

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 717

Introduced by Jacobson, 42.

Read first time January 07, 2026

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to banking and finance; to amend sections
2 8-1,124, 8-1502, 8-2102, and 45-741, Reissue Revised Statutes of
3 Nebraska, sections 8-3003, 8-3013, 45-735, and 45-737, Revised
4 Statutes Cumulative Supplement, 2024, sections 8-135, 8-141,
5 8-143.01, 8-157.01, 8-183.04, 8-1,140, 8-318, 8-355, 8-1101,
6 8-1101.01, 8-1704, 8-1707, 8-2742, 8-2903, 8-3005, 8-3007, 8-3033,
7 8-3034, 21-17,102, 21-17,115, 45-101.04, 45-335, 45-345, 45-349,
8 45-364, 59-1722, and 69-2103, Revised Statutes Supplement, 2025, and
9 section 4A-108, Uniform Commercial Code, Revised Statutes
10 Supplement, 2025; to adopt updates to federal law; to define and
11 redefine terms; to change provisions relating to notice of control
12 of certain banks and trust companies, capital and surplus
13 requirements for digital asset depository institutions, the maximum
14 general interest rate on certain loans, installment loans, mortgage
15 loan originators, and mortgage bankers; to change references to the
16 Nebraska Money Transmitters Act in the Controllable Electronic
17 Record Fraud Prevention Act; to harmonize provisions; to provide
18 operative dates; to repeal the original sections; and to declare an
19 emergency.

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

1 **Section 1.** Section 8-135, Revised Statutes Supplement, 2025, is
2 amended to read:

3 8-135 (1) All persons, regardless of age, may become depositors in
4 any bank and shall be subject to the same duties and liabilities
5 respecting their deposits. Whenever a deposit is accepted by any bank in
6 the name of any person, regardless of age, the deposit may be withdrawn
7 by the depositor by any of the following methods:

8 (a) Check or other instrument in writing. The check or other
9 instrument in writing constitutes a receipt or acquittance if the check
10 or other instrument in writing is signed by the depositor and constitutes
11 a valid release and discharge to the bank for all payments so made; or

12 (b) Electronic means through:

13 (i) Preauthorized direct withdrawal;

14 (ii) An automatic teller machine;

15 (iii) A debit card;

16 (iv) A transfer by telephone;

17 (v) A network, including the Internet; or

18 (vi) Any electronic terminal, computer, magnetic tape, or other
19 electronic means.

20 (2) All persons, individually or with others and regardless of age,
21 may enter into an agreement with a bank for the lease of a safe deposit
22 box and shall be bound by the terms of the agreement.

23 (3) This section shall not be construed to affect the rights,
24 liabilities, or responsibilities of participants in an electronic fund
25 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693
26 et seq., as such act existed on January 1, 2026 ~~2025~~, and shall not
27 affect the legal relationships between a minor and any person other than
28 the bank.

29 **Sec. 2.** Section 8-141, Revised Statutes Supplement, 2025, is amended
30 to read:

31 8-141 (1) No bank shall directly or indirectly loan to any single

1 corporation, limited liability company, firm, or individual, including in
2 such loans all loans made to the several members or shareholders of such
3 corporation, limited liability company, or firm, for the use and benefit
4 of such corporation, limited liability company, firm, or individual, more
5 than twenty-five percent of the paid-up capital, surplus, and capital
6 notes and debentures or fifteen percent of the unimpaired capital and
7 unimpaired surplus of such bank, whichever is greater. Such limitations
8 shall be subject to the following exceptions:

9 (a) Obligations of any person, partnership, limited liability
10 company, association, or corporation in the form of notes or drafts
11 secured by shipping documents or instruments transferring or securing
12 title covering livestock or giving a lien on livestock shall be subject
13 under this section to a limitation of ten percent of such capital,
14 surplus, and capital notes and debentures or ten percent of such
15 unimpaired capital and unimpaired surplus, whichever is greater, in
16 addition to such twenty-five percent of such capital and surplus or such
17 fifteen percent of such unimpaired capital and unimpaired surplus. To
18 qualify for the additional ten percent limit, the bank shall perfect a
19 security interest in the livestock under applicable law and the livestock
20 shall at all times have a current market value equal to at least one
21 hundred fifteen percent of the amount of the secured note that exceeds
22 twenty-five percent of the bank's capital, surplus, and capital notes and
23 debentures or fifteen percent of the bank's unimpaired capital and
24 unimpaired surplus;

25 (b) Obligations of any person, partnership, limited liability
26 company, association, or corporation secured by not less than a like
27 amount of bonds or notes of the United States issued since April 24,
28 1917, or certificates of indebtedness of the United States, treasury
29 bills of the United States, or obligations fully guaranteed both as to
30 principal and interest by the United States shall be subject under this
31 section to a limitation of ten percent of such capital, surplus, and

1 capital notes and debentures or ten percent of such unimpaired capital
2 and unimpaired surplus, whichever is greater, in addition to such twenty-
3 five percent of such capital and surplus or such fifteen percent of such
4 unimpaired capital and unimpaired surplus;

5 (c) Obligations of any person, partnership, limited liability
6 company, association, or corporation which are secured by negotiable
7 warehouse receipts shall be subject under this section to a limitation of
8 ten percent of such capital, surplus, and capital notes and debentures or
9 ten percent of such unimpaired capital and unimpaired surplus, whichever
10 is greater, in addition to such twenty-five percent of such capital,
11 surplus, and capital notes and debentures or such fifteen percent of such
12 unimpaired capital and unimpaired surplus. To qualify for the additional
13 ten percent limit, the receipts securing the obligations shall at all
14 times have a current market value equal to at least one hundred fifteen
15 percent of the amount of the obligations that exceeds twenty-five percent
16 of the bank's capital, surplus, and capital note and debentures or
17 fifteen percent of the bank's unimpaired capital and unimpaired surplus;
18 or

19 (d) Obligations of any person, partnership, limited liability
20 company, association, or corporation which are secured by readily
21 marketable collateral having a market value, as determined by reliable
22 and continuously available price quotations, in an amount at least equal
23 to the face amount of the note or notes secured by such collateral, shall
24 be subject under this section to a limitation of ten percent of such
25 capital, surplus, and capital notes and debentures or ten percent of such
26 unimpaired capital and unimpaired surplus, whichever is greater, in
27 addition to such twenty-five percent of such capital and surplus or such
28 fifteen percent of such unimpaired capital and unimpaired surplus.

29 (2)(a) For purposes of this section, the discounting of bills of
30 exchange, drawn in good faith against actually existing values, and the
31 discounting of commercial paper actually owned by the persons negotiating

1 the bills of exchange or commercial paper shall not be considered as the
2 lending of money.

3 (b) Loans or obligations shall not be subject to any limitation
4 under this section, based upon such capital and surplus or such
5 unimpaired capital and unimpaired surplus, to the extent that such
6 capital and surplus or such unimpaired capital and unimpaired surplus are
7 secured or covered by guaranties, or by commitments or agreements to take
8 over or to purchase such capital and surplus or such unimpaired capital
9 and unimpaired surplus, made by any federal reserve bank or by the United
10 States Government or any authorized agency thereof, including any
11 corporation wholly owned directly or indirectly by the United States, or
12 general obligations of any state of the United States or any political
13 subdivision of the state. The phrase general obligation of any state or
14 any political subdivision of the state means an obligation supported by
15 the full faith and credit of an obligor possessing general powers of
16 taxation, including property taxation, but does not include municipal
17 revenue bonds and sanitary and improvement district warrants which are
18 subject to the limitations set forth in this section.

19 (c) Any bank may subscribe to, invest in, purchase, and own single-
20 family mortgages secured by the Federal Housing Administration or the
21 United States Department of Veterans Affairs and mortgage-backed
22 certificates of the Government National Mortgage Association which are
23 guaranteed as to payment of principal and interest by the Government
24 National Mortgage Association. Such mortgages and certificates shall not
25 be subject under this section to any limitation based upon such capital
26 and surplus or such unimpaired capital and unimpaired surplus.

27 (d) Obligations representing loans to any national banking
28 association or to any banking institution organized under the laws of any
29 state, when such loans are approved by the director by rule and
30 regulation or otherwise, shall not be subject under this section to any
31 limitation based upon such capital and surplus or such unimpaired capital

1 and unimpaired surplus.

2 (e) Loans or extensions of credit secured by a segregated deposit
3 account in the lending bank shall not be subject under this section to
4 any limitation based on such capital and surplus or such unimpaired
5 capital and unimpaired surplus. The director may adopt and promulgate
6 rules and regulations governing the terms and conditions of such security
7 interest and segregated deposit account.

8 (f) For the purpose of determining lending limits, partnerships
9 shall not be treated as separate entities. Each individual shall be
10 charged with his or her personal debt plus the debt of every partnership
11 in which he or she is a partner, except that for purposes of this section

12 (a) an individual shall only be charged with the debt of any limited
13 partnership in which he or she is a partner to the extent that the terms
14 of the limited partnership agreement provide that such individual is to
15 be held liable for the debts or actions of such limited partnership and

16 (b) no individual shall be charged with the debt of any general
17 partnership in which he or she is a partner beyond the extent to which

18 (i) his or her liability for such partnership debt is limited by the
19 terms of a contract or other written agreement between the bank and such
20 individual and (ii) any personal debt of such individual is incurred for
21 the use and benefit of such general partnership.

22 (3) A loan made within lending limits at the initial time the loan
23 was made may be renewed, extended, or serviced without regard to changes
24 in the lending limit of a bank following the initial extension of the
25 loan if (a) the renewal, extension, or servicing of the loan does not
26 result in the extension of funds beyond the initial amount of the loan or
27 (b) the accrued interest on the loan is not added to the original amount
28 of the loan in the process of renewal, extension, or servicing.

29 (4) Any bank may purchase or take an interest in life insurance
30 contracts for any purpose incidental to the business of banking. A bank's
31 purchase of any life insurance contract, as measured by its cash

1 surrender value, from any one life insurance company shall not at any
2 time exceed twenty-five percent of the paid-up capital, surplus, and
3 capital notes and debentures of such bank or fifteen percent of the
4 unimpaired capital and unimpaired surplus of such bank, whichever is
5 greater. A bank's purchase of life insurance contracts, as measured by
6 their cash surrender values, in the aggregate from all life insurance
7 companies shall not at any time exceed thirty-five percent of the paid-up
8 capital, surplus, undivided profits, and capital notes and debentures of
9 such bank. The limitations under this subsection on a bank's purchase of
10 life insurance contracts, in the aggregate from all life insurance
11 companies, shall not apply to any contract purchased prior to April 5,
12 1994.

13 (5) On and after January 21, 2013, the director has the authority to
14 determine the manner and extent to which credit exposure resulting from
15 derivative transactions, repurchase agreements, reverse repurchase
16 agreements, securities lending transactions, and securities borrowing
17 transactions shall be taken into account for purposes of determining
18 compliance with this section. In making such determinations, the director
19 may, but is not required to, act by rule and regulation or order.

20 (6) For purposes of this section:

21 (a) Derivative transaction means any transaction that is a contract,
22 agreement, swap, warrant, note, or option that is based, in whole or in
23 part, on the value of, any interest in, or any quantitative measure or
24 the occurrence of any event relating to, one or more commodities,
25 securities, currencies, interest or other rates, indices, or other
26 assets;

27 (b) Loan includes:

28 (i) All direct and indirect advances of funds to a person made on
29 the basis of any obligation of that person to repay the funds or
30 repayable from specific property pledged by or on behalf of that person;

31 (ii) To the extent specified by rule and regulation or order of the

1 director, any liability of a state bank to advance funds to or on behalf
2 of a person pursuant to a contractual commitment; and

3 (iii) Any credit exposure to a person arising from a derivative
4 transaction, repurchase agreement, reverse repurchase agreement,
5 securities lending transaction, or securities borrowing transaction
6 between the bank and the person; and

7 (c) Unimpaired capital and unimpaired surplus means:

8 (i) For qualifying banks that have elected to use the community bank
9 leverage ratio framework, as set forth under the Capital Adequacy
10 Standards of the appropriate federal banking agency:

11 (A) The bank's tier 1 capital as reported according to the capital
12 guidelines of the appropriate federal banking agency; and

13 (B) The bank's allowance for loan and lease losses or allowance for
14 credit losses, as applicable, as reported in the most recent consolidated
15 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
16 existed on January 1, 2026 ~~2025~~; and

17 (ii) For all other banks:

18 (A) The bank's tier 1 and tier 2 capital included in the bank's
19 risk-based capital under the capital guidelines of the appropriate
20 federal banking agency, based on the bank's most recent consolidated
21 report of condition filed under 12 U.S.C. 1817(a)(3), as such section
22 existed on January 1, 2026 ~~2025~~; and

23 (B) The balance of the bank's allowance for loan and lease losses
24 not included in the bank's tier 2 capital for purposes of the calculation
25 of risk-based capital by the appropriate federal banking agency, based on
26 the bank's most recent consolidated report of condition filed under 12
27 U.S.C. 1817(a)(3), as such section existed on January 1, 2026 ~~2025~~.

