivision (a)(22) shall be treated as a separate and distinct violation from any other offense arising out of acts alleged to have been committed while the person was in violation of this section;

(23)(i) Manufactures, produces, publishes, distributes, monetizes, promotes, or otherwise makes publicly available any visual depiction of sexually explicit conduct, any obscene material, or any material that is harmful to minors in which any person depicted as a participant or observer:

(A) Is under eighteen years of age;

(B) Is a trafficking victim;

(C) Has not expressly and voluntarily consented to such person's depiction; or

(D) Participated in any act depicted without consent.

(ii) This subdivision (a)(23) does not apply to any telecommunications or broadband Internet access service.

(iii) For purposes of this subdivision (a)(23):

(A) Harmful to minors has the same meaning as in 47 U.S.C. 254, as such section existed on January 1, 2024;

(B) Obscene material has the same meaning as in section 28-807;

(C) Promote means to use any mechanism or publication, or take any action, that suggests, highlights, advertises, markets, curates, backlinks, hashtags, or otherwise directs, attempts to direct, or encourages traffic toward specific materials, including acts carried out affirmatively, through automation, algorithmically, and via other technical means both known and unknown at this time;

(D) Publish means to communicate or make information available to another person via an Internet website, regardless of whether the person consuming, viewing, or receiving the material gives any consideration for the published material;

(E) Trafficking victim has the same meaning as in section 28-830;

(F) Visual depiction of sexually explicit conduct has the same meaning as in section 28-1802; and

(G) Without consent has the same meaning as in section 28-318;

(24) Offers or enters into a right-to-list home sale agreement as defined in section 81-885.01;

(25) Violates section 81-2,282; or

(26)(i) With respect to a social media platform that accepts payment, or any other form of compensation or thing of value, for advertising on its platform:

(A) Fails to establish and implement:

(I) Identity verification for advertisers;

(II) An unlawful impersonation detection and mitigation program;

(III) Automated and manual fraud detection systems;

(IV) Measures to prevent repeated offenses by the same advertiser;

(V) A clear and conspicuous tool for users to report suspected fraud; and

(VI) A process for law enforcement to report suspected fraudulent advertisements;

(B) After a fraudulent advertisement is reported by a user, fails to investigate and determine if such advertisement constitutes a fraudulent advertisement within five business days after such report;

(C) After determining an advertisement to be a fraudulent advertisement, fails to remove such advertisement from its platform within five business days after such determination;

(D) After a fraudulent advertisement is reported by law enforcement, fails to notify the submitter of the status of the submitter's report within five business days after receipt of such report; or

(E) Knowingly permits fraudulent advertisement on its platform or ignores credible reports that content on its platform constitutes fraudulent advertisement.

(ii) For purposes of this subdivision (a)(26):

(A) Advertiser means any person who pays, or provides compensation or a thing of value, to advertise, promote, or otherwise increase impressions of advertisements or content on a social media platform;

(B) Fraudulent advertisement means an advertisement or content that misrepresents material facts or unlawfully impersonates another in order to induce a transaction or extract a benefit, and a social media platform accepts payment, or any other form of compensation or thing of value, to advertise, promote, or otherwise increase impressions of the advertisement or content on its platform; and

(C) Social media platform means an electronic medium, including a browser-based or application-based interactive computer service, Internet website, telephone network, or data network, that allows an account holder to create, share, and view user-generated content for the purpose of social interaction, sharing, or viewing user-generated content, or personal networking. Social

media platform does not include:

- (I) An Internet search provider;
- (II) An Internet service provider;
- (III) An email service;
- (IV) A streaming service, online video game, e-commerce, or other Internet website where the content is not user generated but where interactive functions enable chat, comments, reviews, or other interactive functionality that is incidental to, directly related to, or dependent upon providing the content;
- (V) A communication service, including text, audio, or video communication technology, provided by a business to the business's employees and clients for use in the course of business activities and not for public distribution, except that social media platform includes a communication service provided by a social media platform;
- (VI) An advertising network with the sole function of delivering commercial content;
- (VII) A telecommunications carrier as defined in 47 U.S.C. 153;
- (VIII) A broadband Internet access service as defined in 47 C.F.R. 8.1(b);
- (IX) Single-purpose community groups for education or public safety;
- (X) Teleconferencing or video-conferencing services that allow reception and transmission of audio and video signals for real-time communication, except that social media platform includes teleconferencing or video-conferencing services provided by a social media platform;
- (XI) Cloud computing services, which may include cloud storage and shared document collaboration;
- (XII) Providing or obtaining technical support for a platform, product, or service;
- (XIII) A platform designed primarily and specifically for creative professional users, as distinct from the general public, to share their portfolio and creative content, engage in professional networking, acquire clients, and market the creative professional user's creative content and creative services through facilitated transactions; or

(XIV) A cable operator or an affiliate of a cable operator as such terms are defined in 47 U.S.C. 522.

