

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 838

FINAL READING

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

Read first time January 08, 2026

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to law; to amend sections 8-2901, 25-2701,
2 30-2301, 30-2302, 30-2322, 30-2323, 30-2325, 30-3803, 30-38,103,
3 77-3503, 87-704, 87-706, and 87-709, Reissue Revised Statutes of
4 Nebraska, sections 30-3801 and 77-2004, Revised Statutes Cumulative
5 Supplement, 2024, and sections 8-2701, 8-2702, 8-2711, 8-2742,
6 8-2903, 87-302, 87-1301, 87-1302, 87-1304, 87-1305, 87-1306, and
7 87-1308, Revised Statutes Supplement, 2025; to change provisions
8 relating to the Nebraska Money Transmitters Act, financial
9 exploitation of a vulnerable adult or senior adult, rules and codes
10 of civil and criminal procedure, decedents' estates, the Nebraska
11 Uniform Trust Code, certifications of trust, inheritance taxes,
12 deceptive trade practices, the Equipment Business Regulation Act,
13 and the Age-Appropriate Online Design Code Act; to impose an excise
14 tax on certain remittance transfers; to provide for rounding of
15 certain cash transaction amounts; to provide operative dates; to
16 provide severability; to repeal the original sections; and to
17 declare an emergency.

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

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

3 8-2701 Sections 8-2701 to 8-2742 and sections 5 to 10 of this act
4 shall be known and may be cited as the Nebraska Money Transmitters Act.

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

7 8-2702 For purposes of the Nebraska Money Transmitters Act:

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

11 (2) Applicant means a person filing an application for a license
12 under the Nebraska Money Transmitters Act;

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

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

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

28 (6)(a) Control means:

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

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

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

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

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

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

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

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

31 (11) Federally insured depository financial institution means a

1 bank, credit union, savings and loan association, trust company, savings
2 association, savings bank, industrial bank, or industrial loan company
3 organized under the laws of the United States or any state of the United
4 States, when such bank, credit union, savings and loan association, trust
5 company, savings association, savings bank, industrial bank, or
6 industrial loan company has federally insured deposits;

7 (12) Foreign adversary person means:

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

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

14 (c) A person subject to the direction or control of a foreign person
15 or entity described in subdivision (12)(a) or (b) of this section;

16 (13) ~~(12)~~ In this state means at a physical location within this
17 state for a transaction requested in person. For a transaction requested
18 electronically or by telephone, the provider of money transmission may
19 determine if the person requesting the transaction is in this state by
20 relying on other information provided by such person regarding the
21 location of the individual's residential address or the entity's
22 principal place of business or other physical address location and any
23 records associated with such person that the provider of money
24 transmission may have that indicate the location of the individual's
25 residential address or the entity's principal place of business or other
26 physical address location, including, but not limited to, an address
27 associated with an account;

28 (14) ~~(13)~~ Individual means a natural person;

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

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

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

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

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

12 (16) (14) Key individual means any individual ultimately responsible
13 for establishing or directing policies and procedures of the licensee,
14 such as an executive officer, manager, director, or trustee;

15 (17) (15) Licensee means a person licensed under the Nebraska Money
16 Transmitters Act;

17 (18) (16) Material litigation means litigation, that according to
18 United States generally accepted accounting principles, is significant to
19 a person's financial health and would be required to be disclosed in the
20 person's annual audited financial statements, report to shareholders, or
21 similar records;

22 (19) (17) Model Money Transmission Modernization Act means the Model
23 Money Transmission Modernization Act approved for state adoption by the
24 Conference of State Bank Supervisors Board of Directors that sets
25 nationwide standards, including net worth, surety bond, and permissible
26 investments requirements, to modernize the supervision and regulation of
27 money transmitters;

28 (20) (18) Monetary value means a medium of exchange, whether or not
29 redeemable in money;

30 (21) (19) Money means a medium of exchange that is authorized or
31 adopted by the United States or a foreign government. Money includes a

1 monetary unit of account established by an intergovernmental organization
2 or by agreement between two or more governments;

3 (22)(a) ~~(20)(a)~~ Money transmission means any of the following:

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

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

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

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

14 (23) ~~(21)~~ Multistate licensing process means any agreement entered
15 into by and among state regulators relating to coordinated processing of
16 applications for money transmission licenses, applications for the
17 acquisition of control of a licensee, control determinations, or notice
18 and information requirements for a change of key individuals;

19 (24) ~~(22)~~ Nationwide Mortgage Licensing System and Registry means
20 the Nationwide Mortgage Licensing System and Registry, also known as the
21 Nationwide Multistate Licensing System and Registry, developed by the
22 Conference of State Bank Supervisors and the American Association of
23 Residential Mortgage Regulators and owned and operated by the State
24 Regulatory Registry LLC, or any successor or affiliated entity, for the
25 licensing and registration of persons in financial services industries;

26 (25)(a) ~~(23)(a)~~ Outstanding money transmission obligation means:

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

1 property laws; or

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

7 (b) For purposes of subdivision ~~(25)~~ ~~(23)~~ of this section, in the
8 United States includes, to the extent applicable, a person in any state,
9 territory, or possession of the United States; the District of Columbia;
10 the Commonwealth of Puerto Rico; or a United States military installation
11 that is located in a foreign country;

12 ~~(26)~~ ~~(24)~~ Payment instrument means a written or electronic check,
13 draft, money order, traveler's check, or other written or electronic
14 instrument for the transmission or payment of money or monetary value,
15 whether or not negotiable. Payment instrument does not include stored
16 value or any instrument that:

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

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

24 ~~(27)~~ ~~(25)~~ Payroll processing services means receiving money for
25 transmission pursuant to a contract with a person to deliver wages or
26 salaries, make payment of payroll taxes to state and federal agencies,
27 make payments relating to employee benefit plans, or make distributions
28 of other authorized deductions from wages or salaries. Payroll processing
29 services does not include an employer performing payroll processing
30 services on the employer's own behalf or on behalf of an affiliate of the
31 employer;

1 ~~(28)~~ ~~(26)~~ Person means any individual, general partnership, limited
2 partnership, limited liability company, corporation, trust, association,
3 joint stock corporation, or other corporate entity identified by the
4 director;

5 ~~(29)~~ ~~(27)~~ Receipt means a paper receipt, electronic record, or other
6 written confirmation;

7 ~~(30)~~ ~~(28)~~ Receiving money for transmission or money received for
8 transmission means receiving money or monetary value in the United States
9 for transmission within or outside the United States by electronic or
10 other means;

11 ~~(31)~~ ~~(29)~~ Remit means to make direct payments of money to a licensee
12 or a representative of a licensee authorized to receive money or to
13 deposit money in a bank in an account specified by the licensee; and

14 ~~(32)~~ ~~(30)~~ Stored value means monetary value representing a claim
15 against the issuer of the stored value evidenced by an electronic or
16 digital record, and that is intended and accepted for use as a means of
17 redemption for money or monetary value, or payment for goods or services.
18 Stored value includes, but is not limited to, prepaid access as defined
19 by 31 C.F.R. 1010.100. Notwithstanding the foregoing, stored value does
20 not include a payment instrument or closed loop stored value, or stored
21 value not sold publicly but issued and distributed as part of a loyalty,
22 rewards, or promotional program.

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

25 8-2711 (1) Applicants for a license shall apply in a form and in a
26 medium as prescribed by the director. Each such form shall contain
27 content as set forth by rule, regulation, instruction, or procedure of
28 the director and may be changed or updated by the director in accordance
29 with applicable law in order to carry out the purposes of the Nebraska
30 Money Transmitters Act and maintain consistency with Nationwide Mortgage
31 Licensing System and Registry licensing standards and practices. The

1 application shall state or contain, as applicable:

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

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

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

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

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

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

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

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

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

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

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

1 certification; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 8-2742 For purposes of the Nebraska Money Transmitters Act:

21 (1) 15 C.F.R. 791.4 means 15 C.F.R. 791.4, as such regulation
22 existed on January 1, 2026;

23 (2) ~~(1)~~ 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such
24 regulation existed on January 1, 2025;

25 (3) ~~(2)~~ Bank Secrecy Act means the Bank Secrecy Act, 31 U.S.C. 5311
26 et seq., and the implementing regulations of such act, as such act and
27 regulations existed on January 1, 2025;

28 (4) ~~(3)~~ Bank Service Company Act means the Bank Service Company Act,
29 12 U.S.C. 1861 et seq., as such act existed on January 1, 2025;

30 (5) ~~(4)~~ Commodity Exchange Act means the Commodity Exchange Act, 7
31 U.S.C. 1 et seq., as such act existed on January 1, 2025;

1 ~~(6)~~ ~~(5)~~ Edge Act means the Edge Act, 12 U.S.C. 611 et seq., as such
2 act existed on January 1, 2025;

3 ~~(7)~~ ~~(6)~~ Federal Credit Union Act means the Federal Credit Union Act,
4 12 U.S.C. 1751 et seq., as such act existed on January 1, 2025;

5 ~~(8)~~ ~~(7)~~ Federal Deposit Insurance Act means the Federal Deposit
6 Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1,
7 2025;

8 ~~(9)~~ ~~(8)~~ Federal remittance rule means 12 C.F.R. part 1005, subpart
9 B, as such regulation existed on January 1, 2025;

10 ~~(10)~~ ~~(9)~~ Foreign Account Tax Compliance Act means the Foreign
11 Account Tax Compliance Act, 26 U.S.C. 1471 et seq., as such act existed
12 on January 1, 2025;

13 ~~(11)~~ ~~(10)~~ International Banking Act of 1978 means the International
14 Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on
15 January 1, 2025;

16 ~~(12)~~ ~~(11)~~ Securities Exchange Act of 1934 means the Securities
17 Exchange Act of 1934, 15 U.S.C. 78a et seq., as such act existed on
18 January 1, 2025;

19 ~~(13)~~ ~~(12)~~ United States Bankruptcy Code means 11 U.S.C. 101 et seq.,
20 as such sections existed on January 1, 2025; and

21 ~~(14)~~ ~~(13)~~ Uniting and Strengthening America by Providing Appropriate
22 Tools Required to Intercept and Obstruct Terrorism Act of 2001 means the
23 Uniting and Strengthening America by Providing Appropriate Tools Required
24 to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, as
25 such act existed on January 1, 2025.

26 **Sec. 5.** The Legislature finds and declares that:

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

1 States persons;

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

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

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

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

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

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

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

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

31 (10) Pursuant to this state's supervisory authority over financial

1 transactions, the state has put in place a regulatory scheme for
2 licensing money transmitters;

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

6 (12) As a part of the licensing scheme, the state looks at the
7 character and general fitness of applicants to ensure that it is in the
8 interest of the public to permit the applicant to engage in money
9 transmission in the state; and

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

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

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

29 (c) For purposes of section 8-2734, if a licensee or authorized
30 delegate or any key individual or persons in control of a licensee or
31 responsible person in control of the authorized delegate fails to

1 establish that such licensee, delegate, key individual, or person in
2 control is not a foreign adversary person, the director shall presume
3 that the character and general fitness of such licensee, delegate, key
4 individual, or person in control indicates that it is not in the interest
5 of the public to permit the licensee, delegate, key individual, or person
6 in control to provide money transmission.