28 (7) Notwithstanding the provisions of section 8-1,140, the director
29 may, by order, deny or limit the inclusion of goodwill in the calculation
30 of a bank's unimpaired capital and unimpaired surplus or in the
31 calculation of a bank's paid-up capital and surplus.

1 **Sec. 3.** Section 8-143.01, Revised Statutes Supplement, 2025, is
2 amended to read:

3 8-143.01 (1) No bank shall extend credit to any of its executive
4 officers, directors, or principal shareholders or to any related interest
5 of such persons in an amount that, when aggregated with the amount of all
6 other extensions of credit by the bank to that person and to all related
7 interests of that person, exceeds the higher of twenty-five thousand
8 dollars or five percent of the bank's unimpaired capital and unimpaired
9 surplus unless (a) the extension of credit has been approved in advance
10 by a majority vote of the entire board of directors of the bank, a record
11 of which shall be made and kept as a part of the records of such bank,
12 and (b) the interested party has abstained from participating directly or
13 indirectly in such vote.

14 (2) No bank shall extend credit to any of its executive officers,
15 directors, or principal shareholders or to any related interest of such
16 persons in an amount that, when aggregated with the amount of all other
17 extensions of credit by the bank to that person and to all related
18 interests of that person, exceeds five hundred thousand dollars except by
19 complying with the requirements of subdivisions (1)(a) and (b) of this
20 section.

21 (3) No bank shall extend credit to any of its executive officers,
22 and no such executive officer shall borrow from or otherwise become
23 indebted to his or her bank, except in the amounts and for the purposes
24 set forth in subsection (4) of this section.

25 (4) A bank shall be authorized to extend credit to any of its
26 executive officers:

27 (a) In any amount to finance the education of such executive
28 officer's children;

29 (b)(i) In any amount to finance or refinance the purchase,
30 construction, maintenance, or improvement of a residence of such
31 executive officer if the extension of credit is secured by a first lien

1 on the residence and the residence is owned or is expected to be owned
2 after the extension of credit by the executive officer and (ii) in the
3 case of a refinancing, only the amount of the refinancing used to repay
4 the original extension of credit, together with the closing costs of the
5 refinancing, and any additional amount thereof used for any of the
6 purposes enumerated in this subdivision are included within this category
7 of credit;

8 (c) In any amount if the extension of credit is (i) secured by a
9 perfected security interest in bonds, notes, certificates of
10 indebtedness, or treasury bills of the United States or in other such
11 obligations fully guaranteed as to principal and interest by the United
12 States, (ii) secured by unconditional takeout commitments or guarantees
13 of any department, agency, bureau, board, commission, or establishment of
14 the United States or any corporation wholly owned directly or indirectly
15 by the United States, or (iii) secured by a perfected security interest
16 in a segregated deposit account in the lending bank; or

17 (d) For any other purpose not specified in subdivisions (a), (b),
18 and (c) of this subsection if the aggregate amount of such other
19 extensions of credit to such executive officer does not exceed, at any
20 one time, the greater of two and one-half percent of the bank's
21 unimpaired capital and unimpaired surplus or twenty-five thousand
22 dollars, but in no event greater than one hundred thousand dollars or the
23 amount of the bank's lending limit as prescribed in section 8-141,
24 whichever is less.

25 (5)(a) Except as provided in subdivision (b) of this subsection, the
26 board of directors of a bank may obtain a credit report from a recognized
27 credit agency, on an annual basis, for any or all of its executive
28 officers.

29 (b) Subdivision (a) of this subsection does not apply to any
30 executive officer if such officer is excluded by a resolution of the
31 board of directors or by the bylaws of the bank from participating in the

1 major policymaking functions of the bank and does not actually
2 participate in the major policymaking functions of the bank.

3 (6) No bank shall extend credit to any of its executive officers,
4 directors, or principal shareholders or to any related interest of such
5 persons in an amount that, when aggregated with the amount of all other
6 extensions of credit by the bank to that person and to all related
7 interests of that person, exceeds the lending limit of the bank as
8 prescribed in section 8-141.

9 (7)(a) Except as provided in subdivision (b) of this subsection, no
10 bank shall extend credit to any of its executive officers, directors, or
11 principal shareholders or to any related interest of such persons unless
12 the extension of credit (i) is made on substantially the same terms,
13 including interest rates and collateral, as, and following credit-
14 underwriting procedures that are not less stringent than, those
15 prevailing at the time for comparable transactions by the bank with other
16 persons that are not covered by this section and who are not employed by
17 the bank and (ii) does not involve more than the normal risk of repayment
18 or present other unfavorable features.

19 (b) Nothing in subdivision (a) of this subsection shall prohibit any
20 extension of credit made by a bank pursuant to a benefit or compensation
21 program under the provisions of 12 C.F.R. 215.4(a)(2), as such regulation
22 existed on January 1, 2026 ~~2025~~.

23 (8) For purposes of this section:

24 (a) Executive officer means a person who participates or has
25 authority to participate, other than in the capacity of director, in the
26 major policymaking functions of the bank, whether or not the officer has
27 an official title, the title designates such officer as an assistant, or
28 such officer is serving without salary or other compensation. Executive
29 officer includes the chairperson of the board of directors, the
30 president, all vice presidents, the cashier, the corporate secretary, and
31 the treasurer, unless the executive officer is excluded by a resolution

1 of the board of directors or by the bylaws of the bank from
2 participating, other than in the capacity of director, in the major
3 policymaking functions of the bank, and the executive officer does not
4 actually participate in such functions. A manager or assistant manager of
5 a branch of a bank shall not be considered to be an executive officer
6 unless such individual participates or is authorized to participate in
7 the major policymaking functions of the bank; and

8 (b) Unimpaired capital and unimpaired surplus means the sum of:

9 (i) The total equity capital of the bank reported on its most recent
10 consolidated report of condition filed under section 8-166;

11 (ii) Any subordinated notes and debentures approved as an addition
12 to the bank's capital structure by the appropriate federal banking
13 agency; and

14 (iii) Any valuation reserves created by charges to the bank's income
15 reported on its most recent consolidated report of condition filed under
16 section 8-166.

17 (9) Any executive officer, director, or principal shareholder of a
18 bank or any other person who intentionally violates this section or who
19 aids, abets, or assists in a violation of this section is guilty of a
20 Class IV felony.

21 (10) The Director of Banking and Finance may adopt and promulgate
22 rules and regulations to carry out this section, including rules and
23 regulations defining or further defining terms used in this section,
24 consistent with the provisions of 12 U.S.C. 84 and implementing
25 Regulation 0 as such section and regulation existed on January 1, 2026
26 ~~2025~~.

27 **Sec. 4.** Section 8-157.01, Revised Statutes Supplement, 2025, is
28 amended to read:

29 8-157.01 (1) Any establishing financial institution may establish
30 and maintain any number of automatic teller machines at which all banking
31 transactions, defined as receiving deposits of every kind and nature and

1 crediting such to customer accounts, cashing checks and cash withdrawals,
2 transferring funds from checking accounts to savings accounts,
3 transferring funds from savings accounts to checking accounts,
4 transferring funds from either checking accounts and savings accounts to
5 accounts of other customers, transferring payments from customer accounts
6 into accounts maintained by other customers of the financial institution
7 or the financial institution, including preauthorized draft authority,
8 preauthorized loans, and credit transactions, receiving payments payable
9 at the financial institution or otherwise, account balance inquiry, and
10 any other transaction incidental to the business of the financial
11 institution or which will provide a benefit to the financial
12 institution's customers or the general public, may be conducted. Any
13 automatic teller machine owned by a nonfinancial institution third party
14 shall be sponsored by an establishing financial institution. Neither such
15 automatic teller machines nor the transactions conducted thereat shall be
16 construed as the establishment of a branch or as branch banking.

17 (2) Any financial institution may become a user financial
18 institution by agreeing to pay the establishing financial institution the
19 automatic teller machine usage fee. Such agreement shall be implied by
20 the use of such automatic teller machines.

21 (3)(a)(i) All automatic teller machines shall be made available on a
22 nondiscriminating basis for use by Nebraska customers of a user financial
23 institution and (ii) all Nebraska automatic teller machine transactions
24 initiated by Nebraska customers of a user financial institution shall be
25 made on a nondiscriminating basis.

26 (b) It shall not be deemed discrimination if (i) an automatic teller
27 machine does not offer the same transaction services as other automatic
28 teller machines, (ii) there are no automatic teller machine usage fees
29 charged between affiliate financial institutions for the use of automatic
30 teller machines, (iii) the automatic teller machine usage fees of an
31 establishing financial institution that authorizes and directly or

1 indirectly routes Nebraska automatic teller machine transactions to
2 multiple switches, all of which comply with the requirements of
3 subdivision (3)(d) of this section, differ solely based upon the fees
4 established by the switches, (iv) automatic teller machine usage fees
5 differ based upon whether the transaction initiated at an automatic
6 teller machine is subject to a surcharge or provided on a surcharge-free
7 basis, or (v) the automatic teller machines established or sponsored by
8 an establishing financial institution are made available for use by
9 Nebraska customers of any user financial institution which agrees to pay
10 the automatic teller machine usage fee and which conforms to the
11 operating rules and technical standards established by the switch to
12 which a Nebraska automatic teller machine transaction is directly or
13 indirectly routed.

14 (c) The director, upon notice and after a hearing, may terminate or
15 suspend the use of any automatic teller machine if he or she determines
16 that the automatic teller machine is not made available on a
17 nondiscriminating basis or that Nebraska automatic teller machine
18 transactions initiated at such automatic teller machine are not made on a
19 nondiscriminating basis.

20 (d) A switch (i) shall provide to all financial institutions that
21 have a main office or approved branch located in the State of Nebraska
22 and that conform to the operating rules and technical standards
23 established by the switch an equal opportunity to participate in the
24 switch for the use of and access thereto; (ii) shall be capable of
25 operating to accept and route Nebraska automatic teller machine
26 transactions, whether receiving data from an automatic teller machine, an
27 establishing financial institution, or a data processing center; and
28 (iii) shall be capable of being directly or indirectly connected to every
29 data processing center for any automatic teller machine.

30 (e) The director, upon notice and after a hearing, may terminate or
31 suspend the operation of any switch with respect to all Nebraska

1 automatic teller machine transactions if he or she determines that the
2 switch is not being operated in the manner required under subdivision (3)
3 (d) of this section.

4 (f) Subject to the requirement for a financial institution to comply
5 with this subsection, no user financial institution or establishing
6 financial institution shall be required to become a member of any
7 particular switch.

8 (4) Any consumer initiating an electronic funds transfer at an
9 automatic teller machine for which an automatic teller machine surcharge
10 will be imposed shall receive notice in accordance with the provisions of
11 15 U.S.C. 1693b(d)(3)(A) and (B), as such section existed on January 1,
12 2026 ~~2025~~. Such notice shall appear on the screen of the automatic teller
13 machine or appear on a paper notice issued from such machine after the
14 transaction is initiated and before the consumer is irrevocably committed
15 to completing the transaction.

16 (5) A point-of-sale terminal may be established at any point within
17 this state by a financial institution, a group of two or more financial
18 institutions, or a combination of a financial institution or financial
19 institutions and a third party or parties. Such parties may contract with
20 a seller of goods and services or any other third party for the operation
21 of point-of-sale terminals.

22 (6) A seller of goods and services or any other third party on whose
23 premises one or more point-of-sale terminals are established shall not
24 be, solely by virtue of such establishment, a financial institution and
25 shall not be subject to the laws governing, or other requirements imposed
26 on, financial institutions, except for the requirement that it faithfully
27 perform its obligations in connection with any transaction originated at
28 any point-of-sale terminal on its premises.

29 (7) Nothing in this section shall be construed to prohibit nonbank
30 employees from assisting in transactions originated at automatic teller
31 machines or point-of-sale terminals, and such assistance shall not be

1 deemed to be engaging in the business of banking.

2 (8)(a) Annually by September 1, any entity operating as a switch in
3 Nebraska shall file a notice with the department setting forth its name,
4 address, and contact information for an officer authorized to answer
5 inquiries related to its operations in Nebraska.