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

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

(d) It shall not be considered a violation of any provision of antitrust laws for two or more entities to exchange or provide information on suspected fraudulent activity or suspicious transactions for purposes of identifying and enforcing against fraudulent advertisers or advertisements.

Sec. 28. Section 87-704, Reissue Revised Statutes of Nebraska, is amended to read:

87-704 It shall be a violation of the Equipment Business Regulation Act for a supplier:

(1) To require a dealer to accept delivery of equipment, repair parts, or attachments that the dealer has not voluntarily ordered;

(2) To require a dealer to order or accept delivery of equipment with special features or attachments not included in the base list price of such equipment as publicly advertised by the supplier;

(3) To require a dealer to enter into any agreement, whether written or oral, amendatory or supplementary to an existing dealer agreement with the supplier unless such amendatory or supplementary agreement is imposed on similarly situated dealers;

(4) To take action terminating, canceling, failing to renew, or substantially changing the competitive circumstances intended by the dealer agreement due to the results of conditions beyond the dealer's control, including drought, flood, labor disputes, or economic recession. This subdivision shall not apply if the dealer is in default of a security agreement in effect with the supplier;

(5) To condition the renewal or extension of a dealer agreement on (a) the dealer's substantial renovation of its place of business or the construction,

purchase, acquisition, or rental of a new place of business by the dealer unless the supplier advises the dealer in writing of its demand for such renovation, construction, purchase, acquisition, or rental within a reasonable time prior to the effective date of the proposed renewal or extension, but in no case less than one year prior to such date, or (b) capital construction exceeding the terms of the dealer agreement in force and effect on May 2, 1991;

(6) To include any condition, stipulation, or provision in any dealer agreement purporting to waive compliance with any provision of the Equipment Business Regulation Act or any other provision of state law applying to such agreements; or

(7) To include any provision in any dealer agreement restricting jurisdiction or venue to a forum outside this state or requiring the application of the laws of another state to disputes arising under the agreement.

Sec. 29. Section 87-706, Reissue Revised Statutes of Nebraska, is amended to read:

87-706 (1) A supplier shall provide for the availability of repair parts throughout the reasonable useful life of any equipment sold.

(2) A supplier shall at least annually provide dealers an opportunity to return surplus repair parts for credit without restrictions as follows:

(a)(i) The supplier may notify the dealers of a surplus parts return program for a time period of at least sixty days in duration during which dealers may submit a list of their surplus parts and return the parts to the supplier; or

(ii) If twelve months have elapsed and the supplier has not notified a dealer of a surplus parts return program, the dealer may submit to the supplier a request to return surplus parts and the supplier shall allow the dealer to return the parts within thirty days after receipt of the request;

(b) Subject to the other provisions of this section, a supplier shall allow a dealer to return parts with a dollar value equal to at least six percent of the total dollar value of parts purchased by the dealer from the

supplier or the supplier's predecessor in interest during the twelve-month period immediately preceding either the notification to the dealer of the supplier's surplus parts return program or the month the dealer's return request is made, whichever is applicable. A dealer may elect to return a dollar value of parts equal to less than six percent of such total dollar value of parts purchased;

(c) An obsolete or superseded part may not be returned, except that any part listed in the supplier's current list of returnable parts and any superseded part that has not been the subject of a surplus parts return program as of the date of notification to the dealer by the supplier of the current surplus parts return program or the date of the dealer's request to return surplus parts, whichever is applicable, shall be eligible for return;

(d) To be eligible for return, parts must be in new and unused condition and must have been purchased by the dealer from the supplier to whom they are returned or the supplier's predecessor in interest;

