

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1062

Introduced by Bostar, 29.

Read first time January 14, 2026

Committee:

1 A BILL FOR AN ACT relating to insurance; to amend sections 44-150,
2 44-4055, 44-4059, and 44-4064, Reissue Revised Statutes of Nebraska,
3 and section 44-4605, Revised Statutes Cumulative Supplement, 2024;
4 to change provisions relating to reciprocal licenses and retaliatory
5 measures; to change provisions relating to nonresident license
6 requirements and the process for issuance, verification, and
7 termination of such licenses under the Insurance Producers Licensing
8 Act; to change fees under the Insurance Producers Licensing Act; to
9 provide certain penalties and require notification of certain
10 material changes under the Pharmacy Benefit Manager Licensure and
11 Regulation Act; and to repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 44-150, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-150 (1) When by or pursuant to the laws of any other state or
4 foreign country any taxes, licenses and other fees, in the aggregate, or
5 any fines, penalties, deposit requirements, or other material
6 obligations, prohibitions, or restrictions, are or would be imposed upon
7 Nebraska insurers, or upon the agents or representatives of such
8 insurers, which are in excess of such taxes, licenses and other fees, in
9 the aggregate, or which are in excess of the fines, penalties, deposit
10 requirements, or other obligations, prohibitions, or restrictions
11 directly imposed upon similar insurers, or upon the agents or
12 representatives of such insurers, of such other state or country under
13 the statutes of this state, so long as such laws of such other state or
14 country continue in force or are so applied, the same taxes, licenses and
15 other fees, in the aggregate, or fines, penalties, deposit requirements,
16 or other material obligations, prohibitions, or restrictions of whatever
17 kind shall be imposed by the Director of Insurance upon the insurers, or
18 upon the agents or representatives of such insurers, of such other state
19 or country doing business or seeking to do business in Nebraska. Any tax,
20 license or other fee, or other obligation imposed by any city, county, or
21 other political subdivision or agency of such other state or country on
22 Nebraska insurers or their agents or representatives shall be deemed to
23 be imposed by such state or country within the meaning of this section.

24 (2) This section shall not apply as to personal income taxes, nor as
25 to ad valorem taxes on real or personal property nor as to special-
26 purpose obligations or assessments heretofore imposed by another state in
27 connection with particular kinds of insurance, other than property
28 insurance; except that deductions, from premium taxes or other taxes
29 otherwise payable, allowed on account of real estate or personal property
30 taxes paid shall be taken into consideration by the Director of Insurance
31 in determining the propriety and extent of retaliatory action under this

1 section.

2 ~~(3) Nothing in this section shall require retaliatory action because~~
3 ~~of fees, obligations, or prohibitions imposed on Nebraska insurance~~
4 ~~producers licensed pursuant to the Insurance Producers Licensing Act.~~

5 ~~(3) (4) For the purposes of this section the domicile of an alien~~
6 ~~insurer, other than insurers formed under the laws of Canada, shall be~~
7 ~~that state designated by the insurer in writing filed with the Director~~
8 ~~of Insurance at time of admission to this state or within twelve months~~
9 ~~after September 28, 1959, whichever date is the later, and may be any one~~
10 ~~of the following states: (a) That in which the insurer was first~~
11 ~~authorized to transact insurance; (b) that in which is located the~~
12 ~~insurer's principal place of business in the United States; or (c) that~~
13 ~~in which is held the larger deposit of trustee assets of the insurer for~~
14 ~~the protection of its policyholders and creditors in the United States.~~

15 If the insurer makes no such designation its domicile shall be
16 deemed to be that state in which is located its principal place of
17 business in the United States.

18 In the case of an insurer formed under the laws of Canada or a
19 province thereof, its domicile shall be deemed to be that province in
20 which its head office is situated.