6 (b) Any entity intending to operate in Nebraska as a switch shall
7 file a notice with the department setting forth its name, address, and
8 contact information for an officer authorized to answer inquiries related
9 to its operations in Nebraska. Such notice shall be filed at least thirty
10 days prior to the date on which the switch commences operations, and
11 thereafter annually by September 1.

12 (9) Nothing in this section prohibits ordinary clearinghouse
13 transactions between financial institutions.

14 (10) Nothing in this section shall prevent any financial institution
15 which has a main chartered office or an approved branch located in the
16 State of Nebraska from participating in a national automatic teller
17 machine program to allow its customers to use automatic teller machines
18 located outside of the State of Nebraska which are established by out-of-
19 state financial institutions or foreign financial institutions or to
20 allow customers of out-of-state financial institutions or foreign
21 financial institutions to use its automatic teller machines. Such
22 participation and any automatic teller machine usage fees charged or
23 received pursuant to the national automatic teller machine program or
24 usage fees charged for the use of its automatic teller machines by
25 customers of out-of-state financial institutions or foreign financial
26 institutions shall not be considered for purposes of determining (a) if
27 an automatic teller machine has been made available or Nebraska automatic
28 teller machine transactions have been made on a nondiscriminating basis
29 for use by Nebraska customers of a user financial institution or (b) if a
30 switch complies with subdivision (3)(d) of this section.

31 (11) An agreement to operate or share an automatic teller machine

1 may not prohibit, limit, or restrict the right of the operator or owner
2 of the automatic teller machine to charge a customer conducting a
3 transaction using an account from a foreign financial institution an
4 access fee or surcharge not otherwise prohibited under state or federal
5 law.

6 (12) Switch fees shall not be subject to this section or be
7 regulated by the department.

8 (13) Nothing in this section shall prevent a group of two or more
9 credit unions, each of which has a main chartered office or an approved
10 branch located in the State of Nebraska, from participating in a credit
11 union service organization organized on or before January 1, 2015, for
12 the purpose of owning automatic teller machines, provided that all
13 participating credit unions have an ownership interest in the credit
14 union service organization and that the credit union service organization
15 has an ownership interest in each of the participating credit unions'
16 automatic teller machines. Such participation and any automatic teller
17 machine usage fees associated with Nebraska automatic teller machine
18 transactions initiated by customers of participating credit unions at
19 such automatic teller machines shall not be considered for purposes of
20 determining if such automatic teller machines have been made available on
21 a nondiscriminating basis or if Nebraska automatic teller machine
22 transactions initiated at such automatic teller machines have been made
23 on a nondiscriminating basis, provided that all Nebraska automatic teller
24 machine transactions initiated by customers of participating credit
25 unions result in the same automatic teller machine usage fees for
26 essentially the same service routed over the same switch.

27 (14) Nebraska automatic teller machine usage fees and any agreements
28 relating to Nebraska automatic teller machine usage fees shall comply
29 with subsection (3) of this section.

30 (15) For purposes of this section:

31 (a) Access means the ability to utilize an automatic teller machine

1 or a point-of-sale terminal to conduct permitted banking transactions or
2 purchase goods and services electronically;

3 (b) Account means a checking account, a savings account, a share
4 account, or any other customer asset account held by a financial
5 institution. Such an account may also include a line of credit which a
6 financial institution has agreed to extend to its customer;

7 (c) Affiliate financial institution means any financial institution
8 which is a subsidiary of the same bank holding company;

9 (d) Automatic teller machine usage fee means any per transaction fee
10 established by a switch or otherwise established on behalf of an
11 establishing financial institution and collected from the user financial
12 institution and paid to the establishing financial institution for the
13 use of the automatic teller machine. An automatic teller machine usage
14 fee shall not include switch fees;

15 (e) Electronic funds transfer means any transfer of funds, other
16 than a transaction originated by check, draft, or similar paper
17 instrument, that is initiated through a point-of-sale terminal, an
18 automatic teller machine, or a personal terminal for the purpose of
19 ordering, instructing, or authorizing a financial institution to debit or
20 credit an account;

21 (f) Essentially the same service means the same Nebraska automatic
22 teller machine transaction offered by an establishing financial
23 institution irrespective of the user financial institution, the Nebraska
24 customer of which initiates the Nebraska automatic teller machine
25 transaction. A Nebraska automatic teller machine transaction that is
26 subject to a surcharge is not essentially the same service as the same
27 banking transaction for which a surcharge is not imposed;

28 (g) Establishing financial institution means any financial
29 institution which has a main chartered office or approved branch located
30 in the State of Nebraska that establishes or sponsors an automatic teller
31 machine or any out-of-state financial institution that establishes or

1 sponsors an automatic teller machine;

2 (h) Financial institution means a bank, savings bank, building and
3 loan association, savings and loan association, or credit union, whether
4 chartered by the department, the United States, or a foreign state
5 agency; any other similar organization which is covered by federal
6 deposit insurance; or a subsidiary of any such entity;

7 (i) Foreign financial institution means a financial institution
8 located outside the United States;

9 (j) Nebraska automatic teller machine transaction means a banking
10 transaction as defined in subsection (1) of this section which is (i)
11 initiated at an automatic teller machine established in whole or in part
12 or sponsored by an establishing financial institution, (ii) for an
13 account of a Nebraska customer of a user financial institution, and (iii)
14 processed through a switch regardless of whether it is routed directly or
15 indirectly from an automatic teller machine;

16 (k) Personal terminal means a personal computer and telephone,
17 wherever located, operated by a customer of a financial institution for
18 the purpose of initiating a transaction affecting an account of the
19 customer;

20 (l) Sponsoring an automatic teller machine means the acceptance of
21 responsibility by an establishing financial institution for compliance
22 with all provisions of law governing automatic teller machines and
23 Nebraska automatic teller machine transactions in connection with an
24 automatic teller machine owned by a nonfinancial institution third party;

25 (m) Switch fee means a fee established by a switch and assessed to a
26 user financial institution or to an establishing financial institution
27 other than an automatic teller machine usage fee; and

28 (n) User financial institution means any financial institution which
29 has a main chartered office or approved branch located in the State of
30 Nebraska which avails itself of and provides its customers with automatic
31 teller machine services.

1 **Sec. 5.** Section 8-183.04, Revised Statutes Supplement, 2025, is
2 amended to read:

3 8-183.04 (1) Notwithstanding any other provision of the Nebraska
4 Banking Act or any other Nebraska law, a state or federal savings
5 association which was formed and in operation as a mutual savings
6 association as of July 15, 1998, may elect to retain its mutual form of
7 corporate organization upon conversion to a state bank.

8 (2) All references to shareholders or stockholders for state banks
9 shall be deemed to be references to members for such a converted savings
10 association.

11 (3) The amount and type of capital required for such a converted
12 savings association shall be as required for federal mutual savings
13 associations in 12 C.F.R. 5.21, as such regulation existed on January 1,
14 2026 ~~2025~~, except that if at any time the department determines that the
15 capital of such a converted savings association is impaired, the director
16 may require the members to make up the capital impairment.

17 (4) The director may adopt and promulgate rules and regulations
18 governing such converted mutual savings associations. In adopting and
19 promulgating such rules and regulations, the director may consider the
20 provisions of sections 8-301 to 8-384 governing savings associations in
21 mutual form of corporate organization.

22 **Sec. 6.** Section 8-1,124, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 8-1,124 As used in sections 8-1,124 to 8-1,129, unless the context
25 otherwise requires:

26 (1) Emergency means any condition or occurrence, actual or
27 threatened, which interferes physically with the conduct of normal
28 business operations at one or more or all of the offices of a financial
29 institution, or which poses an imminent or existing threat to the safety
30 or security of persons or property, or both, including, but not limited
31 to, fire, flood, earthquake, hurricane, wind, rain, snow storm, labor

1 dispute and strike, power failure, cybersecurity event as defined in
2 section 87-1201, transportation failure, interruption of a communication
3 facility, shortage of fuel, housing, food, transportation, or labor,
4 robbery or attempted robbery, actual or threatened enemy attack, epidemic
5 or other catastrophe, riot, civil commotion, and any other act of
6 lawlessness or violence, actual or threatened;

7 (2) Financial institution means a bank, savings bank, building and
8 loan association, savings and loan association, credit union, or trust
9 company, or any office thereof, chartered by the department;

10 (3) Office means any place at which a financial institution
11 transacts its business or conducts operations related to its business;
12 and

13 (4) Officers means the person or persons designated by the board of
14 directors, supervisory committee, or other governing body of a financial
15 institution, to act for such financial institution in an emergency or, in
16 the absence of any such designation or of such officer or officers, the
17 president or any other officer in charge of such financial institution or
18 of such office or offices.

19 **Sec. 7.** Section 8-1,140, Revised Statutes Supplement, 2025, is
20 amended to read:

21 8-1,140 Notwithstanding any of the other provisions of the Nebraska
22 Banking Act or any other Nebraska statute, any bank incorporated under
23 the laws of this state and organized under the provisions of the act, or
24 under the laws of this state as they existed prior to May 9, 1933, shall
25 directly, or indirectly through a department, a subsidiary, or
26 subsidiaries, have all the rights, powers, privileges, benefits, and
27 immunities which may be exercised as of January 1, 2026 ~~2025~~, by a
28 federally chartered bank doing business in Nebraska, including the
29 exercise of all powers and activities that are permitted for a financial
30 subsidiary of a federally chartered bank. Such rights, powers,
31 privileges, benefits, and immunities shall not relieve such bank from

1 payment of state taxes assessed under any applicable laws of this state.

2 **Sec. 8.** Section 8-318, Revised Statutes Supplement, 2025, is amended
3 to read:

4 8-318 (1)(a) Shares of stock in any association, or in any federal
5 savings and loan association incorporated under the provisions of the
6 federal Home Owners' Loan Act, with its principal office and place of
7 business in this state, may be subscribed for, held, transferred,
8 surrendered, withdrawn, and forfeited and payments thereon received and
9 receipted for by any person, regardless of age, in the same manner and
10 with the same binding effect as though such person were of the age of
11 majority, except that a minor or his or her estate shall not be bound on
12 his or her subscription to stock except to the extent of payments
13 actually made thereon.

14 (b) Whenever a share account is accepted by any building and loan
15 association in the name of any person, regardless of age, the deposit may
16 be withdrawn by the shareholder by any of the following methods:

17 (i) Check or other instrument in writing. The check or other
18 instrument in writing constitutes a receipt or acquittance if the check
19 or other instrument in writing is signed by the shareholder and
20 constitutes a valid release in discharge to the building and loan
21 association for all payments so made; or

22 (ii) Electronic means through:

23 (A) Preauthorized direct withdrawal;

24 (B) An automatic teller machine;

25 (C) A debit card;

26 (D) A transfer by telephone;

27 (E) A network, including the Internet; or

28 (F) Any electronic terminal, computer, magnetic tape, or other
29 electronic means.

30 (c) This section shall not be construed to affect the rights,
31 liabilities, or responsibilities of participants in an electronic fund

1 transfer under the federal Electronic Fund Transfer Act, 15 U.S.C. 1693
2 et seq., as it existed on January 1, ~~2026~~ 2025, and shall not affect the
3 legal relationships between a minor and any person other than the
4 building and loan association.

5 (2) All trustees, guardians, personal representatives,
6 administrators, and conservators appointed by the courts of this state
7 may invest and reinvest in, acquire, make withdrawals in whole or in
8 part, hold, transfer, or make new or additional investments in or
9 transfers of shares of stock in any (a) building and loan association
10 organized under the laws of the State of Nebraska or (b) federal savings
11 and loan association incorporated under the provisions of the federal
12 Home Owners' Loan Act, having its principal office and place of business
13 in this state, without an order of approval from any court.

14 (3) Trustees created solely by the terms of a trust instrument may
15 invest in, acquire, hold, and transfer such shares, and make withdrawals,
16 in whole or in part, therefrom, without any order of court, unless
17 expressly limited, restricted, or prohibited therefrom by the terms of
18 such trust instrument.