(e) The supplier shall allow credit for a returned part of at least eighty-five percent of the current price of the part as listed in the supplier's effective price list or catalog at the date of the notification to the dealer by the supplier of the surplus parts return program or the date of the dealer's request to return surplus parts, whichever is applicable, or, if there is no effective price list or catalog, in the supplier's invoices;

(f) The supplier shall issue credit to the dealer within ninety days after receipt of the parts returned by the dealer;

(g) The dealer shall be presumed to have purchased the returned parts from the supplier or the supplier's predecessor in interest, and the burden shall be on the supplier to prove otherwise;

(h) The provisions of this section shall be supplemental to any agreement between the dealer and the supplier covering the return of parts which provides the dealer with greater protection;

(i) Nothing in this section shall be construed to affect the existence or enforcement of a security interest which any person may have in the parts of

the dealer; and

(j) Nothing in this section shall preclude a credit for returned parts which is greater than the total amount authorized by this section.

Sec. 30. Section 87-709, Reissue Revised Statutes of Nebraska, is amended to read:

87-709 (1) A term of a dealer agreement which is inconsistent with the terms of the Equipment Business Regulation Act is contrary to public policy and is void and unenforceable and shall not waive any rights which are provided to a person by the act.

(2) A dealer may bring an action against a supplier in any court of competent jurisdiction for damages sustained by the dealer as a consequence of the supplier's violation of the act together with the actual costs of the action, including reasonable attorney's fees. The dealer may also be granted injunctive relief against unlawful termination, cancellation, nonrenewal, or change in competitive circumstances. The remedies authorized by this section shall not be exclusive and shall be in addition to any other remedies provided by law.

Sec. 31. Section 87-1301, Revised Statutes Supplement, 2025, is amended to read:

87-1301 Sections 87-1301 to 87-1309 and sections 33 and 34 of this act shall be known and may be cited as the Age-Appropriate Online Design Code Act.

Sec. 32. Section 87-1302, Revised Statutes Supplement, 2025, is amended to read:

87-1302 For purposes of the Age-Appropriate Online Design Code Act:

(1) Actual knowledge includes all information and inferences known to the covered online service relating to the age of the individual, including, but not limited to, self-identified age, and any age the covered online service has attributed or associated with the individual for any purpose, including marketing, advertising, or product development. If a covered online service's classification of an individual for purposes of marketing or advertising is inconsistent with the individual's self-identified age, a covered online

service shall disregard self-identified age for purposes of the act;

(2) Child means an individual younger than thirteen years of age;

(3) Covered design feature means any feature or component of a covered online service that will encourage or increase the frequency, time spent, or activity of a user on the covered online service and includes:

(a) Infinite scroll or a design feature where content automatically and continuously loads at the bottom of a screen, other than what the user explicitly prompted, requested, or searched for;

(b) Auto-playing video or audio, or a design feature in which a video or audio automatically begins playing when a user navigates to or scrolls through a set of videos without any explicit action on the part of a user indicating the user's desire to watch that specific video or listen to that audio;

(c) Quantification of engagement, including, but not limited to, providing a visible count of how many likes, comments, clicks, views, or reactions a user-generated item has received;

(d) Gamification, or a design feature that emulates gameplay, including, but not limited to, a streak, badge, or reward that motivates or causes more frequent or more extensive use of an online service through incentives or frequency of use;

(e) The use of clustering, timing, or volume of notifications or push alerts, irrespective of content;

(f) A design feature in which virtual currencies are used or where digital items are purchased;

(g) Image-altering filters or a design feature that facilitates a false perception of an image;

(h) Requiring or repeatedly prompting for account creation in order to access publicly available user-generated content;

(i) Using ephemerality to prompt the urgent use of an online service;

(j) Creating barriers to deleting an account or to removing connections to other users of the service; or

(k) A feature that increases usage through the illusion of talking with a

human being that seeks to elicit feelings of intimacy from the user;

(4) Covered minor means a user that a covered online service knows to be a minor;

(5)(a) Covered online service means a sole proprietorship, a limited liability company, a corporation, an association, or any other legal entity that:

(i) Conducts business in this state;

(ii) Generates a majority of its annual revenue from online services;

(iii) Alone, or jointly with its affiliates, subsidiaries, or parent companies, determines the purposes and means of the processing of consumers' personal data; and

(iv) Satisfies at least one of the following:

(A) Has annual gross revenue in excess of twenty-five million dollars, adjusted every odd-numbered year to reflect changes in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the two-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount; or

(B) Annually processes the personal data of fifty thousand or more consumers, households, or devices, alone or in combination with its affiliates, subsidiaries, or parent companies.