7 (d) For purposes of section 8-2735, if an authorized delegate or a
8 person in control of the authorized delegate fails to establish that such
9 delegate or person in control is not a foreign adversary person, the
10 director shall presume that the character and general fitness of such
11 delegate or person in control indicates that it is not in the interest of
12 the public to permit the authorized delegate to provide money
13 transmission.

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

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

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

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

1 within three years after the expiration of the license; and

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

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

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

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

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

1 of Banking and Finance as necessary to enforce the Nebraska Money
2 Transmitters Act.

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

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

8 (b) Credit card has the same meaning as in 15 U.S.C. 16930-2, as
9 such section existed on January 1, 2026;

10 (c) Debit card has the same meaning as in 15 U.S.C. 16930-2, as such
11 section existed on January 1, 2026, except that debit card shall not
12 include a general-use prepaid card as defined in 15 U.S.C. 16931-1, as
13 such section existed on January 1, 2026;

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

17 (e) Designated recipient has the same meaning as in section 919 of
18 the Electronic Fund Transfer Act, 15 U.S.C. 16930-1, as such section
19 existed on January 1, 2026;

20 (f) Foreign adversary country means any country listed in 15 C.F.R.
21 791.4, as such regulation existed on January 1, 2026;

22 (g) Remittance transfer has the same meaning as in section 919 of
23 the Electronic Fund Transfer Act, 15 U.S.C. 16930-1, as such section
24 existed on January 1, 2026, except that it shall only apply where the
25 sender provides cash, a money order, a cashier's check, or any other
26 similar physical instrument to the remittance transfer provider;

27 (h) Remittance transfer provider has the same meaning as in section
28 919 of the Electronic Fund Transfer Act, 15 U.S.C. 16930-1, as such
29 section existed on January 1, 2026; and

30 (i) Sender has the same meaning as in section 919 of the Electronic
31 Fund Transfer Act, 15 U.S.C. 16930-1, as such section existed on January

1 1, 2026.

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

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

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

10 (ii) For which the funds being transferred are:

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

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

14 (II) That is subject to the requirements of 31 U.S.C. Chapter 53,
15 Subchapter II, as such subchapter existed on January 1, 2026; or

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

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

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

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

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

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

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

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

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

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

17 (8) The Department of Revenue may adopt and promulgate rules and
18 regulations to prescribe any and all forms and supporting documentation
19 necessary for the payment, collection, and reporting of the tax imposed
20 by this section and to establish the expedited refund process described
21 in subdivision (7)(b) of this section.

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

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

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

30 (12) Upon request from the Department of Revenue, the Department of
31 Banking and Finance may make a claim against the surety bond of a

1 licensee for payment of any tax imposed by this section on such licensee.

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

4 8-2901 For purposes of sections 8-2901 to 8-2903:

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

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

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

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

16 (3) {2} Department means the Department of Health and Human
17 Services;

18 (4) {3} Financial exploitation means:

19 (a) The wrongful or unauthorized taking, withholding, appropriation,
20 or use of the money, assets, or other property or the identifying
21 information of a vulnerable adult or senior adult by any person; or

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

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

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

1 ~~(5)~~ (4) Financial institution means a bank, savings bank, building
2 and loan association, savings and loan association, or credit union,
3 whether chartered by the Department of Banking and Finance, the United
4 States, or a foreign state agency; any other similar organization which
5 is covered by federal deposit insurance; a subsidiary or affiliate of any
6 such entity; or a trust company as defined in section 8-230;

7 ~~(6)~~ (5) Law enforcement agency has the same meaning as in section
8 28-359;

9 ~~(7)~~ (6) Senior adult has the same meaning as in section 28-366.01;

10 ~~(8)~~ (7) Transaction means any of the following as applicable to
11 services provided by a financial institution:

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

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

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

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

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

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

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

26 ~~(9)~~ (8) Vulnerable adult has the same meaning as in section 28-371.

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

29 8-2903 (1) When a financial institution, or an employee of a
30 financial institution, reasonably believes, or has received information
31 from the department or a law enforcement agency demonstrating that it is

1 reasonable to believe, that financial exploitation of a vulnerable adult
2 or senior adult may have occurred, may have been attempted, is occurring,
3 or is being attempted, the financial institution may, but is not required
4 to:

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

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

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

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

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

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

21 (2) A financial institution is not required to act under subsection
22 (1) of this section when provided with information alleging that
23 financial exploitation may have occurred, may have been attempted, is
24 occurring, or is being attempted, but may use the financial institution's
25 discretion to determine whether or not to act under subsection (1) of
26 this section based on the information available to the financial
27 institution at the time.

28 (3)(a)(i) A financial institution may notify any third party
29 reasonably associated with a vulnerable adult or senior adult if the
30 financial institution reasonably believes that the financial exploitation
31 of a vulnerable adult or senior adult may have occurred, may have been

1 attempted, is occurring, or is being attempted.

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

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

22 (c) Nothing in this subsection shall prevent a financial institution
23 from notifying the department or a law enforcement agency, if the
24 financial institution reasonably believes that the financial exploitation
25 of a vulnerable adult or senior adult may have occurred, may have been
26 attempted, is occurring, or is being attempted.

27 (4) The authority granted the financial institution under subsection
28 (1) of this section expires upon the sooner of: (a) Thirty business days
29 after the date on which the financial institution first acted under
30 subsection (1) of this section; (b) when the financial institution is
31 satisfied that the transaction or act will not result in financial

1 exploitation of the vulnerable adult or senior adult; or (c) upon
2 termination by an order of a court of competent jurisdiction.