19 (4) All building and loan associations referred to in this section
20 are qualified to act as trustee or custodian within the provisions of the
21 federal Self-Employed Individuals Tax Retirement Act of 1962, as amended,
22 or under the terms and provisions of section 408(a) of the Internal
23 Revenue Code, if the provisions of such retirement plan require the funds
24 of such trust or custodianship to be invested exclusively in shares or
25 accounts in the association or in other associations. If any such
26 retirement plan, within the judgment of the association, constitutes a
27 qualified plan under the federal Self-Employed Individuals Tax Retirement
28 Act of 1962, or under the terms and provisions of section 408(a) of the
29 Internal Revenue Code, and the regulations promulgated thereunder at the
30 time the trust was established and accepted by the association, is
31 subsequently determined not to be such a qualified plan or subsequently

1 ceases to be such a qualified plan, in whole or in part, the association
2 may continue to act as trustee of any deposits theretofore made under
3 such plan and to dispose of the same in accordance with the directions of
4 the member and beneficiaries thereof. No association, in respect to
5 savings made under this section, shall be required to segregate such
6 savings from other assets of the association. The association shall keep
7 appropriate records showing in proper detail all transactions engaged in
8 under the authority of this section.

9 **Sec. 9.** Section 8-355, Revised Statutes Supplement, 2025, is amended
10 to read:

11 8-355 Notwithstanding any of the provisions of Chapter 8, article 3,
12 or any other Nebraska statute, except as provided in section 8-345.02,
13 any association incorporated under the laws of the State of Nebraska and
14 organized under the provisions of such article shall have all the rights,
15 powers, privileges, benefits, and immunities which may be exercised as of
16 January 1, ~~2026~~ 2025, by a federal savings and loan association doing
17 business in Nebraska. Such rights, powers, privileges, benefits, and
18 immunities shall not relieve such association from payment of state taxes
19 assessed under any applicable laws of this state.

20 **Sec. 10.** Section 8-1101, Revised Statutes Supplement, 2025, is
21 amended to read:

22 8-1101 For purposes of the Securities Act of Nebraska, unless the
23 context otherwise requires:

24 (1) Agent means any individual other than a broker-dealer who
25 represents a broker-dealer or issuer in effecting or attempting to effect
26 sales of securities, but agent does not include an individual who
27 represents (a) an issuer in (i) effecting a transaction in a security
28 exempted by subdivision (6), (7), or (8) of section 8-1110, (ii)
29 effecting certain transactions exempted by section 8-1111, (iii)
30 effecting transactions in a federal covered security as described in
31 section 18(b)(3) of the Securities Act of 1933, or (iv) effecting

1 transactions with existing employees, limited liability company members,
2 partners, or directors of the issuer or any of its subsidiaries if no
3 commission or other remuneration is paid or given directly or indirectly
4 for soliciting any person in this state or (b) a broker-dealer in
5 effecting transactions described in section 15(h)(2) of the Securities
6 Exchange Act of 1934. A partner, limited liability company member,
7 officer, or director of a broker-dealer is an agent only if he or she
8 otherwise comes within this definition;

9 (2) Broker-dealer means any person engaged in the business of
10 effecting transactions in securities for the account of others or for his
11 or her own account. Broker-dealer does not include (a) an issuer-dealer,
12 agent, bank, savings institution, or trust company, (b) an issuer
13 effecting a transaction in its own security exempted by subdivision (5)
14 (a), (b), (c), (d), (e), or (f) of section 8-1110 or which qualifies as a
15 federal covered security pursuant to section 18(b)(1) of the Securities
16 Act of 1933, (c) a person who has no place of business in this state if
17 he or she effects transactions in this state exclusively with or through
18 the issuers of the securities involved in the transactions, other broker-
19 dealers, or banks, savings institutions, credit unions, trust companies,
20 insurance companies, investment companies as defined in the Investment
21 Company Act of 1940, pension or profit-sharing trusts, or other financial
22 institutions or institutional buyers, whether acting for themselves or as
23 trustees, (d) a person who is registered as a broker-dealer with the
24 Securities and Exchange Commission under the Securities Exchange Act of
25 1934 and has no place of business in this state if during any period of
26 twelve consecutive months he or she does not effect transactions in
27 securities or offer to effect transactions with more than five people in
28 this state in any manner to persons other than those specified in
29 subdivision (2)(c) of this section, ~~or~~ (e) a person who is a resident of
30 Canada and who has no office or other physical presence in Nebraska if
31 the following conditions are satisfied: (i) The person must be registered

1 with, or be a member of, a securities self-regulatory organization in
2 Canada or a stock exchange in Canada; (ii) the person must maintain, in
3 good standing, its provisional or territorial registration or membership
4 in a securities self-regulatory organization in Canada, or stock exchange
5 in Canada; (iii) the person effects, or attempts to effect, (A) a
6 transaction with or for a Canadian client who is temporarily present in
7 this state and with whom the Canadian broker-dealer had a bona fide
8 customer relationship before the client entered this state or (B) a
9 transaction with or for a Canadian client in a self-directed tax
10 advantaged retirement plan in Canada of which that client is the holder
11 or contributor; and (iv) the person complies with all provisions of the
12 Securities Act of Nebraska relating to the disclosure of material
13 information in connection with the transaction, or (f) a person that is
14 exempt from registration as a broker-dealer with the Securities and
15 Exchange Commission pursuant to Section 15(b)(13) of the Securities and
16 Exchange Act of 1934;

17 (3) Department means the Department of Banking and Finance. Director
18 means the Director of Banking and Finance of the State of Nebraska except
19 as further provided in section 8-1120;

20 (4) Federal covered adviser means a person who is registered under
21 section 203 of the Investment Advisers Act of 1940;

22 (5) Federal covered security means any security described as a
23 covered security under section 18(b) of the Securities Act of 1933 or
24 rules and regulations under the act;

25 (6) Guaranteed means guaranteed as to payment of principal,
26 interest, or dividends;

27 (7) Investment adviser means any person who for compensation engages
28 in the business of advising others, either directly or through
29 publications or writings, as to the value of securities or as to the
30 advisability of investing in, purchasing, or selling securities or who
31 for compensation and as a part of a regular business issues or

1 promulgates analyses or reports concerning securities. Investment adviser
2 also includes financial planners and other persons who, as an integral
3 component of other financially related services, provide the foregoing
4 investment advisory services to others for compensation and as part of a
5 business or who hold themselves out as providing the foregoing investment
6 advisory services to others for compensation. Investment adviser does not
7 include (a) an investment adviser representative, (b) a bank, savings
8 institution, or trust company, (c) a lawyer, accountant, engineer, or
9 teacher whose performance of these services is solely incidental to the
10 practice of his or her profession, (d) a broker-dealer or its agent whose
11 performance of these services is solely incidental to its business as a
12 broker-dealer and who receives no special compensation for them, (e) an
13 issuer-dealer, (f) a publisher of any bona fide newspaper, news column,
14 newsletter, news magazine, or business or financial publication or
15 service, whether communicated in hard copy form, by electronic means, or
16 otherwise which does not consist of the rendering of advice on the basis
17 of the specific investment situation of each client, (g) a person who has
18 no place of business in this state if (i) his or her only clients in this
19 state are other investment advisers, federal covered advisers, broker-
20 dealers, banks, savings institutions, credit unions, trust companies,
21 insurance companies, investment companies as defined in the Investment
22 Company Act of 1940, pension or profit-sharing trusts, or other financial
23 institutions or institutional buyers, whether acting for themselves or as
24 trustees, or (ii) during the preceding twelve-month period, he or she has
25 had five or fewer clients who are residents of this state other than
26 those persons specified in subdivision (g)(i) of this subdivision, (h)
27 any person that is a federal covered adviser or is excluded from the
28 definition of investment adviser under section 202 of the Investment
29 Adviser Act of 1940, or (i) such other persons not within the intent of
30 this subdivision as the director may by rule and regulation or order
31 designate;

1 (8) Investment adviser representative means any partner, limited
2 liability company member, officer, or director or any person occupying a
3 similar status or performing similar functions of a partner, limited
4 liability company member, officer, or director or other individual,
5 except clerical or ministerial personnel, who is employed by or
6 associated with an investment adviser that is registered or required to
7 be registered under the Securities Act of Nebraska or who has a place of
8 business located in this state and is employed by or associated with a
9 federal covered adviser, and who (a) makes any recommendations or
10 otherwise renders advice regarding securities, (b) manages accounts or
11 portfolios of clients, (c) determines which recommendation or advice
12 regarding securities should be given, (d) solicits, offers, or negotiates
13 for the sale of or sells investment advisory services, or (e) supervises
14 employees who perform any of the foregoing;

15 (9) Issuer means any person who issues or proposes to issue any
16 security, except that (a) with respect to certificates of deposit,
17 voting-trust certificates, or collateral-trust certificates or with
18 respect to certificates of interest or shares in an unincorporated
19 investment trust not having a board of directors, or persons performing
20 similar functions, or of the fixed, restricted management, or unit type,
21 the term issuer means the person or persons performing the acts and
22 assuming the duties of depositor or manager pursuant to the provisions of
23 the trust or other agreement or instrument under which the security is
24 issued and (b) with respect to a fractional or pooled interest in a
25 viatical settlement contract, issuer means the person who creates, for
26 the purpose of sale, the fractional or pooled interest. In the case of a
27 viatical settlement contract that is not fractionalized or pooled, issuer
28 means the person effecting a transaction with a purchaser of such
29 contract;

30 (10) Issuer-dealer means (a) any issuer located in the State of
31 Nebraska or (b) any issuer which registered its securities by

1 qualification who proposes to sell to the public of the State of Nebraska
2 the securities that it issues without the benefit of another registered
3 broker-dealer. Such securities shall have been approved for sale in the
4 State of Nebraska pursuant to section 8-1104;

5 (11) Nonissuer means not directly or indirectly for the benefit of
6 the issuer;

7 (12) Person means an individual, a corporation, a partnership, a
8 limited liability company, an association, a joint-stock company, a trust
9 in which the interests of the beneficiaries are evidenced by a security,
10 an unincorporated organization, a government, or a political subdivision
11 of a government;

12 (13) Sale or sell includes every contract of sale of, contract to
13 sell, or disposition of a security or interest in a security for value.
14 Offer or offer to sell includes every attempt or offer to dispose of, or
15 solicitation of an offer to buy, a security or interest in a security for
16 value. Any security given or delivered with or as a bonus on account of
17 any purchase of securities or any other thing is considered to constitute
18 part of the subject of the purchase and to have been offered and sold for
19 value. A purported gift of assessable stock shall be considered to
20 involve an offer and sale. Every sale or offer of a warrant or right to
21 purchase or subscribe to another security of the same or another issuer,
22 as well as every sale or offer of a security which gives the holder a
23 present or future right or privilege to convert into another security of
24 the same or another issuer, shall be considered to include an offer of
25 the other security;

26 (14) Security means any note, stock, treasury stock, bond,
27 debenture, units of beneficial interest in a real estate trust, evidence
28 of indebtedness, certificate of interest or participation in any profit-
29 sharing agreement, collateral-trust certificate, preorganization
30 certificate or subscription, transferable share, investment contract,
31 viatical settlement contract or any fractional or pooled interest in such

1 contract, membership interest in any limited liability company organized
2 under Nebraska law or any other jurisdiction unless otherwise excluded
3 from this definition, voting-trust certificate, certificate of deposit
4 for a security, certificate of interest or participation in an oil, gas,
5 or mining title or lease or in payments out of production under such a
6 title or lease, in general any interest or instrument commonly known as a
7 security, or any certificate of interest or participation in, temporary
8 or interim certificate for, guarantee of, or warrant or right to
9 subscribe to or purchase any of the foregoing. Security does not include
10 any insurance or endowment policy or annuity contract issued by an
11 insurance company. Security also does not include a membership interest
12 in a limited liability company when all of the following exist: (a) The
13 member enters into a written commitment to be engaged actively and
14 directly in the management of the limited liability company; and (b) all
15 members of the limited liability company are actively engaged in the
16 management of the limited liability company. For the limited purposes of
17 determining professional malpractice insurance premiums, a security
18 issued through a transaction that is exempted pursuant to subdivision
19 (23) of section 8-1111 shall not be considered a security;

20 (15) State means any state, territory, or possession of the United
21 States as well as the District of Columbia and Puerto Rico; and

22 (16) Viatical settlement contract means an agreement for the
23 purchase, sale, assignment, transfer, devise, or bequest of all or any
24 portion of the death benefit or ownership of a life insurance policy or
25 contract for consideration which is less than the expected death benefit
26 of the life insurance policy or contract. Viatical settlement contract
27 does not include (a) the assignment, transfer, sale, devise, or bequest
28 of a death benefit of a life insurance policy or contract made by the
29 viator to an insurance company or to a viatical settlement provider or
30 broker licensed pursuant to the Viatical Settlements Act, (b) the
31 assignment of a life insurance policy or contract to a bank, savings

1 bank, savings and loan association, credit union, or other licensed
2 lending institution as collateral for a loan, or (c) the exercise of
3 accelerated benefits pursuant to the terms of a life insurance policy or
4 contract and consistent with applicable law.