(b) A covered online service includes:

(i) An entity that controls or is controlled by a business that meets the definition of covered online service if the entity and business share a name, service mark, or trademark that would cause a reasonable consumer to understand that the entity and business are commonly owned; and

(ii) For a covered online service that is a joint venture or partnership, any person with an ownership interest of forty percent or more in such venture or partnership.

(c) A covered online service does not include (i) an online service with actual knowledge that fewer than two percent of its users are minors, provided that, in making such assessment, an online service shall not be required to

collect personal data of users, and if an online service collects personal data of users for such purpose, it shall not use such personal data for other purposes or (ii) a financial institution subject to Title V of the Gramm-Leach-Bliley Act or any regulations adopted in accordance with such act;

(6) Dark pattern means a user interface designed or manipulated with the effect of substantially subverting or impairing user autonomy, decisionmaking, or choice. Dark pattern includes any practice determined to be a dark pattern by the Federal Trade Commission;

(7) Knows to be a child or knows to be a minor means actual knowledge that the user is a child or minor, as applicable;

(8) Minor means an individual younger than eighteen years of age;

(9) Online service means any service, product, or feature that is accessible to the public via the Internet, including a website or application. An online service does not include any of the following:

(a) A telecommunications service as defined in 47 U.S.C. 153;

(b) A broadband Internet access service as defined in 47 C.F.R. 8.1(b); or

(c) The sale, delivery, or use of a physical device;

(10) Parent has the same meaning as in the federal Children's Online Privacy Protection Act of 1998, 15 U.S.C. 6501 et seq., and the Federal Trade Commission rules implementing such act;

(11) Personal data means any information, including derived data and unique identifiers, that is linked or reasonably linkable, alone or in combination with other information, to an identified or identifiable individual or to a device that identifies, is linked to, or is reasonably linkable to one or more identified or identifiable individuals in a household. Personal data does not include publicly available data;

(12) Personalized recommendation system means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or posts, based on the personal data of users;

(13) Precise geolocation information means any data that identifies within a radius of one thousand seven hundred fifty feet a covered minor's present or

past location or the present or past location of a device that links or is linkable to a covered minor or any data that is derived from a device that is used or intended to be used to locate a covered minor within a radius of one thousand seven hundred fifty feet by means of technology that includes a global positioning system that provides latitude and longitude coordinates. Precise geolocation information does not include the content of communications or any data generated or connected to advanced utility metering infrastructure systems or equipment for use by a utility;

(14) Process means to perform an operation or set of operations by manual or automated means on personal data. Process includes collecting, using, storing, disclosing, sharing, analyzing, deleting, or modifying personal data;

(15) Profile means any form of automated processing of personal data to evaluate, analyze, or predict certain aspects relating to a covered minor, including a covered minor's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements;

(16) Publicly available data means data (a) that is lawfully made available from federal, state, or local government records, (b) that a business has a reasonable basis to believe is lawfully made available to the general public by the individual or from widely distributed media, or (c) that is made available by a person to whom the individual has disclosed the data if the individual has not restricted the data to a specific audience. Publicly available data does not mean biometric data collected by a covered online service about a covered minor without the covered minor's knowledge;

(17) Targeted advertising means displaying advertisements to an individual when the advertisement is selected based on personal data obtained or inferred from that individual's activities over time and across nonaffiliated websites or online applications to predict the individual's preferences or interest. Targeted advertising does not include:

(a) Advertisements based on activities within a covered online service's own Internet websites or online applications;

(b) Advertisements based on the context of an individual's current search

query, visit to an Internet website, or use of an online application;

(c) Advertisements directed to an individual in response to the individual's request for information or feedback; or

(d) Processing personal data solely to measure or report advertising frequency, performance, or reach; and

(18) User means, with respect to a covered online service, an individual who registers an account or creates a profile on the covered online service.