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

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

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

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

28 (8) A financial institution shall be immune from any civil,
29 criminal, or administrative liability that may otherwise exist for
30 choosing not to implement an authorized contact program. A financial
31 institution, when acting in a reasonable manner, shall be immune from any

1 civil, criminal, or administrative liability that may otherwise exist for
2 any actions or omissions related to the administration of such a program.
3 A financial institution shall not be liable for the actions of an
4 authorized contact.

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

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

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

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

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

20 25-2701 (1) All provisions in the rules and codes of criminal and
21 civil procedure governing actions and proceedings in the district court
22 not in conflict with statutes specifically governing procedure in county
23 courts and related to matters for which no specific provisions have been
24 made for county courts shall govern and apply to all actions and
25 proceedings in the county court.

26 (2) County courts may seal records of a person as provided under
27 sections 43-2,108.01 to 43-2,108.05.

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

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

3 30-2301 (1) Any part of a decedent's estate not effectively disposed
4 of by will passes by intestate succession to the decedent's heirs as
5 prescribed in the following sections of this code, except as modified by
6 the decedent's will.

7 (2) A decedent by will may expressly exclude or limit the right of
8 an individual or class to succeed to property of the decedent passing by
9 intestate succession. If that individual or a member of that class
10 survives the decedent, the share of the decedent's intestate estate to
11 which that individual or class would have succeeded passes as if that
12 individual or each member of that class had disclaimed the intestate
13 share. Any part of the estate of a decedent not effectively disposed of
14 by his will passes to his heirs as prescribed in the following sections
15 of this code.

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

18 30-2302 The intestate share of the surviving spouse is:

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

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

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

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

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

31 30-2322 A surviving spouse of a decedent who was domiciled in this

1 state is entitled to a homestead allowance of seven thousand five hundred
2 dollars for a decedent who dies before January 1, 2011, ~~and~~ twenty
3 thousand dollars for a decedent who dies on or after January 1, 2011, and
4 before January 1, 2027, and twenty-five thousand dollars for a decedent
5 who dies on or after January 1, 2027. If there is no surviving spouse,
6 each minor child and each dependent child of the decedent is entitled to
7 a homestead allowance amounting to the amount allowed for a surviving
8 spouse divided by the number of minor and dependent children of the
9 decedent. The homestead allowance is exempt from and has priority over
10 all claims against the estate except for costs and expenses of
11 administration. Homestead allowance is in addition to any share passing
12 to the surviving spouse or minor or dependent child by the will of the
13 decedent unless otherwise provided therein, by intestate succession or by
14 way of elective share.

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

17 30-2323 (1) In addition to the homestead allowance, the surviving
18 spouse of a decedent who was domiciled in this state is entitled from the
19 estate to value not exceeding five thousand dollars for a decedent who
20 dies before January 1, 2011, ~~and~~ twelve thousand five hundred dollars for
21 a decedent who dies on or after January 1, 2011, and before January 1,
22 2027, and seventeen thousand five hundred dollars for a decedent who dies
23 on or after January 1, 2027, in excess of any security interests therein
24 in household furniture, automobiles, furnishings, appliances, and
25 personal effects. If there is no surviving spouse, children of the
26 decedent are entitled jointly to the same value unless the decedent has
27 provided in his or her will that one or more of such children shall be
28 disinherited, in which case only those children not so disinherited shall
29 be so entitled. For purposes of this section, disinherited means
30 providing in one's will that a child shall take nothing or a nominal
31 amount of ten dollars or less from the estate.

1 (2) If encumbered chattels are selected and if the value in excess
2 of security interests, plus that of other exempt property, is less than
3 the amount allowed under subsection (1) of this section, or if there is
4 not that amount worth of exempt property in the estate, the spouse or
5 children are entitled to other assets of the estate, if any, to the
6 extent necessary to make up the amount allowed under subsection (1) of
7 this section. Rights to exempt property and assets needed to make up a
8 deficiency of exempt property have priority over all claims against the
9 estate except for costs and expenses of administration, except for claims
10 filed by the Department of Health and Human Services pursuant to section
11 68-919 notwithstanding the order of payment established in section
12 30-2487, and except that the right to any assets to make up a deficiency
13 of exempt property shall abate as necessary to permit prior payment of
14 homestead allowance and family allowance.

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

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

24 30-2325 If the estate is otherwise sufficient, property specifically
25 devised is not used to satisfy rights to homestead and exempt property.
26 Subject to this restriction, the surviving spouse, the guardians of the
27 minor children, or children who are adults may select property of the
28 estate as homestead allowance and exempt property. After giving such
29 notice as the court may require in a proceeding initiated under the
30 provisions of section 30-2405, the personal representative may make these
31 selections if the surviving spouse, the children or the guardians of the

1 minor children are unable or fail to do so within a reasonable time or if
2 there are no guardians of the minor children. The personal representative
3 may execute an instrument or deed of distribution to establish the
4 ownership of property taken as homestead allowance or exempt property.
5 The personal representative may determine the family allowance in a lump
6 sum not exceeding nine thousand dollars for a decedent who dies before
7 January 1, 2011, ~~and~~ twenty thousand dollars for a decedent who dies on
8 or after January 1, 2011, and before January 1, 2027, and twenty-five
9 thousand dollars for a decedent who dies on or after January 1, 2027, or
10 periodic installments not exceeding seven hundred fifty dollars per month
11 for one year for a decedent who dies before January 1, 2011, and one
12 thousand six hundred sixty-six dollars and sixty-seven cents per month
13 for one year for a decedent who dies on or after January 1, 2011, and
14 before January 1, 2027, and two thousand eighty-three dollars and thirty-
15 three cents per month for one year for a decedent who dies on or after
16 January 1, 2027. The personal representative may disburse funds of the
17 estate in payment of the family allowance and any part of the homestead
18 allowance payable in cash. The personal representative or any interested
19 person aggrieved by any selection, determination, payment, proposed
20 payment, or failure to act under this section may petition the court for
21 appropriate relief, which relief may provide a family allowance larger or
22 smaller than that which the personal representative determined or could
23 have determined.