5 **Sec. 11.** Section 8-1101.01, Revised Statutes Supplement, 2025, is
6 amended to read:

7 8-1101.01 For purposes of the Securities Act of Nebraska:

8 (1) Fair practice or ethical rules or standards promulgated by the
9 Securities and Exchange Commission, the Financial Industry Regulatory
10 Authority, or a self-regulatory organization approved by the Securities
11 and Exchange Commission means such practice, rules, or standards as they
12 existed on January 1, 2026 ~~2025~~;

13 (2) Federal rules and regulations adopted under the Investment
14 Advisers Act of 1940 or the Securities Act of 1933 means such rules and
15 regulations as they existed on January 1, 2026 ~~2025~~; and

16 (3) Securities Act of 1933, Securities Exchange Act of 1934,
17 Investment Advisers Act of 1940, Investment Company Act of 1940,
18 Commodity Exchange Act, and the federal Interstate Land Sales Full
19 Disclosure Act means the acts as they existed on January 1, 2026 ~~2025~~.

20 **Sec. 12.** Section 8-1502, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 8-1502 (1) Except as provided in subsection (2) of this section, no
23 person acting personally or as agent shall acquire control of any state-
24 chartered bank or trust company without first giving sixty days' notice
25 to the Department of Banking and Finance on forms provided by the
26 department of such proposed acquisition.

27 The Director of Banking and Finance, upon receipt of a substantially
28 complete such notice, shall act upon it within thirty days, and, unless
29 he or she disapproves the proposed acquisition within that period of
30 time, it may become effective on the sixty-first day after receipt
31 without his or her approval, except that the director may extend the

1 thirty-day period an additional thirty days if in his or her judgment any
2 material information submitted is substantially inaccurate or the
3 acquiring party has not furnished all the information required by
4 sections 8-1501 to 8-1505 or by the director.

5 An acquisition may be made prior to the expiration of the
6 disapproval period if the director issues written notice of his or her
7 intent not to disapprove the action.

8 Within three days after his or her decision to disapprove any
9 proposed acquisition, the director shall notify the acquiring party in
10 writing of the disapproval. The notice shall provide a statement of the
11 basis for the disapproval.

12 (2) The notice requirements of subsection (1) of this section shall
13 not apply when:

14 (a) Shares of a state-chartered bank or trust company are acquired
15 by a person in the regular course of securing or collecting a debt
16 previously contracted in good faith or through inheritance or a bona fide
17 gift if notice of such acquisition is given to the department, on forms
18 provided by the department, within thirty days after the acquisition;

19 (b) Shares of a state-chartered bank or trust company are
20 transferred from an individual or individuals to a trust formed by the
21 individual or individuals for estate-planning purposes if (i) there is no
22 change in the proportion of shares held by the trust for such individual
23 or individuals compared to the ownership of such individual or
24 individuals prior to the formation of the trust, (ii) the individual or
25 individuals control the trust, and (iii) notice of the proposed transfer
26 is given to the department, on forms provided by the department, at least
27 thirty days prior to the proposed transfer and the department does not
28 disapprove the transfer for the reason that the transfer is an attempt to
29 subvert the requirements of sections 8-1501 to 8-1505; or

30 (c) The director, the Governor, and the Secretary of State jointly
31 determine that an emergency exists which requires expeditious action or

1 that the department must act immediately to prevent probable failure of
2 the institution to be acquired.

3 **Sec. 13.** Section 8-1704, Revised Statutes Supplement, 2025, is
4 amended to read:

5 8-1704 CFTC rule shall mean any rule, regulation, or order of the
6 Commodity Futures Trading Commission in effect on January 1, 2026 ~~2025~~.

7 **Sec. 14.** Section 8-1707, Revised Statutes Supplement, 2025, is
8 amended to read:

9 8-1707 Commodity Exchange Act shall mean the act of Congress known
10 as the Commodity Exchange Act, 7 U.S.C. 1, as amended on January 1, 2026
11 ~~2025~~.

12 **Sec. 15.** Section 8-2102, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 8-2102 For purposes of the Interstate Branching and Merger Act,
15 unless the context otherwise requires:

16 (1) Bank means a bank as defined in 12 U.S.C. 1813, as such section
17 existed on January 1, 2026 ~~2012~~;

18 (2) Department means the Department of Banking and Finance;

19 (3) Director means the Director of Banking and Finance;

20 (4) Home state means (a) with respect to a state chartered bank, the
21 state in which the bank is chartered and (b) with respect to a national
22 bank, the state in which the main office of the bank is located;

23 (5) Home state regulator means, with respect to an out-of-state
24 state chartered bank, the bank supervisory agency of the state in which
25 such bank is chartered;

26 (6) Host state means a state, other than the home state of a bank,
27 in which the bank maintains, or seeks to establish and maintain, a
28 branch;

29 (7) Interstate merger transaction means a merger or consolidation of
30 two or more banks, at least one of which is a Nebraska bank and at least
31 one of which is an out-of-state bank, and the conversion of the main

1 office and the branches of any bank involved in such merger or
2 consolidation into branches of the resulting bank;

3 (8) Nebraska bank means a bank whose home state is Nebraska;

4 (9) Nebraska state chartered bank means a corporation which is
5 chartered to conduct a bank in this state pursuant to the Nebraska
6 Banking Act;

7 (10) Out-of-state bank means a bank whose home state is a state
8 other than Nebraska;

9 (11) Out-of-state state chartered bank means a bank chartered under
10 the laws of any state other than Nebraska;

11 (12) Resulting bank means a bank that has resulted from an
12 interstate merger transaction under the Interstate Branching and Merger
13 Act; and

14 (13) State means any state of the United States, the District of
15 Columbia, any territory of the United States, Puerto Rico, Guam, American
16 Samoa, the Trust Territory of the Pacific Islands, the Virgin Islands,
17 and the Northern Mariana Islands.

18 **Sec. 16.** 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) 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such regulation
22 existed on January 1, 2026 ~~2025~~;

23 (2) Bank Secrecy Act means the Bank Secrecy Act, 31 U.S.C. 5311 et
24 seq., and the implementing regulations of such act, as such act and
25 regulations existed on January 1, 2026 ~~2025~~;

26 (3) Bank Service Company Act means the Bank Service Company Act, 12
27 U.S.C. 1861 et seq., as such act existed on January 1, 2026 ~~2025~~;

28 (4) Commodity Exchange Act means the Commodity Exchange Act, 7
29 U.S.C. 1 et seq., as such act existed on January 1, 2026 ~~2025~~;

30 (5) Edge Act means the Edge Act, 12 U.S.C. 611 et seq., as such act
31 existed on January 1, 2026 ~~2025~~;

1 (6) Federal Credit Union Act means the Federal Credit Union Act, 12
2 U.S.C. 1751 et seq., as such act existed on January 1, 2026 ~~2025~~;

3 (7) Federal Deposit Insurance Act means the Federal Deposit
4 Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1,
5 2026 ~~2025~~;

6 (8) Federal remittance rule means 12 C.F.R. part 1005, subpart B, as
7 such regulation existed on January 1, 2026 ~~2025~~;

8 (9) Foreign Account Tax Compliance Act means the Foreign Account Tax
9 Compliance Act, 26 U.S.C. 1471 et seq., as such act existed on January 1,
10 2026 ~~2025~~;

11 (10) International Banking Act of 1978 means the International
12 Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on
13 January 1, 2026 ~~2025~~;

14 (11) Securities Exchange Act of 1934 means the Securities Exchange
15 Act of 1934, 15 U.S.C. 78a et seq., as such act existed on January 1,
16 2026 ~~2025~~;

17 (12) United States Bankruptcy Code means 11 U.S.C. 101 et seq., as
18 such sections existed on January 1, 2026 ~~2025~~; and

19 (13) Uniting and Strengthening America by Providing Appropriate
20 Tools Required to Intercept and Obstruct Terrorism Act of 2001 means the
21 Uniting and Strengthening America by Providing Appropriate Tools Required
22 to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, as
23 such act existed on January 1, 2026 ~~2025~~.

24 **Sec. 17.** Section 8-2903, Revised Statutes Supplement, 2025, is
25 amended to read:

26 8-2903 (1) When a financial institution, or an employee of a
27 financial institution, reasonably believes, or has received information
28 from the department or a law enforcement agency demonstrating that it is
29 reasonable to believe, that financial exploitation of a vulnerable adult
30 or senior adult may have occurred, may have been attempted, is occurring,
31 or is being attempted, the financial institution may, but is not required

1 to:

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

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

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

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

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

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

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

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

30 (ii) A third party reasonably associated with a vulnerable adult or
31 senior adult includes, but is not limited to, the following: (A) A

1 parent, spouse, adult child, sibling, or other known family member or
2 close associate of a vulnerable adult or senior adult; (B) an authorized
3 contact provided by a vulnerable adult or senior adult to the financial
4 institution; (C) a co-owner, additional authorized signatory, or
5 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
6 attorney in fact, trustee, conservator, guardian, or other fiduciary who
7 has been selected by a vulnerable adult or senior adult, a court, or a
8 third party to manage some or all of the financial affairs of the
9 vulnerable adult or senior adult; and (E) an attorney known to represent
10 or have represented the vulnerable adult or senior adult.

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

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

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

31 (5) Unless otherwise directed by order of a court of competent

1 jurisdiction, a financial institution may extend the duration under
2 subsection (4) of this section based on a reasonable belief that the
3 financial exploitation of a vulnerable adult or senior adult may continue
4 to occur or continue to be attempted.

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

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

18 (b) Notwithstanding any other law to the contrary, a reasonable
19 belief that payment of a check will facilitate the financial exploitation
20 of a vulnerable adult or senior adult shall constitute reasonable grounds
21 to doubt the collectability of the item for purposes of the federal Check
22 Clearing for the 21st Century Act, 12 U.S.C. 5001 et seq., the federal
23 Expedited Funds Availability Act, 12 U.S.C. 4001 et seq., and 12 C.F.R.
24 part 229, as such acts and part existed on January 1, 2026 ~~2025~~.

25 **Sec. 18.** Section 8-3003, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 8-3003 For purposes of the Nebraska Financial Innovation Act:

28 (1) Blockchain means a distributed digital record of controllable
29 electronic record transactions;

30 (2) Centralized finance means centralized digital asset exchanges,
31 businesses, or organizations with a valid physical address;

1 (3) Control has the following meaning:

2 (a) A person has control of a controllable electronic record if:

3 (i) The following conditions are met:

4 (A) The controllable electronic record or the system in which it is
5 recorded, if any, gives the person:

6 (I) The power to derive substantially all the benefit from the
7 controllable electronic record;

8 (II) Subject to subdivision (b) of this subdivision, the exclusive
9 power to prevent others from deriving substantially all the benefit from
10 the controllable electronic record; and

11 (III) Subject to subdivision (b) of this subdivision, the exclusive
12 power to transfer control of the controllable electronic record to
13 another person or cause another person to obtain control of a
14 controllable electronic record that derives from the controllable
15 electronic record; and

16 (B) The controllable electronic record, a record attached to or
17 logically associated with the controllable electronic record, or the
18 system in which the controllable electronic record is recorded, if any,
19 enables the person to readily identify itself as having the powers
20 specified in subdivision (a)(i) of this subdivision; or

21 (ii) Another person obtains control of the controllable electronic
22 record on behalf of the person, or having previously obtained control of
23 the controllable electronic record, acknowledges that it has control on
24 behalf of the person.

25 (b) A power specified in subdivisions (3)(a)(i)(A)(II) or (III) of
26 this section can be exclusive, even if:

27 (i) The controllable electronic record or the system in which it is
28 recorded, if any, limits the use to which the controllable electronic
29 record may be put or has protocols that are programmed to result in a
30 transfer of control; and

31 (ii) The person has agreed to share the power with another person.