21 **Sec. 2.** Section 44-4055, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 44-4055 (1) Unless denied licensure pursuant to section 44-4059, a
24 nonresident person shall receive a nonresident insurance producer license
25 if:

26 (a) The person is currently licensed as a resident and in good
27 standing in his or her home state;

28 (b) The person has submitted the proper request for licensure and
29 has paid the fees required by section 44-4064;

30 (c) The person has submitted or transmitted to the director the
31 application for licensure that the person submitted to his or her home

1 state, or in lieu of the same, a completed uniform application; and
2 (d) The person's home state awards nonresident producer licenses to
3 residents of this state on the same basis.

4 (2) The director may verify the insurance producer's licensing
5 status through the producer database maintained by the National
6 Association of Insurance Commissioners, or its affiliates or
7 subsidiaries, or any successor, or by contacting the person's home state
8 regulator.

9 (3) A nonresident insurance producer who moves from one state to
10 another state or a resident producer who moves from this state to another
11 state shall file a change of address and provide certification from the
12 new resident state within thirty days of the change of legal residence.
13 No fee or license application is required for the filing of the change of
14 address.

15 (4) Notwithstanding any other provision of the Insurance Producers
16 Licensing Act, a person licensed as a surplus lines insurance producer in
17 his or her home state shall receive a nonresident surplus lines producer
18 license pursuant to subsection (1) of this section. Except as to
19 subsection (1) of this section, nothing in this section otherwise amends
20 or supersedes any provision of the Surplus Lines Insurance Act.

21 (5) Notwithstanding any other provisions of the Insurance Producers
22 Licensing Act, a person licensed as a limited line credit insurance
23 producer, a limited line pre-need funeral insurance producer, or other
24 type of limited lines producer in his or her home state shall receive a
25 nonresident limited lines insurance producer license, pursuant to
26 subsection (1) of this section, granting the same scope of authority as
27 granted under the license issued by the producer's home state.

28 (6) If a nonresident licensee's license or authority in the
29 licensee's home state is no longer active, whether as a result of
30 suspension, revocation, termination, lapse, voluntary surrender, or other
31 action by the home state regulator, the director may cancel the

1 nonresident licensee's license or authority granted in this state by
2 sending an order of license revocation to the licensee. The licensee may
3 make written demand upon the director within thirty days after receiving
4 such order of license revocation for a hearing before the director to (a)
5 provide proof the licensee is currently licensed as a resident and in
6 good standing in his or her home state or (b) provide proof of a license
7 granted in accordance with subsection (3) of this section. Such hearing
8 shall be held within thirty days after the date a request for hearing is
9 received and shall be held pursuant to the Administrative Procedure Act.
10 If no hearing is requested within thirty days after receipt of an order
11 of license revocation, the order of license revocation shall become a
12 final order.

13 **Sec. 3.** Section 44-4059, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 44-4059 (1) The director may suspend, revoke, or refuse to issue or
16 renew an insurance producer's license or may levy an administrative fine
17 in accordance with subsection (5) (4) of this section, or any combination
18 of actions, for any one or more of the following causes:

19 (a) Providing incorrect, misleading, incomplete, or materially
20 untrue information in the license application;

21 (b) Violating any insurance law or violating any rule, regulation,
22 subpoena, or order of the director or of another state's insurance
23 commissioner or director;

24 (c) Obtaining or attempting to obtain a license through
25 misrepresentation or fraud;

26 (d) Improperly withholding, misappropriating, or converting any
27 money or property received in the course of doing insurance business;

28 (e) Intentionally misrepresenting the terms of an actual or proposed
29 insurance contract or application for insurance;

30 (f) Having been convicted of a felony or a Class I, II, or III
31 misdemeanor;

1 (g) Having admitted or been found to have committed any insurance
2 unfair trade practice, any unfair claims settlement practice, or fraud;

3 (h) Using fraudulent, coercive, or dishonest practices, or
4 demonstrating incompetence, untrustworthiness, or financial
5 irresponsibility in the conduct of business in this state or elsewhere;

6 (i) Having an insurance producer license, or its equivalent, denied,
7 suspended, placed on probation, or revoked in Nebraska or in any other
8 state, province, district, or territory;

9 (j) Forging another's name to an application for insurance or to any
10 document related to an insurance transaction;

11 (k) Improperly using notes or any other reference material to
12 complete an examination for an insurance license;

13 (l) Knowingly accepting insurance business from an individual who is
14 not licensed;

15 (m) Failing to comply with an administrative or court order imposing
16 a child support obligation pursuant to the License Suspension Act; and

17 (n) Failing to pay state income tax or comply with any
18 administrative or court order directing payment of state income tax. ;
19 and

20 (2) If the director has notice that a nonresident licensee failed to
21 maintain, in good standing, a resident license in the insurance
22 producer's home state, the nonresident license shall be automatically
23 revoked by the director and the director shall not be required to issue
24 an order of license revocation in accordance with subsection (6) of
25 section 44-4055 or renew such license.

26 (o) Failing to maintain in good standing a resident license in the
27 insurance producer's home state.

28 (3) (2) If the director does not renew or denies an application for
29 a license, the director shall notify the applicant or licensee and
30 advise, in writing, the applicant or licensee of the reason for the
31 denial or nonrenewal of the applicant's or licensee's license. The

1 applicant or licensee may make written demand upon the director within
2 thirty days for a hearing before the director to determine the
3 reasonableness of the director's action. The hearing shall be held within
4 thirty days and shall be held pursuant to the Administrative Procedure
5 Act.

6 (4) ~~(3)~~ The license of a business entity may be suspended, revoked,
7 or refused if the director finds, after notice and hearing, that an
8 individual licensee's violation was known or should have been known by
9 one or more of the partners, officers, or managers acting on behalf of
10 the business entity and the violation was neither reported to the
11 director nor corrective action taken.

12 (5) ~~(4)~~ In addition to or in lieu of any applicable denial,
13 suspension, or revocation of a license, any person violating the
14 Insurance Producers Licensing Act may, after notice and hearing, be
15 subject to an administrative fine of not more than one thousand dollars
16 per violation. Such fine may be enforced in the same manner as civil
17 judgments. Any person charged with a violation of the act may waive his
18 or her right to a hearing and consent to such discipline as the director
19 determines is appropriate. The Administrative Procedure Act shall govern
20 all hearings held pursuant to such act.

21 (6) ~~(5)~~ The director shall retain the authority to enforce the
22 provisions of and impose any penalty or remedy authorized by the
23 Insurance Producers Licensing Act against any person who is under
24 investigation for or charged with a violation of the act even if the
25 person's license or registration has been surrendered or has lapsed by
26 operation of law. No disciplinary proceeding shall be instituted against
27 any licensed person after the expiration of three years from the
28 termination of such license.

29 **Sec. 4.** Section 44-4064, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 44-4064 (1) Before any license or appointment is issued or renewed

1 under the Insurance Producers Licensing Act or before any appointment is
2 terminated, the person requesting such license shall pay or cause to be
3 paid to the director the following fee or fees, if applicable, as
4 established by the director:

5 (a) For each insurance producer license, a fee not to exceed one
6 hundred dollars, except that if any other state imposes additional or
7 greater fees, obligations, or prohibitions on Nebraska resident insurance
8 producers, then such additional greater fees, obligations, or
9 prohibitions shall be imposed upon similar insurance producers of such
10 other state applying for a license in Nebraska;

11 (b) For each annual appointment, a fee not to exceed ten dollars;

12 (c) For each termination of an appointment, a fee not to exceed ten
13 dollars;

14 (d) A late renewal fee not to exceed one hundred twenty-five
15 dollars;

16 (e) A reinstatement fee not to exceed one hundred seventy-five
17 dollars; and

18 (f) For each business entity license, a fee not to exceed fifty
19 dollars, except that if any other state imposes additional or greater
20 fees, obligations, or prohibitions on Nebraska business entities, then
21 such additional greater fees, obligations, or prohibitions shall be
22 imposed upon similar business entities of such other state applying for a
23 license in Nebraska.