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

31 **Sec. 19.** Section 30-3801, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 30-3801 (UTC 101) Sections 30-3801 to 30-38,115 and sections 21 to
3 23 of this act shall be known and may be cited as the Nebraska Uniform
4 Trust Code.

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

7 30-3803 (UTC 103) In the Nebraska Uniform Trust Code:

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

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

14 (3) "Beneficiary" means a person that:

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

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

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

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

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

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

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

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

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

6 (11) "Power of withdrawal" means a presently exercisable general
7 power of appointment other than a power: (A) which is exercisable by a
8 trustee and limited by an ascertainable standard; or (B) which is
9 exercisable by another person only upon consent of the trustee or a
10 person holding an adverse interest.

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

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

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

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

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

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

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

30 (16) "Settlor" means a person, including a testator, who creates, or
31 contributes property to, a trust. If more than one person creates or

1 contributes property to a trust, each person is a settlor of the portion
2 of the trust property attributable to that person's contribution except
3 to the extent another person has the power to revoke or withdraw that
4 portion.

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

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

10 (19) "Terms of a trust" means: (A) Except as otherwise provided in
11 subdivision (19)(B) of this section, the manifestation of the settlor's
12 intent regarding a trust's provisions as: (i) Expressed in the trust
13 instrument; or (ii) established by other evidence that would be
14 admissible in a judicial proceeding; or (B) the trust's provisions, as
15 established, determined, or amended by a: (i) Trustee or other person in
16 accordance with applicable law; (ii) court order; or (iii) nonjudicial
17 settlement agreement under section 30-3811. the manifestation of the
18 settlor's intent regarding a trust's provisions as expressed in the trust
19 instrument or as may be established by other evidence that would be
20 admissible in a judicial proceeding.

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

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

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

1 trust.

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

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

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

12 30-38,103 (a) A certification of trust may confirm the following
13 facts or contain the following information:

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

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

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

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

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

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

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

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

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

1 established; ~~and~~

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

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

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

11 **Sec. 25.** Section 77-2004, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 77-2004 (1) In the case of a person described in subsection (2) of
14 this section ~~father, mother, grandfather, grandmother, brother, sister,~~
15 ~~son, daughter, child or children legally adopted as such in conformity~~
16 ~~with the laws of the state where adopted, any lineal descendant, any~~
17 ~~lineal descendant legally adopted as such in conformity with the laws of~~
18 ~~the state where adopted, any person to whom the deceased for not less~~
19 ~~than ten years prior to death stood in the acknowledged relation of a~~
20 ~~parent, or the spouse or surviving spouse of any such persons, the rate~~
21 of tax shall be:

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

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

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

30 (a) A father, mother, grandfather, grandmother, brother, sister,
31 son, daughter, child or children legally adopted as such in conformity

1 with the laws of the state where adopted;

2 (b) Any lineal descendant;

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

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

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

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

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

14 ~~(3)~~ ~~(2)~~ Any interest in property, including any interest acquired in
15 the manner set forth in section 77-2002, which may be valued at a sum
16 less than or equal to the applicable exempt amount under subsection (1)
17 of this section shall not be subject to tax. In addition, the homestead
18 allowance, exempt property, and family maintenance allowance shall not be
19 subject to tax. Interests passing to the surviving spouse by will, in the
20 manner set forth in section 77-2002, or in any other manner shall not be
21 subject to tax. Any interest passing to a person described in subsection
22 ~~(2)~~ ~~(1)~~ of this section who is under twenty-two years of age shall not be
23 subject to tax.

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

26 77-3503 Owner shall mean the owner of record or surviving spouse,
27 the vendee in possession under a land contract or surviving spouse, one
28 of the joint tenants or tenants in common or surviving spouse, or the
29 beneficiary of a trust of which the trustee is the record title owner and
30 the beneficiary-occupant (1) has a specific right to occupy the premises
31 as stated in the trust instrument, (2) has the right to amend or revoke

1 the trust to obtain such power of occupancy or of title, or (3) has the
2 power to withdraw the homestead premises from the trust and place the
3 record title in such occupant's name. Owner shall also mean a resident of
4 a dwelling complex, the record title owner of which is a not-for-profit
5 corporation, who has by purchase for fair market value secured a life
6 tenancy in a taxable unit of the complex. The deed, trust instrument, or
7 contract, or a certification of trust as described in sections 30-38,102
8 to 30-38,106, memorandum showing that the criteria of this section have
9 been met shall be on file on the appropriate public record as of January
10 1 of the year for which exemption is sought, except that if such
11 instrument is not on file as of January 1, a copy of such instrument
12 shall be attached to such application before the homestead exemption
13 shall be granted.

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

16 87-302 (a) A person engages in a deceptive trade practice when, in
17 the course of his or her business, vocation, or occupation, he or she:

- 18 (1) Passes off goods or services as those of another;
- 19 (2) Causes likelihood of confusion or of misunderstanding as to the
20 source, sponsorship, approval, or certification of goods or services;
- 21 (3) Causes likelihood of confusion or of misunderstanding as to
22 affiliation, connection, or association with, or certification by,
23 another;
- 24 (4) Uses deceptive representations or designations of geographic
25 origin in connection with goods or services;
- 26 (5) Represents that goods or services have sponsorship, approval,
27 characteristics, ingredients, uses, benefits, or quantities that they do
28 not have or that a person has a sponsorship, approval, status,
29 affiliation, or connection that he or she does not have;
- 30 (6) Represents that goods or services do not have sponsorship,
31 approval, characteristics, ingredients, uses, benefits, or quantities

1 that they have or that a person does not have a sponsorship, approval,
2 status, affiliation, or connection that he or she has;

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

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

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

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

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

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

21 (13) Uses or promotes the use of or establishes, operates, or
22 participates in a pyramid promotional scheme in connection with the
23 solicitation of such scheme to members of the public. This subdivision
24 shall not be construed to prohibit a plan or operation, or to define a
25 plan or operation as a pyramid promotional scheme, based on the fact that
26 participants in the plan or operation give consideration in return for
27 the right to receive compensation based upon purchases of goods,
28 services, or intangible property by participants for personal use,
29 consumption, or resale so long as the plan or operation does not promote
30 or induce inventory loading and the plan or operation implements an
31 appropriate inventory repurchase program;

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

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

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

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

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

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

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

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

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

31 (20) Violates any provision of the Nebraska Foreclosure Protection

1 Act;

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

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

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

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

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

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

31 (A) Is under eighteen years of age;

1 (B) Is a trafficking victim;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (A) Fails to establish and implement:

- 1 (I) Identity verification for advertisers;
2 (II) An unlawful impersonation detection and mitigation program;
3 (III) Automated and manual fraud detection systems;
4 (IV) Measures to prevent repeated offenses by the same advertiser;
5 (V) A clear and conspicuous tool for users to report suspected
6 fraud; and
7 (VI) A process for law enforcement to report suspected fraudulent
8 advertisements;
9 (B) After a fraudulent advertisement is reported by a user, fails to
10 investigate and determine if such advertisement constitutes a fraudulent
11 advertisement within five business days after such report;
12 (C) After determining an advertisement to be a fraudulent
13 advertisement, fails to remove such advertisement from its platform
14 within five business days after such determination;
15 (D) After a fraudulent advertisement is reported by law enforcement,
16 fails to notify the submitter of the status of the submitter's report
17 within five business days after receipt of such report; or
18 (E) Knowingly permits fraudulent advertisement on its platform or
19 ignores credible reports that content on its platform constitutes
20 fraudulent advertisement.
21 (ii) For purposes of this subdivision (a)(26):
22 (A) Advertiser means any person who pays, or provides compensation
23 or a thing of value, to advertise, promote, or otherwise increase
24 impressions of advertisements or content on a social media platform;
25 (B) Fraudulent advertisement means an advertisement or content that
26 misrepresents material facts or unlawfully impersonates another in order
27 to induce a transaction or extract a benefit, and a social media platform
28 accepts payment, or any other form of compensation or thing of value, to
29 advertise, promote, or otherwise increase impressions of the
30 advertisement or content on its platform; and
31 (C) Social media platform means an electronic medium, including a

1 browser-based or application-based interactive computer service, Internet
2 website, telephone network, or data network, that allows an account
3 holder to create, share, and view user-generated content for the purpose
4 of social interaction, sharing, or viewing user-generated content, or
5 personal networking. Social media platform does not include:

6 (I) An Internet search provider;

7 (II) An Internet service provider;

8 (III) An email service;

9 (IV) A streaming service, online video game, e-commerce, or other
10 Internet website where the content is not user generated but where
11 interactive functions enable chat, comments, reviews, or other
12 interactive functionality that is incidental to, directly related to, or
13 dependent upon providing the content;

14 (V) A communication service, including text, audio, or video
15 communication technology, provided by a business to the business's
16 employees and clients for use in the course of business activities and
17 not for public distribution, except that social media platform includes a
18 communication service provided by a social media platform;

19 (VI) An advertising network with the sole function of delivering
20 commercial content;

21 (VII) A telecommunications carrier as defined in 47 U.S.C. 153;

22 (VIII) A broadband Internet access service as defined in 47 C.F.R.
23 8.1(b);

24 (IX) Single-purpose community groups for education or public safety;

25 (X) Teleconferencing or video-conferencing services that allow
26 reception and transmission of audio and video signals for real-time
27 communication, except that social media platform includes
28 teleconferencing or video-conferencing services provided by a social
29 media platform;

30 (XI) Cloud computing services, which may include cloud storage and
31 shared document collaboration;

1 (XII) Providing or obtaining technical support for a platform,
2 product, or service;

3 (XIII) A platform designed primarily and specifically for creative
4 professional users, as distinct from the general public, to share their
5 portfolio and creative content, engage in professional networking,
6 acquire clients, and market the creative professional user's creative
7 content and creative services through facilitated transactions; or

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

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

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

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

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

22 87-704 It shall be a violation of the Equipment Business Regulation
23 Act for a supplier:

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

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

29 (3) To require a dealer to enter into any agreement, whether written
30 or oral, amendatory or supplementary to an existing dealer agreement with
31 the supplier unless such amendatory or supplementary agreement is imposed

1 on similarly situated dealers;

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

8 (5) To condition the renewal or extension of a dealer agreement on
9 (a) the dealer's substantial renovation of its place of business or the
10 construction, purchase, acquisition, or rental of a new place of business
11 by the dealer unless the supplier advises the dealer in writing of its
12 demand for such renovation, construction, purchase, acquisition, or
13 rental within a reasonable time prior to the effective date of the
14 proposed renewal or extension, but in no case less than one year prior to
15 such date, or (b) capital construction exceeding the terms of the dealer
16 agreement in force and effect on May 2, 1991; -

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

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

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

27 87-706 (1) A supplier shall provide for the availability of repair
28 parts throughout the reasonable useful life of any equipment sold.