1 (c) For the purposes of subdivision (3)(a)(i)(B) of this section, a
2 person may be identified in any way, including by name, identifying
3 number, cryptographic key, office, or account number;

4 (4) Controllable electronic borrowing means the act of receiving
5 digital assets or the use of digital assets from a lender in exchange for
6 the payment to the lender of digital assets, interest, fees, or rewards;

7 (5) Controllable electronic record means an electronic record that
8 can be subjected to control. The term has the same meaning as digital
9 asset and does not include electronic chattel paper, electronic
10 documents, investment property, and transferable records under the
11 Uniform Electronic Transactions Act;

12 (6) Controllable electronic record exchange means a business that
13 allows customers to purchase, sell, convert, send, receive, or trade
14 digital assets for other digital assets;

15 (7) Controllable electronic record lending means the act of
16 providing digital assets to a borrower in exchange for digital assets,
17 interest, fees, or rewards;

18 (8) Controllable electronic records staking means the act of
19 pledging a digital asset or token with an expectation of gaining digital
20 assets, interest, fees, or other rewards on such act;

21 (9) Customer means a digital asset depositor or digital asset
22 account holder;

23 (10) Decentralized finance means digital asset exchanges,
24 businesses, or organizations operating independently on blockchains;

25 (11) Department means the Department of Banking and Finance;

26 (12) Digital asset depository means (a) a financial institution that
27 securely holds liquid assets when such assets are in the form of
28 controllable electronic records, either as a corporation organized,
29 chartered, and operated pursuant to the Nebraska Financial Innovation Act
30 as a digital asset depository institution (b) or a financial institution
31 which has been further chartered by the director to operate ~~operating a~~

1 digital asset depository business in ~~as~~ a digital asset depository
2 department of the financial institution ~~under a charter granted by the~~
3 ~~director~~;

4 (13) Digital asset depository department means a financial
5 institution operating a digital asset depository business as a digital
6 asset depository department under a charter granted by the director;

7 (14) Digital asset depository institution means a corporation
8 operating a digital asset depository business organized and chartered
9 pursuant to the Nebraska Financial Innovation Act;

10 (15) Director means the Director of Banking and Finance;

11 (16) Financial institution means a bank, savings bank, building and
12 loan association, ~~or~~ savings and loan association, or credit union
13 chartered by the United States, the department, or a foreign state
14 agency; or a trust company;

15 (17) Fork means a change to the protocol of a blockchain network;

16 (18) Independent node verification network means a shared electronic
17 database where copies of the same information are stored on multiple
18 computers; and

19 (19) Stablecoin means a controllable electronic record designed to
20 have a stable value that is backed by a reserve asset.

21 **Sec. 19.** Section 8-3005, Revised Statutes Supplement, 2025, is
22 amended to read:

23 8-3005 (1)(a) A digital asset depository may:

24 (i) Make contracts as a corporation under Nebraska law;

25 (ii) Sue and be sued;

26 (iii) Receive notes as permitted by federal law;

27 (iv) Carry on a nonlending digital asset banking business for
28 customers, consistent with subdivision (2)(b) of this section;

29 (v) Provide payment services upon the request of a customer; and

30 (vi) Make an application to become a member bank of the federal
31 reserve system.

1 (b) A digital asset depository shall maintain its main office and
2 the primary office of its chief executive officer in Nebraska.

3 (c) As otherwise authorized by this section, a digital asset
4 depository may conduct business with customers outside this state.

5 (2)(a) A digital asset depository institution, consistent with the
6 Nebraska Financial Innovation Act, shall be organized as a corporation
7 under the Nebraska Model Business Corporation Act to exercise the powers
8 set forth in subsection (1) of this section.

9 (b) A digital asset depository institution shall not accept demand
10 deposits of United States currency or United States currency that may be
11 accessed or withdrawn by check or similar means for payment to third
12 parties and except as otherwise provided in this subsection, a digital
13 asset depository institution shall not make any loans to consumers for
14 personal, property or household purposes, mortgage loans, or commercial
15 loans of any fiat currency including, but not limited to, United States
16 currency, including the provision of temporary credit relating to
17 overdrafts. Notwithstanding this prohibition against fiat currency
18 lending by a digital asset depository institution, a digital asset
19 depository institution may facilitate the provision of digital asset
20 business services resulting from the interaction of customers with
21 centralized finance or decentralized finance platforms including, but not
22 limited to, controllable electronic record exchange, staking,
23 controllable electronic record lending, and controllable electronic
24 record borrowing. A digital asset depository institution may purchase
25 debt obligations specified by subdivision (2)(c) of section 8-3009.

26 (c) A digital asset depository institution may open a branch in this
27 state or in another state in the manner set forth in section 8-157 or
28 8-2303. A branch in another state is subject to the laws of the host
29 state. A digital asset depository institution, including any branch of
30 the digital asset depository institution, may only accept digital asset
31 deposits or provide other digital asset business services under the

1 Nebraska Financial Innovation Act to individual customers or a customer
2 that is a legal entity other than a natural person engaged in a bona fide
3 business which is lawful under the laws of Nebraska, the laws of the host
4 state if the entity is headquartered in another state, and federal law.

5 (3) The deposit limitations of subdivision (2)(a)(ii) of section
6 8-157 shall not apply to a digital asset depository.

7 (4) Any United States currency coming into an account established by
8 a customer of a digital asset depository institution shall be held in a
9 financial institution, the deposits of which are insured by the Federal
10 Deposit Insurance Corporation, ~~which maintained a main-chartered office~~
11 ~~in this state, any branch thereof in this state, or any branch of the~~
12 ~~financial institution which maintained the main-chartered office in this~~
13 ~~state prior to becoming a branch of such financial institution.~~

14 (5) A digital asset depository institution shall establish and
15 maintain programs for compliance with the federal Bank Secrecy Act, in
16 accordance with 12 C.F.R. 208.63, as the act and rule existed on January
17 1, 2026 ~~2025~~.

18 (6) A digital asset depository shall help meet the digital financial
19 needs of the communities in which it operates, consistent with safe and
20 sound operations, and shall maintain and update a public file available
21 to any person on request and on any Internet website or mobile
22 application it maintains containing specific information about its
23 efforts to meet community needs, including:

24 (a) The collection and reporting of data;

25 (b) Its policies and procedures for accepting and responding to
26 consumer complaints; and

27 (c) Its efforts to assist with financial literacy or personal
28 finance programs to increase knowledge and skills of Nebraska students in
29 areas such as digital assets, budgeting, credit, checking and savings
30 accounts, loans, stocks, and insurance.

31 **Sec. 20.** Section 8-3007, Revised Statutes Supplement, 2025, is

1 amended to read:

2 8-3007 (1) No customer shall open or maintain an account with a
3 digital asset depository or otherwise receive any services from the
4 digital asset depository unless the customer meets the criteria of this
5 subsection. A customer shall:

6 (a) Make sufficient evidence available to the digital asset
7 depository to enable compliance with anti-money laundering, customer
8 identification, and beneficial ownership requirements, as determined by
9 the federal Bank Secrecy Act guidance and the policies and practices of
10 the institution; and

11 (b) If the customer is a legal entity other than a natural person:

12 (i) Be in good standing with the jurisdiction in the United States
13 in which it is incorporated or organized; and

14 (ii) Be engaged in a business that is lawful and bona fide in
15 Nebraska, in the host state, if applicable, and under federal law
16 consistent with subsection (3) of this section.

17 (2) A customer which meets the criteria of subsection (1) of this
18 section may be issued a digital asset depository account and otherwise
19 receive services from the digital asset depository, contingent on the
20 digital asset depository maintaining sufficient insurance under
21 subsection (5) of section 8-3023.

22 (3) Consistent with subdivisions (1)(a)(iv) and (v) of section
23 8-3005, and in addition to any requirements specified by federal law, a
24 digital asset depository shall require that any potential customer that
25 is a legal entity other than a natural person provide reasonable evidence
26 that the entity is engaged in a business that is lawful and bona fide in
27 Nebraska, in the host state, if applicable, and under federal law or is
28 likely to open a lawful, bona fide business within a federal Bank Secrecy
29 Act compliant timeframe, as the act existed on January 1, 2026 ~~2025~~. For
30 purposes of this subsection, reasonable evidence includes business entity
31 filings, articles of incorporation or organization, bylaws, operating

1 agreements, business plans, promotional materials, financing agreements,
2 or other evidence.

3 **Sec. 21.** Section 8-3013, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 8-3013 (1) The capital stock of each digital asset depository
6 institution chartered under the Nebraska Financial Innovation Act shall
7 be subscribed for as paid-up stock. Except as provided in subsection (3)
8 of this section, a ~~Ne~~ digital asset depository institution shall not be
9 chartered with capital stock of less than ten million dollars.

10 (2) A ~~Ne~~ digital asset depository institution shall not commence
11 business until the full amount of its authorized capital is subscribed
12 and all capital stock is fully paid in. Except as provided in subsection
13 (3) of this section, a ~~Ne~~ digital asset depository institution shall not
14 ~~may~~ be chartered without a paid-up surplus fund of at least three years
15 of estimated operating expenses in the amount disclosed pursuant to
16 subsection (2) of section 8-3015 or in another amount required by the
17 director.

18 (3) Notwithstanding the provisions of subsections (1) and (2) of
19 this section and at the discretion of the director, a digital asset
20 depository institution may be chartered and commence business if such
21 institution meets the capital and surplus requirements for a
22 substantially similar federal charter, license, or regulatory structure
23 as determined by the director.

24 (4) ~~(3)~~ A digital asset depository institution may acquire
25 additional capital prior to the granting of a charter and shall report
26 this capital as an amendment to its charter application.

27 **Sec. 22.** Section 8-3033, Revised Statutes Supplement, 2025, is
28 amended to read:

29 8-3033 For purposes of the Controllable Electronic Record Fraud
30 Prevention Act:

31 (1) Blockchain analytics means the analysis of data from blockchains

1 or public distributed ledgers, including associated transaction
2 information;

3 (2) Blockchain analytics software means a software service that uses
4 blockchain analytics data to provide risk-specific information about
5 controllable electronic record addresses, among other things;

6 (3) Controllable electronic record has the same meaning as in
7 section 8-3003;

8 (4) Controllable electronic record address means an alphanumeric
9 identifier associated with a controllable electronic record wallet
10 identifying the location to which a controllable electronic record
11 transaction can be sent;

12 (5) Controllable electronic record kiosk means an electronic
13 terminal acting as a mechanical agent of the controllable electronic
14 record kiosk operator to enable the controllable electronic record kiosk
15 operator to facilitate the exchange of controllable electronic records
16 for money, bank credit, or other controllable electronic records,
17 including, but not limited to, by (a) connecting directly to a separate
18 controllable electronic record exchange that performs the actual
19 controllable electronic record transmission or (b) drawing upon the
20 controllable electronic record in the possession of the electronic
21 terminal's operator;

22 (6) Controllable electronic record kiosk operator means a person, or
23 a third party acting on behalf of another person, that engages in
24 controllable electronic record business activity via a controllable
25 electronic record kiosk located in this state or a person that owns,
26 operates, or manages a money transmission kiosk located in this state
27 through which controllable electronic record business activity is
28 offered;

29 (7) Controllable electronic record kiosk transaction means a
30 transaction conducted or performed, in whole or in part, by electronic
31 means via a controllable electronic record kiosk. Controllable electronic

1 record kiosk transaction includes, but is not limited to, a transaction
2 made at a controllable electronic record kiosk (a) to purchase
3 controllable electronic records with United States dollars, (b) ~~or~~ to
4 sell controllable electronic records for United States dollars, or (c) to
5 fund a stored value account, which, at the time the stored value account
6 is funded or thereafter, offers the ability to purchase a controllable
7 electronic record and is utilized to purchase a controllable electronic
8 record; and

9 (8) Controllable electronic record wallet means a software
10 application or other mechanism providing a means to hold the keys
11 necessary to access and transfer controllable electronic records;

12 (9) Customer means new customers and existing customers;

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

14 (11) Existing customer means an individual whose first controllable
15 electronic record kiosk transaction with the controllable electronic
16 record kiosk operator was more than fourteen days prior;

17 (12) New customer means an individual during the fourteen-day period
18 after such individual's first transaction with the controllable
19 electronic record kiosk operator that the individual has never previously
20 transacted with. The individual shall remain defined as a new customer
21 during the fourteen-day period after the first controllable electronic
22 record kiosk transaction with the controllable electronic record kiosk
23 operator; and

24 (13) Transaction hash means a unique identifier made up of a string
25 of characters that acts as a record of and provides proof that the
26 transaction was verified and added to the blockchain.

27 **Sec. 23.** Section 8-3034, Revised Statutes Supplement, 2025, is
28 amended to read:

29 8-3034 (1) A controllable electronic record kiosk operator shall not
30 engage in controllable electronic record kiosk transactions or hold
31 itself out as being able to engage in such transactions with or on behalf

1 of another person unless the kiosk operator has a license issued under
2 the Nebraska Money Transmitters Act ~~pursuant to section 8-2725.~~

3 (2) A controllable electronic record kiosk operator shall report
4 each controllable electronic record kiosk as an authorized delegate under
5 the Nebraska Money Transmitters Act ~~pursuant to section 8-2730.~~

6 (3) In addition to the required reporting of authorized delegates
7 pursuant to the Nebraska Money Transmitters Act ~~section 8-2730~~, each
8 controllable electronic record kiosk operator shall submit to the
9 department within forty-five days after the end of each calendar quarter
10 a list of all associated controllable electronic record addresses
11 utilized by each controllable electronic record kiosk, on a form as
12 prescribed by the department.