Sec. 33. A covered online service shall not:

(1) Provide a covered minor with a single setting that makes all of the default privacy settings less protective at once; or

(2) Request or prompt a covered minor to make the covered minor's privacy settings less protective, unless the change is strictly necessary for the covered minor to access a service or feature that such covered minor has expressly and unambiguously requested.

Sec. 34. A covered online service shall:

(1) Provide a prominent, accessible, and responsive tool to allow a covered minor to request that the covered minor's account be unpublished or deleted; and

(2) Honor a request under subdivision (1) of this section no later than fifteen days after the covered online service receives the request.

Sec. 35. Section 87-1304, Revised Statutes Supplement, 2025, is amended to read:

87-1304 (1) A covered online service shall provide each covered minor with accessible and easy-to-use tools that:

(a) Limit the ability of other users or visitors to communicate with the covered minor;

(b) Prevent other individuals from viewing the personal data of the covered minor;

(c) Control the operation of all design features, including, but not limited to, all covered design features, that are unnecessary in order to provide the covered online service by allowing a covered minor to opt out of

the use of all unnecessary covered design features or categories of unnecessary covered design features;

(d) Control personalized recommendation systems by allowing a covered minor to opt in to a chronological feed or by preventing categories of content from being recommended;

(e) Control the use of in-game purchases or other transactions by allowing a covered minor to opt out of all such purchases and transactions or to place limits on such purchases and transactions; and

(f) Restrict the sharing of the precise geolocation information of the covered minor and provide notice regarding tracking of the covered minor's precise geolocation information.

(2) A covered online service shall provide a covered minor with accessible and easy-to-use options to limit the amount of time the covered minor spends on the covered online service.

(3) A covered online service shall establish default settings for the safeguards required by subsection (1) of this section at the option or level that provides the highest protection available for the safety of the covered minor.

Sec. 36. Section 87-1305, Revised Statutes Supplement, 2025, is amended to read:

87-1305 (1) A covered online service shall only collect and use the minimum amount of a covered minor's personal data necessary to provide the specific elements of an online service with which the covered minor has knowingly engaged. Such personal data shall not be used for reasons other than those for which it was collected.

(2) A covered online service shall not be required to collect the personal data of a user to comply with the Age-Appropriate Online Design Code Act. A covered online service that collects personal data of a user for age verification cannot use such personal data for other purposes.

(3) A covered online service shall only retain the personal data of a covered minor as long as necessary to provide the specific elements of an

online service with which the covered minor has knowingly engaged.

(4) A covered online service shall not facilitate targeted advertising to a covered minor.

(5) A covered online service shall provide an obvious sign to a covered minor when precise geolocation information is being collected or used.

(6) The use of notifications and push alerts to a covered minor is prohibited between the hours of 10 p.m. and 6 a.m. and between the hours of 8 a.m. and 4 p.m. on week days during the school year in the covered minor's local time zone.

(7) A covered online service shall not profile a covered minor unless profiling is necessary to provide a covered online service requested by such covered minor, and only with respect to the aspects of the covered online service with which the covered minor is actively and knowingly engaged.

(8) A covered online service shall ensure that the default settings for the protections required pursuant to this section are set at the highest protection available for the safety of the covered minor.

(9) If a covered online service allows parental monitoring, the covered online service shall provide an obvious signal to a covered minor when such minor is being monitored.

Sec. 37. Section 87-1306, Revised Statutes Supplement, 2025, is amended to read:

87-1306 (1) A covered online service shall provide parents with tools to help parents protect and support minors using covered design features of the covered online service. Such parental tools shall be enabled by default for an individual the covered online service knows to be a child.

(2) A covered online service shall provide parents the ability to do the following for an individual the covered online service knows to be a child or minor, as applicable:

(a) Manage the child's privacy and account settings in a manner that allows parents to:

(i) View the child's account settings; and

(ii) Change and control privacy and account settings of the child;

(b) Restrict purchases and financial transactions of the minor; and

(c) Enable parents to view the total time the child has spent on a covered online service and place reasonable limits on such child's use of the covered online service. Among such protections, a covered online service shall offer parents the ability to restrict a child's use of the covered online service during times of day specified by the parents, including during school hours and at night.

(3) A covered online service shall notify a covered minor when any of the tools described in this section are in effect and describe what settings have been applied.