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

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

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

10 (b) Subject to the other provisions of this section, a supplier
11 shall allow a dealer to return parts with a dollar value equal to at
12 least six percent of the total dollar value of parts purchased by the
13 dealer from the supplier or the supplier's predecessor in interest during
14 the twelve-month period immediately preceding either the notification to
15 the dealer of the supplier's surplus parts return program or the month
16 the dealer's return request is made, whichever is applicable. A dealer
17 may elect to return a dollar value of parts equal to less than six
18 percent of such total dollar value of parts purchased;

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

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

29 (e) The supplier shall allow credit for a returned part of at least
30 eighty-five percent of the current price of the part as listed in the
31 supplier's effective price list or catalog at the date of the

1 notification to the dealer by the supplier of the surplus parts return
2 program or the date of the dealer's request to return surplus parts,
3 whichever is applicable, or, if there is no effective price list or
4 catalog, in the supplier's invoices;

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

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

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

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

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

18 ~~(3) The annual parts return provided for in subsection (2) of this~~
19 ~~section may be waived by a dealer. If a majority of dealers from a single~~
20 ~~supplier choose to waive the provisions of such subsection, the supplier~~
21 ~~shall be exempt from such subsection.~~

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

24 87-709 (1) A term of a dealer agreement which is inconsistent with
25 the terms of the Equipment Business Regulation Act is contrary to public
26 policy and is ~~shall be~~ void and unenforceable and shall not waive any
27 rights which are provided to a person by the act.

28 (2) A dealer may bring an action against a supplier in any court of
29 competent jurisdiction for damages sustained by the dealer as a
30 consequence of the supplier's violation of the act together with the
31 actual costs of the action, including reasonable attorney's fees. The

1 dealer may also be granted injunctive relief against unlawful
2 termination, cancellation, nonrenewal, or change in competitive
3 circumstances. The remedies authorized by this section shall not be
4 exclusive and shall be in addition to any other remedies provided by law.

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

7 87-1301 Sections 87-1301 to 87-1309 and sections 33 and 34 of this
8 act shall be known and may be cited as the Age-Appropriate Online Design
9 Code Act.

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

12 87-1302 For purposes of the Age-Appropriate Online Design Code Act:

13 (1) Actual knowledge includes all information and inferences known
14 to the covered online service relating to the age of the individual,
15 including, but not limited to, self-identified age, and any age the
16 covered online service has attributed or associated with the individual
17 for any purpose, including marketing, advertising, or product
18 development. If a covered online service's classification of an
19 individual for purposes of marketing or advertising is inconsistent with
20 the individual's self-identified age, a covered online service shall
21 disregard self-identified age for purposes of the act;

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

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

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

30 (b) Auto-playing video or audio, or a design feature in which a
31 video or audio automatically begins playing when a user navigates to or

1 scrolls through a set of videos without any explicit action on the part
2 of a user indicating the user's desire to watch that specific video or
3 listen to that audio;

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

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

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

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

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

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

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

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

23 (k) A feature that increases usage through the illusion of talking
24 with a human being that seeks to elicit feelings of intimacy from the
25 user;

26 ~~(a) Infinite scroll;~~

27 ~~(b) Rewards or incentives for frequency of visits or time spent on~~
28 ~~the covered online service;~~

29 ~~(c) Notifications or push alerts;~~

30 ~~(d) In-game purchases; or~~

31 ~~(e) Appearance-altering filters;~~

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

3 (5)(a) Covered online service means a sole proprietorship, a limited
4 liability company, a corporation, an association, or any other legal
5 entity ~~that owns, operates, controls, or provides an online service that:~~

6 (i) Conducts business in this state;

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

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

12 (iv) Satisfies at least one of the following:

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

19 (B) ~~(iv)~~ Annually processes ~~buys, receives, sells, or shares~~ the
20 personal data of fifty thousand or more consumers, households, or
21 devices, alone or in combination with its affiliates, subsidiaries, or
22 parent companies. ~~;~~ and

23 ~~(v) Derives at least fifty percent of its annual revenue from the~~
24 ~~sale or sharing of consumers' personal data.~~

25 (b) A covered online service includes:

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

31 (ii) For a covered online service that is a joint venture or

1 partnership, any person with an ownership interest of forty percent or
2 more in such venture or partnership.

3 (c) A covered online service does not include (i) an online service
4 with actual knowledge that fewer than two percent of its users are
5 minors, provided that, in making such assessment, an online service shall
6 not be required to collect personal data of users, and if an online
7 service collects personal data of users for such purpose, it shall not
8 use such personal data for other purposes or (ii) a financial institution
9 subject to Title V of the Gramm-Leach-Bliley Act or any regulations
10 adopted in accordance with such act and shall delete such personal data
11 after using it to make the assessment;

12 (6) Dark pattern means a user interface designed or manipulated with
13 the effect of substantially subverting or impairing user autonomy,
14 decisionmaking, or choice. Dark pattern includes any practice determined
15 to be a dark pattern by the Federal Trade Commission ~~as of January 1,~~
16 ~~2024;~~

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

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

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

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

24 (b) A broadband Internet access service as defined in 47 C.F.R.
25 8.1(b); or

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

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

30 (11) Personal data means any information, including derived data and
31 unique identifiers, that is linked or reasonably linkable, alone or in

1 combination with other information, to an identified or identifiable
2 individual or to a device that identifies, is linked to, or is reasonably
3 linkable to one or more identified or identifiable individuals in a
4 household. Personal data does not include publicly available data;