13 **Sec. 24.** Section 21-17,102, Revised Statutes Supplement, 2025, is
14 amended to read:

15 21-17,102 (1) Funds not used in loans to members may be invested:

16 (a) In securities, obligations, or other instruments of or issued by
17 or fully guaranteed as to principal and interest by the United States of
18 America or any agency or instrumentality thereof or in any trust or
19 trusts established for investing directly or collectively in the same;

20 (b) In securities, obligations, or other instruments of any state of
21 the United States, the District of Columbia, the Commonwealth of Puerto
22 Rico, and the several territories organized by Congress or any political
23 subdivision thereof;

24 (c) In deposits, obligations, or other accounts of financial
25 institutions organized under state or federal law;

26 (d) In loans to or in share accounts of other credit unions or
27 corporate central credit unions;

28 (e) In obligations issued by banks for cooperatives, federal land
29 banks, federal intermediate credit banks, federal home loan banks, the
30 Federal Home Loan Bank Board, or any corporation designated in 31 U.S.C.
31 9101 as a wholly owned government corporation; in obligations,

1 participation certificates, or other instruments of or insured by or
2 fully guaranteed as to principal and interest by the Federal National
3 Mortgage Association or the Government National Mortgage Association; in
4 mortgages, obligations, or other securities which are or ever have been
5 sold by the Federal Home Loan Mortgage Corporation pursuant to section
6 305 or section 306 of the Federal Home Loan Mortgage Corporation Act, 12
7 U.S.C. 1454 et seq.; in obligations or other instruments or securities of
8 the Student Loan Marketing Association; or in obligations, participation,
9 securities, or other instruments of or issued by or fully guaranteed as
10 to principal and interest by any other agency of the United States. A
11 state credit union may issue and sell securities which are guaranteed
12 pursuant to section 306(g) of the National Housing Act, 12 U.S.C.
13 1721(g);

14 (f) In participation certificates evidencing a beneficial interest
15 in obligations or in a right to receive interest and principal
16 collections therefrom, which obligations have been subjected by one or
17 more government agencies to a trust or trusts for which any executive
18 department, agency, or instrumentality of the United States or
19 administrator thereof has been named to act as trustee;

20 (g) In share accounts or deposit accounts of any corporate central
21 credit union in which such investments are specifically authorized by the
22 board of directors of the credit union making the investment;

23 (h) In the shares, stock, or other obligations of any other
24 organization, not to exceed ten percent of the credit union's capital and
25 not to exceed five percent of the credit union's capital in any one
26 corporation's stock, bonds, or other obligations, unless otherwise
27 approved by the director. Such authority shall not include the power to
28 acquire control, directly or indirectly, of another financial
29 institution, nor invest in shares, stocks, or obligations of any
30 insurance company or trade association except as otherwise expressly
31 provided for or approved by the director;

1 (i) In the capital stock of the National Credit Union Administration
2 Central Liquidity Facility;

3 (j) In obligations of or issued by any state or political
4 subdivision thereof, including any agency, corporation, or
5 instrumentality of a state or political subdivision, except that no
6 credit union may invest more than ten percent of its capital in the
7 obligations of any one issuer, exclusive of general obligations of the
8 issuer;

9 (k) In securities issued pursuant to the Nebraska Business
10 Development Corporation Act;

11 (l) In participation loans with other credit unions, credit union
12 organizations, or other organizations; and

13 (m) In insurance policies and other investment products to fund
14 employee benefit plans for its employees, not to exceed fifteen percent
15 of the net worth of a credit union from a single issuer or twenty-five
16 percent of the net worth of a credit union in aggregate. Employee benefit
17 plan has the same meaning as in 29 U.S.C. 1002(3), as such section
18 existed on January 1, 2026 ~~2025~~. If the employee benefits arrangement
19 does not present a risk to the safety and soundness of the domestic
20 credit union as determined by the director, the purchase of those
21 investment products is not subject to the limitations of the Credit Union
22 Act.

23 (2) In addition to investments expressly permitted by the Credit
24 Union Act, a credit union may make any other type of investment approved
25 by the department by rule, regulation, or order.

26 **Sec. 25.** Section 21-17,115, Revised Statutes Supplement, 2025, is
27 amended to read:

28 21-17,115 Notwithstanding any of the other provisions of the Credit
29 Union Act or any other Nebraska statute, any credit union incorporated
30 under the laws of the State of Nebraska and organized under the
31 provisions of the act shall have all the rights, powers, privileges,

1 benefits, and immunities which may be exercised as of January 1, 2026
2 ~~2025~~, by a federal credit union doing business in Nebraska on the
3 condition that such rights, powers, privileges, benefits, and immunities
4 shall not relieve such credit union from payment of state taxes assessed
5 under any applicable laws of this state.

6 **Sec. 26.** Section 45-101.04, Revised Statutes Supplement, 2025, is
7 amended to read:

8 45-101.04 The limitation on the rate of interest provided in section
9 45-101.03 shall not apply to:

10 (1) Other rates of interest authorized for loans made by any
11 licensee or permittee operating under a license or permit duly issued by
12 the Department of Banking and Finance pursuant to the Credit Union Act,
13 the Nebraska Installment Loan and Sales Act, subsection (4) of section
14 8-319, or sections 8-815 to 8-829;

15 (2) Loans made to any corporation, partnership, limited liability
16 company, or trust;

17 (3) The guarantor or surety of any loan to a corporation,
18 partnership, limited liability company, or trust;

19 (4) Loans made when the aggregate principal amount of the
20 indebtedness is one hundred ~~twenty-five~~ thousand dollars or more of the
21 borrower to any one financial institution, licensee, or permittee;

22 (5) Loans insured, guaranteed, sponsored, or participated in, either
23 in whole or part, by any agency, department, or program of the United
24 States or state government;

25 (6) Loans or advances of money, repayable on demand, which are made
26 solely upon securities, as defined in subdivision (14) of section 8-1101,
27 pledged as collateral for such repayment and in which such loans or
28 advances are used by the borrower only for the purchase of securities as
29 so defined. It shall be lawful to contract for and receive any rate of
30 interest on such transaction as the parties thereto may expressly agree;

31 (7) Interest charges made on open credit accounts by a person who

1 sells goods or services on credit when the interest charges do not exceed
2 one and one-third percent per month for any charges which remain unpaid
3 for more than thirty days following rendition of the statement of
4 account;

5 (8) A minimum charge of ten dollars per loan which may be charged by
6 the lender in lieu of all interest charges;

7 (9) Loans described in subsection (4) of section 8-319 made by a
8 state or federal savings and loan association at a rate not to exceed
9 nineteen percent per annum;

10 (10) Loans made primarily for business or agricultural purposes or
11 secured by real property when such loans are made (a) by a licensee,
12 registrant, or permittee operating under a license, registration, or
13 permit duly issued by the Department of Banking and Finance except for
14 licensees operating under the Nebraska Installment Loan and Sales Act,
15 (b) by any financial institution insured by the Federal Deposit Insurance
16 Corporation or the National Credit Union Administration, or (c) by any
17 insurance company organized under the laws of this state and subject to
18 regulation by the Department of Insurance;

19 (11) Loans secured solely by real property when such loans are (a)
20 made by licensees operating under the Nebraska Installment Loan and Sales
21 Act and (b) made to finance or refinance the purchase of the property or
22 construction on or improvements to the property, if the Department of
23 Banking and Finance has the authority to examine such loans for
24 compliance with sections 45-101.02 and 45-101.03. A licensee making a
25 loan pursuant to this subdivision may obtain an interest in any fixtures
26 attached to such real property and any insurance proceeds payable in
27 connection with such real property or the loan;

28 (12) Loans secured by a reverse mortgage pursuant to section
29 45-702.01;

30 (13) Interest charges made on any goods or services sold under an
31 installment contract pursuant to the Nebraska Installment Loan and Sales

1 Act. Subject to section 45-365, it shall be lawful to contract for and
2 receive any rate of interest on such contract as the parties may
3 expressly agree to in writing; or

4 (14) Fees which may be charged by a licensee for services pursuant
5 to the Delayed Deposit Services Licensing Act.

6 **Sec. 27.** Section 45-335, Revised Statutes Supplement, 2025, is
7 amended to read:

8 45-335 For purposes of the Nebraska Installment Loan and Sales Act,
9 unless the context otherwise requires:

10 (1) Applicant means a person applying for a license under the
11 Nebraska Installment Loan and Sales Act;

12 (2) Basic time price means the cash sale price of the goods or
13 services which are the subject matter of an installment sales contract
14 plus the amount included therein, if a separate identified charge is made
15 therefor and stated in the contract, for insurance, registration,
16 certificate of title, debt cancellation contract, debt suspension
17 contract, electronic title and lien services, guaranteed asset protection
18 waiver, and license fees, filing fees, an origination fee, and fees and
19 charges prescribed by law which actually are or will be paid to public
20 officials for determining the existence of or for perfecting, releasing,
21 or satisfying any security related to the credit transaction or any
22 charge for nonfiling insurance if such charge does not exceed the amount
23 of fees and charges prescribed by law which would have been paid to
24 public officials for filing, perfecting, releasing, and satisfying any
25 security related to the credit transaction and less the amount of the
26 buyer's downpayment in money or goods or both;

27 (3) Branch office means any location, other than the main office
28 location, at which the business of a licensee is to be conducted,
29 including:

30 (a) Any offices physically located in Nebraska; and

31 (b) Any offices that, while not physically located in this state,

1 intend to transact business with Nebraska residents;

2 (4) Breach of security of the system means unauthorized acquisition
3 of data that compromises the security, confidentiality, or integrity of
4 information;

5 (5) Buyer means a person who buys goods or obtains services from a
6 seller in an installment sale;

7 (6) Cash price or cash sale price means the price stated in an
8 installment sales contract for which the seller would have sold or
9 furnished to the buyer and the buyer would have bought or acquired from
10 the seller goods or services which are the subject matter of the contract
11 if such sale had been a sale for cash instead of an installment sale. It
12 may include the cash price of accessories or services related to the sale
13 such as delivery, installation, alterations, modifications, and
14 improvements and may include taxes to the extent imposed on the cash
15 sale;

16 (7) Consumer means an individual who is a resident of Nebraska and
17 who seeks to obtain, obtains, or has obtained financial products or
18 services that are to be used primarily for personal, family, or household
19 purposes;

20 (8)(a) Control in the case of a corporation means (i) direct or
21 indirect ownership of or the right to control twenty-five percent or more
22 of the voting shares of the corporation or (ii) the ability of a person
23 or group acting in concert to elect a majority of the directors or
24 otherwise effect a change in policy.