Sec. 38. Section 87-1308, Revised Statutes Supplement, 2025, is amended to read:

87-1308 (1) A covered online service is prohibited from facilitating advertisements for prohibited products, such as narcotic drugs, tobacco products, gambling, and alcohol, to covered minors.

(2) A covered online service is prohibited from using dark patterns.

Sec. 39. (1) Any person selling goods or services in a cash transaction, entering into any transaction that results in a payment or transfer of cash between the parties to the transaction, or paying cash wages to an employee as compensation:

(a) Except as provided in subdivision (1)(c) of this section, in any case in which the total cash transaction amount, including any taxes, fees, surcharges, assessments, and other governmental charges, or the final cash amount paid out or returned to a customer or employee ends with one, two, six, or seven as the final digit of the number of cents for the transaction, may round down such number of cents to the nearest number of cents divisible by five;

(b) In any case in which the total cash transaction amount, including any taxes, fees, surcharges, assessments, and other governmental charges, or the final cash amount paid out or returned to a customer or employee ends with

three, four, eight, or nine as the final digit of the number of cents for the transaction, may round up such number of cents to the nearest number of cents divisible by five; and

(c) In any case in which the total cash transaction amount, including any taxes, fees, surcharges, assessments, and other governmental charges, or the final cash amount paid out or returned to a customer or employee totals one cent or two cents, shall round up the transaction amount to five cents.

(2) This section shall not apply to any transaction for which payment is made by any demand or negotiable instrument, electronic fund transfer, check, gift card, money order, credit card, or other similar instrument or method, except to the extent cash is disbursed to a customer or employee.

(3) Any person rounding under this section shall use either (a) the method of rounding under this section that uses the total cash transaction amount, including any taxes, fees, surcharges, assessments, and other governmental charges, or (b) the method of rounding under this section that uses the final cash amount paid out or returned to a customer or employee for all transactions by such person at any single premise and shall not use both methods at such premise.

(4)(a) Rounding under this section shall be applied solely to the final settled cash amount paid by, paid out to, or returned to a customer or employee. Rounding under this section shall not alter:

(i) The sales price of any good or service;

(ii) The amount of any tax calculated or imposed under state or local law;

and

(iii) Any regulatory fee, government-imposed fee, surcharge, assessment, or other charge required by law.

(b) The amounts described in subdivisions (4)(a)(i), (ii), and (iii) of this section shall be calculated and imposed in the exact amount otherwise required, without rounding.

(5) In a transaction involving both cash and noncash forms of payment, payment by noncash or electronic means shall be applied first to the amount

due, with any remaining balance payable in cash.

(6) Any person selling goods or services shall calculate and remit all taxes, fees, and other charges, whether imposed by state or local taxing authorities or by such persons, based on the sales price prior to any rounding under this section.

(7) Any person selling goods or services shall not be in violation of any state or local requirements, laws, regulations, or standards based on any action taken in compliance with this section.

(8) Notwithstanding any other provision of law to the contrary, including section 77-1737, any rounding under this section shall be considered an administrative settlement of the physical payment and shall not be construed as a release, discharge, remission, or commutation of any tax, fee, or assessment within the meaning of Article VIII, section 4, of the Constitution of Nebraska. The underlying tax liability for any transaction where rounding under this section applies remains the exact amount calculated prior to such rounding, and any difference resulting from the settlement of a cash transaction shall be accounted for as an administrative adjustment for the physical impossibility of exact currency exchange.

Sec. 40. Sections 9 and 10 of this act become operative on July 1, 2026. Sections 27 and 42 of this act become operative on January 1, 2027. Sections 1, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 43 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 41. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 42. Original section 87-302, Revised Statutes Supplement, 2025, is repealed.

Sec. 43. Original sections 8-2901, 25-2701, 30-2301, 30-2302, 30-2322,

30-2323, 30-2325, 30-3803, 30-38,103, 77-3503, 87-704, 87-706, and 87-709, Reissue Revised Statutes of Nebraska, sections 30-3801 and 77-2004, Revised Statutes Cumulative Supplement, 2024, and sections 8-2701, 8-2702, 8-2711, 8-2742, 8-2903, 87-1301, 87-1302, 87-1304, 87-1305, 87-1306, and 87-1308, Revised Statutes Supplement, 2025, are repealed.

Sec. 44. Since an emergency exists, this act takes effect when passed and approved according to law.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 838 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR