

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 693**

Introduced by McKeon, 41.

Read first time January 22, 2025

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to the Uniform Deceptive Trade Practices Act;  
2 to amend section 87-302, Reissue Revised Statutes of Nebraska; to  
3 provide that it is a deceptive trade practice to receive  
4 compensation for engaging in certain conduct relating to veterans  
5 benefits matters; to define terms; and to repeal the original  
6 section.

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

1           **Section 1.** Section 87-302, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           87-302 (a) A person engages in a deceptive trade practice when, in  
4 the course of his or her business, vocation, or occupation, he or she:

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

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

8           (3) Causes likelihood of confusion or of misunderstanding as to  
9 affiliation, connection, or association with, or certification by,  
10 another;

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

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

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

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

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

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

31           (10) Advertises goods or services with intent not to sell them as

1 advertised or advertises the price in any manner calculated or tending to  
2 mislead or in any way deceive a person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the package; or

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

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

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

18 (A) Is under eighteen years of age;

19 (B) Is a trafficking victim;

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

22 (D) Participated in any act depicted without consent.

23 (ii) This subdivision (a)(23) does not apply to any  
24 telecommunications service.

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

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

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

29 (C) Promote means to use any mechanism or publication, or take any  
30 action, that suggests, highlights, advertises, markets, curates,  
31 backlinks, hashtags, or otherwise directs, attempts to direct, or

1 encourages traffic toward specific materials, including acts carried out  
2 affirmatively, through automation, algorithmically, and via other  
3 technical means both known and unknown at this time;

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

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

9 (F) Visual depiction of sexually explicit conduct has the same  
10 meaning as in section 28-1463.02; and

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

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

14 (25)(i) Advertises, promotes, offers, sells, performs, or contracts  
15 to perform any service in violation of subdivision (ii) or (iii) of this  
16 subdivision (a)(25).

17 (ii) Except as permitted under state or federal law, no person shall  
18 receive compensation, directly or indirectly, for preparing, presenting,  
19 prosecuting, advising, consulting, or assisting any individual with  
20 regard to any veterans benefits matter before the United States  
21 Department of Veterans Affairs, the United States Department of Defense,  
22 or the Nebraska Department of Veterans' Affairs.

23 (iii) Except as permitted under state or federal law, no person  
24 shall receive compensation, directly or indirectly, for referring any  
25 individual to another person to prepare, present, prosecute, advise,  
26 consult, or provide assistance regarding any veterans benefits matter  
27 before the United States Department of Veterans Affairs, the United  
28 States Department of Defense, or the Nebraska Department of Veterans'  
29 Affairs.

30 (iv) For purposes of this subdivision (a)(25):

31 (A) Veterans benefits matter means the preparation, presentation, or

1 prosecution of any claim affecting any person who has filed or expressed  
2 an intent to file a claim for any benefit, program, service, commodity,  
3 function, or status, to which entitlement is determined under the laws  
4 and regulations administered by the United States Department of Veterans  
5 Affairs, the United States Department of Defense, or the Nebraska  
6 Department of Veterans' Affairs pertaining to veterans, their dependents  
7 or survivors, or any other individual eligible for such benefit, program,  
8 service, commodity, function, or status; and

9 (B) Compensation means payment of any money, thing of value, or  
10 financial benefit.

11 (v) Nothing in this subdivision (a)(25) shall be construed to  
12 prohibit a division of fees between attorneys that is otherwise proper  
13 under Nebraska law and the Nebraska Rules of Professional Conduct.

14 (vi) This subdivision (a)(25) does not apply to county veterans  
15 service officers.

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

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

21 **Sec. 2.** Original section 87-302, Reissue Revised Statutes of  
22 Nebraska, is repealed.