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

8 (13) Precise geolocation information means any data that identifies
9 within a radius of one thousand seven hundred fifty feet a covered
10 minor's present or past location or the present or past location of a
11 device that links or is linkable to a covered minor or any data that is
12 derived from a device that is used or intended to be used to locate a
13 covered minor within a radius of one thousand seven hundred fifty feet by
14 means of technology that includes a global positioning system that
15 provides latitude and longitude coordinates. Precise geolocation
16 information does not include the content of communications or any data
17 generated or connected to advanced utility metering infrastructure
18 systems or equipment for use by a utility;

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

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

27 (16) Publicly available data means data (a) that is lawfully made
28 available from federal, state, or local government records, (b) that a
29 business has a reasonable basis to believe is lawfully made available to
30 the general public by the individual or from widely distributed media, or
31 (c) that is made available by a person to whom the individual has

1 disclosed the data if the individual has not restricted the data to a
2 specific audience. Publicly available data does not mean biometric data
3 collected by a covered online service about a covered minor without the
4 covered minor's knowledge;

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

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

13 (b) Advertisements based on the context of an individual's current
14 search query, visit to an Internet website, or use of an online
15 application;

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

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

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

23 **Sec. 33.** A covered online service shall not:

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

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

30 **Sec. 34.** A covered online service shall:

31 (1) Provide a prominent, accessible, and responsive tool to allow a

1 covered minor to request that the covered minor's account be unpublished
2 or deleted; and

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

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

7 87-1304 (1) A covered online service shall provide each covered
8 minor with accessible and easy-to-use tools that ~~accomplish the following~~
9 ~~with respect to covered design features:~~

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

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

14 (c) Control the operation of all design features, including, but not
15 limited to, all covered design features, that are unnecessary in order to
16 provide the covered online service by allowing a covered minor to opt out
17 of the use of all unnecessary covered design features or categories of
18 unnecessary covered design features;

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

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

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

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

31 (3) A covered online service shall establish default settings for

1 the safeguards required by subsection (1) of this section at the option
2 or level that provides the highest protection available for the safety of
3 the covered minor.

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

6 87-1305 (1) A covered online service shall only collect and use the
7 minimum amount of a covered minor's personal data necessary to provide
8 the specific elements of an online service with which the covered minor
9 has knowingly engaged. Such personal data shall not be used for reasons
10 other than those for which it was collected.

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

16 (3) A covered online service shall only retain the personal data of
17 a covered minor as long as necessary to provide the specific elements of
18 an online service with which the covered minor has knowingly engaged.

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

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

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

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

1 knowingly engaged.

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

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

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

10 87-1306 (1) A covered online service shall provide parents with
11 tools to help parents protect and support minors using covered design
12 features of the covered online service. Such parental tools shall be
13 enabled by default for an individual the covered online service knows to
14 be a child.

15 (2) ~~A With respect to covered design features,~~ a covered online
16 service shall provide parents the ability to do the following for an
17 individual the covered online service knows to be a child or minor, as
18 applicable:

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

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

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

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

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

30 (3) A covered online service shall notify a covered minor ~~of a~~
31 ~~covered design feature~~ when any of the tools described in this section

1 are in effect and describe what settings have been applied.

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

4 87-1308 (1) A covered online service is prohibited from facilitating
5 advertisements for prohibited products, such as narcotic drugs, tobacco
6 products, gambling, and alcohol, to covered minors.

7 (2) A covered online service is prohibited from using dark patterns
8 ~~to subvert or impair covered minor autonomy, decisionmaking, or choice.~~

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

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

20 (b) In any case in which the total cash transaction amount,
21 including any taxes, fees, surcharges, assessments, and other
22 governmental charges, or the final cash amount paid out or returned to a
23 customer or employee ends with three, four, eight, or nine as the final
24 digit of the number of cents for the transaction, may round up such
25 number of cents to the nearest number of cents divisible by five; and

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

31 (2) This section shall not apply to any transaction for which

1 payment is made by any demand or negotiable instrument, electronic fund
2 transfer, check, gift card, money order, credit card, or other similar
3 instrument or method, except to the extent cash is disbursed to a
4 customer or employee.

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

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

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

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

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

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

23 (5) In a transaction involving both cash and noncash forms of
24 payment, payment by noncash or electronic means shall be applied first to
25 the amount due, with any remaining balance payable in cash.

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

30 (7) Any person selling goods or services shall not be in violation
31 of any state or local requirements, laws, regulations, or standards based

1 on any action taken in compliance with this section.

2 (8) Notwithstanding any other provision of law to the contrary,
3 including section 77-1737, any rounding under this section shall be
4 considered an administrative settlement of the physical payment and shall
5 not be construed as a release, discharge, remission, or commutation of
6 any tax, fee, or assessment within the meaning of Article VIII, section
7 4, of the Constitution of Nebraska. The underlying tax liability for any
8 transaction where rounding under this section applies remains the exact
9 amount calculated prior to such rounding, and any difference resulting
10 from the settlement of a cash transaction shall be accounted for as an
11 administrative adjustment for the physical impossibility of exact
12 currency exchange.

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

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

23 **Sec. 42.** Original section 87-302, Revised Statutes Supplement,
24 2025, is repealed.

25 **Sec. 43.** Original sections 8-2901, 25-2701, 30-2301, 30-2302,
26 30-2322, 30-2323, 30-2325, 30-3803, 30-38,103, 77-3503, 87-704, 87-706,
27 and 87-709, Reissue Revised Statutes of Nebraska, sections 30-3801 and
28 77-2004, Revised Statutes Cumulative Supplement, 2024, and sections
29 8-2701, 8-2702, 8-2711, 8-2742, 8-2903, 87-1301, 87-1302, 87-1304,
30 87-1305, 87-1306, and 87-1308, Revised Statutes Supplement, 2025, are
31 repealed.

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