

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 888

Introduced by Clouse, 37.

Read first time January 08, 2026

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Public Service Commission; to amend
2 section 75-156, Revised Statutes Supplement, 2025; to change civil
3 penalties assessed for violations of the Nebraska Uniform Standards
4 for Modular Housing Units Act, the Uniform Standard Code for
5 Manufactured Homes and Recreational Vehicles, and certain rules,
6 regulations, and orders; and to repeal the original section.

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

1 **Section 1.** Section 75-156, Revised Statutes Supplement, 2025, is
2 amended to read:

3 75-156 (1) In addition to other penalties and relief provided by
4 law, the Public Service Commission may, upon a finding that the violation
5 is proven by clear and convincing evidence, assess a civil penalty of up
6 to ten thousand dollars per day against any person, motor carrier,
7 regulated motor carrier, common carrier, contract carrier, licensee,
8 grain dealer, or grain warehouse operator for each violation of (a) any
9 provision of the laws of this state within the jurisdiction of the
10 commission as enumerated in section 75-109.01, (b) any term, condition,
11 or limitation of any certificate, permit, license, or authority issued by
12 the commission pursuant to the laws of this state within the jurisdiction
13 of the commission as enumerated in section 75-109.01, or (c) any rule,
14 regulation, or order of the commission issued under authority delegated
15 to the commission pursuant to the laws of this state within the
16 jurisdiction of the commission as enumerated in section 75-109.01.

17 (2) In addition to other penalties and relief provided by law, the
18 Public Service Commission may, upon a finding that the violation is
19 proven by clear and convincing evidence, assess a civil penalty not less
20 than one hundred dollars and not more than one thousand dollars against
21 any jurisdictional utility for each violation of (a) any provision of the
22 State Natural Gas Regulation Act, (b) any rule, regulation, order, or
23 lawful requirement issued by the commission pursuant to the act, (c) any
24 final judgment or decree made by any court upon appeal from any order of
25 the commission, or (d) any term, condition, or limitation of any
26 certificate issued by the commission issued under authority delegated to
27 the commission pursuant to the act. The amount of the civil penalty
28 assessed in each case shall be based on the severity of the violation
29 charged. The commission may compromise or mitigate any penalty prior to
30 hearing if all parties agree. In determining the amount of the penalty,
31 the commission shall consider the appropriateness of the penalty in light

1 of the gravity of the violation and the good faith of the violator in
2 attempting to achieve compliance after notification of the violation is
3 given.

4 (3) In addition to other penalties and relief provided by law, the
5 Public Service Commission may, upon a finding that the violation is
6 proven by clear and convincing evidence, assess a civil penalty of up to
7 ten thousand dollars per day against any wireless carrier for each
8 violation of the 911 Service System Act or any rule, regulation, or order
9 of the commission issued under authority delegated to the commission
10 pursuant to the act.

11 (4)(a) (4) In addition to other penalties and relief provided by
12 law, the Public Service Commission may, upon a finding that the violation
13 is proven by clear and convincing evidence, assess a civil penalty that
14 does not exceed the maximum civil penalty under subdivision (b) of this
15 subsection of up to one thousand dollars against any person for each
16 violation of the Nebraska Uniform Standards for Modular Housing Units Act
17 or the Uniform Standard Code for Manufactured Homes and Recreational
18 Vehicles or any rule, regulation, or order of the commission issued under
19 the authority delegated to the commission pursuant to either act. Each
20 such violation shall constitute a separate violation with respect to each
21 modular housing unit, manufactured home, or recreational vehicle, except
22 that the maximum civil penalty shall not exceed the maximum civil penalty
23 under subdivision (b) of this subsection one million dollars for any
24 related series of violations occurring within one year from the date of
25 the first violation.

26 (b)(i) For purposes of this subdivision (b):

27 (A) Consumer Price Index means the Consumer Price Index for All
28 Urban Consumers, as published by the United States Department of Labor,
29 Bureau of Labor Statistics; and

30 (B) CPI percentage difference means the percentage by which the
31 Consumer Price Index for the month of October of the most recent previous

1 year exceeds the Consumer Price Index for the month of October of the
2 second-most recent previous year.

3 (ii) The maximum civil penalty under this subsection is initially
4 established at three thousand six hundred fifty dollars per violation and
5 at four million five hundred sixty-two thousand two hundred eighty-two
6 dollars for any related series of violations occurring within one year
7 from the date of the first violation.

8 (iii) On August 1 of each year, the Public Service Commission shall
9 adjust the maximum civil penalty by the CPI percentage difference. The
10 adjusted amount shall be rounded to the nearest dollar.

11 (5) The civil penalty assessed under this section shall not exceed
12 two million dollars per year for each violation except as provided in
13 subsection (4) of this section. The amount of the civil penalty assessed
14 in each case shall be based on the severity of the violation charged. The
15 commission may compromise or mitigate any penalty prior to hearing if all
16 parties agree. In determining the amount of the penalty, the commission
17 shall consider the appropriateness of the penalty in light of the gravity
18 of the violation and the good faith of the violator in attempting to
19 achieve compliance after notification of the violation is given.

20 (6) Upon notice and hearing in accordance with this section and
21 section 75-157, the commission may enter an order assessing a civil
22 penalty of up to one hundred dollars against any person, firm,
23 partnership, limited liability company, corporation, cooperative, or
24 association for failure to file an annual report or pay the fee as
25 required by section 75-116 and as prescribed by commission rules and
26 regulations or for failure to register as required by section 86-125 and
27 as prescribed by commission rules and regulations. Each day during which
28 the violation continues after the commission has issued an order finding
29 that a violation has occurred constitutes a separate offense. Any party
30 aggrieved by an order of the commission under this section may appeal.
31 The appeal shall be in accordance with section 75-136.

1 (7) When any person or party is accused of any violation listed in
2 this section, the commission shall notify such person or party in writing
3 (a) setting forth the date, facts, and nature of each act or omission
4 upon which each charge of a violation is based, (b) specifically
5 identifying the particular statute, certificate, permit, rule,
6 regulation, or order purportedly violated, (c) that a hearing will be
7 held and the time, date, and place of the hearing, (d) that in addition
8 to the civil penalty, the commission may enforce additional penalties and
9 relief as provided by law, and (e) that upon failure to pay any civil
10 penalty determined by the commission, the penalty may be collected by
11 civil action in the district court of Lancaster County.

12 **Sec. 2.** Original section 75-156, Revised Statutes Supplement, 2025,
13 is repealed.