24 (2) If a licensed person (a) desires to add a line or lines of
25 insurance to his or her existing license, (b) seeks to change any other
26 information contained in the license for any reason, or (c) applies for a
27 duplicate license, such person shall pay to the director a fee
28 established by the director to cover the expense of replacing the
29 license.

30 (3) The director shall not prorate fees imposed pursuant to
31 subsection (1) of this section and shall not refund fees to any person in

1 the event of a license denial. The director may refund fees paid pursuant
2 to this section if the payment has been made in error.

3 **Sec. 5.** Section 44-4605, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 44-4605 (1) A person shall not establish or operate as a pharmacy
6 benefit manager in this state for a health benefit plan without first
7 obtaining a license from the director under the Pharmacy Benefit Manager
8 Licensure and Regulation Act.

9 (2) The director may adopt and promulgate rules and regulations
10 establishing the licensing application, financial, and reporting
11 requirements for pharmacy benefit managers under the act.

12 (3) A person applying for a pharmacy benefit manager license shall
13 submit an application for licensure in the form and manner prescribed by
14 the director.

15 (4) A person submitting an application for a pharmacy benefit
16 manager license shall include with the application a nonrefundable
17 application fee. The director shall establish the nonrefundable
18 application fee in an amount not to exceed five hundred dollars.

19 (5) The director may refuse to issue or renew a license if the
20 director determines that the applicant or any individual responsible for
21 the conduct of affairs of the applicant is not competent, trustworthy,
22 financially responsible, or of good personal and business reputation, has
23 been found to have violated the insurance laws of this state or any other
24 jurisdiction, or has had an insurance or other certificate of authority
25 or license denied or revoked for cause by any jurisdiction.

26 (6)(a) Unless surrendered, suspended, or revoked by the director, a
27 license issued under this section is valid as long as the pharmacy
28 benefit manager continues to do business in this state and remains in
29 compliance with the provisions of the act and any applicable rules and
30 regulations, including the completion of a renewal application on a form
31 prescribed by the director and payment of an annual license renewal fee.

1 The director shall establish the annual license renewal fee in an amount
2 not to exceed two hundred fifty dollars.

3 (b) Such application and renewal fee shall be received by the
4 director on or before thirty days prior to the anniversary of the
5 effective date of the pharmacy benefit manager's initial or most recent
6 license.

7 (c) Subject to subdivision (6)(d) of this section, if a pharmacy
8 benefit manager fails to comply with subdivision (6)(b) of this section:

9 (i) Such pharmacy benefit manager shall pay a fine of one hundred
10 dollars for each day such failure continues and the pharmacy benefit
11 manager continues to transact any business in this state; and

12 (ii) In addition to the fine required under subdivision (6)(c)(i) of
13 this section, if the renewal application and fee are not received prior
14 to the anniversary of the effective date of the pharmacy benefit
15 manager's initial or most recent license, the pharmacy benefit manager's
16 license shall be suspended until the pharmacy benefit manager has
17 complied with subdivision (6)(b) of this section, any rules and
18 regulations adopted and promulgated under this section, and any orders
19 issued under this section. The director shall remit all such fines to the
20 State Treasurer for distribution in accordance with Article VII, section
21 5, of the Constitution of Nebraska.

22 (d) For good and sufficient cause shown, the director may grant a
23 reasonable extension of time not to exceed thirty days within which the
24 renewal application and fee may be filed as required under subdivision
25 (6)(b) of this section without the fine required under subdivision (6)(c)
26 (i) of this section and without any suspension authorized under
27 subdivision (6)(c)(ii) of this section.

28 (7) A pharmacy benefit manager shall immediately notify the director
29 of any material change in its ownership or control or other fact or
30 circumstance affecting its qualification for a license as a pharmacy
31 benefit manager in this state.

1 **Sec. 6.** Original sections 44-150, 44-4055, 44-4059, and 44-4064,
2 Reissue Revised Statutes of Nebraska, and section 44-4605, Revised
3 Statutes Cumulative Supplement, 2024, are repealed.