25 (b) Control in the case of any other entity means (i) the power,
26 directly or indirectly, to direct the management or policies of the
27 entity, (ii) the contribution of twenty-five percent or more of the
28 capital of the entity, or (iii) the right to receive, upon dissolution,
29 twenty-five percent or more of the capital of the entity;

30 (9) Debt cancellation contract means a loan term or contractual
31 arrangement modifying loan terms under which a financial institution or

1 licensee agrees to cancel all or part of a buyer's obligation to repay an
2 extension of credit from the financial institution or licensee upon the
3 occurrence of a specified event. The debt cancellation contract may be
4 separate from or a part of other loan documents. The term debt
5 cancellation contract does not include loan payment deferral arrangements
6 in which the triggering event is the buyer's unilateral election to defer
7 repayment or the financial institution's or licensee's unilateral
8 decision to allow a deferral of repayment;

9 (10) Debt suspension contract means a loan term or contractual
10 arrangement modifying loan terms under which a financial institution or
11 licensee agrees to suspend all or part of a buyer's obligation to repay
12 an extension of credit from the financial institution or licensee upon
13 the occurrence of a specified event. The debt suspension contract may be
14 separate from or a part of other loan documents. The term debt suspension
15 contract does not include loan payment deferral arrangements in which the
16 triggering event is the buyer's unilateral election to defer repayment or
17 the financial institution's or licensee's unilateral decision to allow a
18 deferral of repayment;

19 (11) Department means the Department of Banking and Finance;

20 (12) Director means the Director of Banking and Finance;

21 (13) Financial institution has the same meaning as in section
22 8-101.03;

23 (14) Goods means all personal property, except money or things in
24 action, and includes goods which, at the time of sale or subsequently,
25 are so affixed to realty as to become part thereof whether or not
26 severable therefrom;

27 (15) Guaranteed asset protection waiver means a waiver that is
28 offered, sold, or provided in accordance with the Guaranteed Asset
29 Protection Waiver Act;

30 (16) Installment sale means any transaction, whether or not
31 involving the creation or retention of a security interest, in which a

1 buyer acquires goods or services from a seller pursuant to an agreement
2 which provides for a time-price differential and under which the buyer
3 agrees to pay all or part of the time-sale price in one or more
4 installments and within one hundred forty-five months, except that the
5 purchase of mobile homes may exceed such one-hundred-forty-five-month
6 limitation. Installment sale does not include a consumer rental purchase
7 agreement defined in and regulated by the Consumer Rental Purchase
8 Agreement Act;

9 (17) Installment sales contract means an agreement entered into in
10 this state evidencing an installment sale except those otherwise provided
11 for in separate acts;

12 (18) Licensee means any person who obtains a license under the
13 Nebraska Installment Loan and Sales Act;

14 (19) Loan or installment loan means a loan or any extension of
15 credit to a consumer originated or made with an interest rate greater
16 than the maximum interest rate allowed under section 45-101.03 and ~~,~~ a
17 minimum loan term of six months ~~, and a principal balance of less than~~
18 ~~twenty-five thousand dollars;~~

19 (20) Mortgage loan originator has the same meaning as in section
20 45-702;

21 (21) Nationwide Mortgage Licensing System and Registry means a
22 licensing system, also known as the Nationwide Multistate Licensing
23 System and Registry, developed and maintained by the Conference of State
24 Bank Supervisors and the American Association of Residential Mortgage
25 Regulators for the licensing and registration of mortgage loan
26 originators, mortgage bankers, installment loan companies, and other
27 state-regulated financial services entities and industries;

28 (22) Person means individual, partnership, limited liability
29 company, association, financial institution, trust, corporation, or any
30 other legal entity;

31 (23) Real property means an owner-occupied single-family, two-

1 family, three-family, or four-family dwelling which is located in this
2 state, which is occupied, used, or intended to be occupied or used for
3 residential purposes, and which is, or is intended to be, permanently
4 affixed to the land;

5 (24) Sales finance company means a person purchasing one or more
6 installment sales contracts from one or more sellers or acquiring any
7 rights of ownership, servicing, or other forms of participation in or
8 otherwise engaging with a consumer on behalf of the purchaser of one or
9 more installment sales contracts from one or more sellers. Sales finance
10 company includes, but is not limited to, a financial institution or
11 installment loan licensee, if so engaged;

12 (25) Seller means a person who sells goods or furnishes services to
13 a buyer under an installment sale;

14 (26) Services means work, labor, and services of any kind performed
15 in conjunction with an installment sale but does not include services for
16 which the prices charged are required by law to be established and
17 regulated by the government of the United States or any state;

18 (27) Time-price differential, however denominated or expressed,
19 means the amount, as limited in the Nebraska Installment Loan and Sales
20 Act, to be added to the basic time price; and

21 (28) Time-sale price means the total of the basic time price of the
22 goods or services, the amount of the buyer's downpayment in money or
23 goods or both, and the time-price differential.

24 **Sec. 28.** Section 45-345, Revised Statutes Supplement, 2025, is
25 amended to read:

26 45-345 (1) A licensee shall notify the director through the
27 Nationwide Mortgage Licensing System and Registry at least thirty days
28 prior to the occurrence of any change of the licensee's name, trade name,
29 or doing business as designation.

30 (2)(a) Except as provided in subdivisions (b) and (c) of this
31 subsection, a licensee shall notify the director in writing or through

1 the Nationwide Mortgage Licensing System and Registry within three
2 business days from the time that the licensee becomes aware of any breach
3 of the security of the system of computerized data owned or licensed by
4 the licensee, which contains personal information about a Nebraska
5 resident, or the unauthorized access to or use of such information about
6 a Nebraska resident as a result of the breach.

7 (b) If a licensee would be required under Nebraska law to provide
8 notification to a Nebraska resident regarding such incident, then the
9 licensee shall provide a copy of such notification to the department
10 prior to or simultaneously with the licensee's notification to the
11 Nebraska resident.

12 (c) Notice required by this subsection may be delayed if a law
13 enforcement agency determines that the notice will impede a criminal
14 investigation. Notice shall be made in good faith, without unreasonable
15 delay, and as soon as possible after the law enforcement agency
16 determines that notification will no longer impede the investigation.

17 (d) For purposes of this subsection, the terms breach of the
18 security of the system and personal information have the same meaning as
19 in section 87-802.

20 (3) A licensee shall maintain the minimum net worth required by
21 section 45-337 while a license issued to the licensee under the Nebraska
22 Installment Loan and Sales Act is in effect. The minimum net worth shall
23 be proven by an annual audit conducted by a certified public accountant.
24 A licensee shall submit a copy of the annual audit to the director as
25 required by section 45-337 or upon written request of the director. If a
26 licensee fails to maintain the required minimum net worth, the department
27 may issue a notice of cancellation of the license in lieu of revocation
28 proceedings.

29 (4)(a) Every licensee shall, at the time any loan is made, give to
30 the borrower, or if there are two or more borrowers, to one of the
31 borrowers, a statement in the English language disclosing in clear and

1 distinct terms the information required to be disclosed under the federal
2 Consumer Credit Protection Act.

3 (b) The licensee shall also give to the borrower a copy of any
4 writing evidencing a loan if the writing requires or provides for the
5 signature of the borrower. The writing evidencing the borrower's
6 obligation to pay a loan shall contain a clear and conspicuous notice in
7 form and content substantially as follows:

8 NOTICE TO CONSUMER: 1. Do not sign this paper before you read it. 2.
9 You are entitled to a copy of this paper. 3. You may prepay the unpaid
10 balance at any time without penalty and may be entitled to receive a
11 refund of unearned charges in accordance with law.

12 (5)(a) Every licensee shall disclose to the borrower, in connection
13 with any refinance of an existing installment loan, whether or not the
14 borrower will receive a net tangible benefit through such refinance. Such
15 disclosure shall be on a worksheet prescribed by the director or on a
16 form prescribed by the director substantially similar to such worksheet.

17 (b) For purposes of this subsection, net tangible benefit means a
18 benefit of a refinance that will be in the financial interests of the
19 borrower. Net tangible benefit includes, but is not limited to:

20 (i) Obtaining a lower interest rate;

21 (ii) Obtaining a lower monthly payment, including principal,
22 interest, taxes, and insurance;

23 (iii) Obtaining a shorter amortization schedule;

24 (iv) Changing from an adjustable interest rate to a fixed interest
25 rate;

26 (v) Eliminating a negative amortization feature;

27 (vi) Eliminating a balloon payment feature;

28 (vii) Receiving cash out from the new loan in an amount greater than
29 all closing costs incurred in connection with such loan;

30 (viii) Avoiding foreclosure;

31 (ix) Eliminating private insurance; and

1 (x) ~~Consolidating other existing loans into a new loan.~~

2 (6) ~~(5)~~ All licensees under the Nebraska Installment Loan and Sales
3 Act shall, on or before March 1 of each year, file with the department a
4 report of the licensee's earnings and operations for the preceding
5 calendar year, the licensee's assets at the end of the year, and any
6 other relevant information as the department may reasonably require. The
7 report shall be made under oath and shall be in the form and manner
8 prescribed by the department.

9 (7) ~~(6)~~ All installment loan licensees shall submit a mortgage
10 report of condition as required by section 45-726 on or before a date or
11 dates established by rule, regulation, or order of the director.

12 (8) ~~(7)~~ Upon written request of a borrower, the licensee shall
13 provide a written statement of the dates and amounts of payments made and
14 the amounts of any default and deferment charges assessed preceding the
15 month in which the request is received and the total amount unpaid as of
16 the end of the period covered by the statement and a copy of the loan
17 agreement and security agreement, and a facsimile of any insurance
18 certificate issued as part of the transaction, if applicable. The
19 licensee may charge a reasonable fee for such copies, not to exceed fifty
20 cents per page.

21 (9) ~~(8)~~ A licensee shall answer in writing, within ten business days
22 after receipt, any written request for payoff information from a borrower
23 or a borrower's representative. This service shall be provided without
24 charge to the borrower, except that when such information is provided
25 upon request within sixty days after the fulfillment of a previous
26 request, a processing fee of up to ten dollars may be charged for the
27 subsequent request.

28 **Sec. 29.** Section 45-349, Revised Statutes Supplement, 2025, is
29 amended to read:

30 45-349 (1) Except as provided in section 45-350 and subsection (6)
31 of this section, every installment loan licensee may make loans and may

1 contract for and receive on such loans charges at a rate not exceeding
2 twenty-four percent per annum on that part of the unpaid principal
3 balance on any loan not in excess of one thousand dollars, and twenty-one
4 percent per annum on any remainder of such unpaid principal balance.
5 Except for loans secured by mobile homes, an installment loan licensee
6 may not make loans for a period in excess of one hundred forty-five
7 months ~~if the amount of the loan is greater than three thousand dollars~~
8 ~~but less than twenty-five thousand dollars~~. Unless otherwise allowed for
9 by law, charges on loans made under the Nebraska Installment Loan and
10 Sales Act shall not be paid, deducted, or received in advance. The
11 contracting for, charging of, or receiving of charges as provided for in
12 subsection (2) of this section shall not be deemed to be the payment,
13 deduction, or receipt of such charges in advance.

14 (2) When the loan contract requires repayment in substantially equal
15 and consecutive monthly installments of principal and charges combined,
16 the installment loan licensee may, at the time the loan is made,
17 precompute the charges at the agreed rate on scheduled unpaid principal
18 balances according to the terms of the contract and add such charges to
19 the principal of the loan. Every payment may be applied to the combined
20 total of principal and precomputed charges until the contract is fully
21 paid. All payments made on account of any loan except for default and
22 deferment charges shall be deemed to be applied to the unpaid
23 installments in the order in which the unpaid installments are due. The
24 portion of the precomputed charges applicable to any particular month of
25 the contract, as originally scheduled or following a deferment, shall be
26 that proportion of such precomputed charges, excluding any adjustment
27 made for a first installment period of more than one month and any
28 adjustment made for deferment, which the balance of the contract
29 scheduled to be outstanding during such month bears to the sum of all
30 monthly balances originally scheduled to be outstanding by the contract.
31 This section shall not limit or restrict the manner of calculating

1 charges, whether by way of add-on, single annual rate, or otherwise, if
2 the rate of charges does not exceed what is permitted by this section.
3 Charges may be contracted for and earned at a single annual rate, except
4 that the total charges from such rate shall not be greater than the total
5 charges from the several rates otherwise applicable to the different
6 portions of the unpaid balance according to subsection (1) of this
7 section. All loan contracts made pursuant to this subsection are subject
8 to the following adjustments:

9 (a) Notwithstanding the requirement for substantially equal and
10 consecutive monthly installments, the first installment period may not
11 exceed one month by more than twenty-one days and may not fall short of
12 one month by more than eleven days. The charges for each day exceeding
13 one month shall be one-thirtieth of the charges which would be applicable
14 to a first installment period of one month. The charge for extra days in
15 the first installment period may be added to the first installment and
16 such charges for such extra days shall be excluded in computing any
17 rebate;

18 (b) If prepayment in full by cash, a new loan, or otherwise occurs
19 before the first installment due date, the charges shall be recomputed at
20 the rate of charges contracted for in accordance with this section upon
21 the actual unpaid principal balance of the loan for the actual time
22 outstanding by applying the payment, or payments, first to charges at the
23 agreed rate and the remainder to the principal. The amount of charges so
24 computed shall be retained in lieu of all precomputed charges;

25 (c) If a contract is prepaid in full by cash, a new loan, or
26 otherwise after the first installment due date, the borrower shall
27 receive a rebate of an amount which is not less than the amount obtained
28 by applying to the unpaid principal balances as originally scheduled or,
29 if deferred, as deferred, for the period following prepayment, according
30 to the actuarial method, the rate of charge contracted for in accordance
31 with this section. The licensee may round the rate of charge to the

1 nearest one-half of one percent if such procedure is not consistently
2 used to obtain a greater yield than would otherwise be permitted. Any
3 default and deferment charges which are due and unpaid may be deducted
4 from any rebate. No rebate shall be required for any partial prepayment.
5 No rebate of less than one dollar need be made. Acceleration of the
6 maturity of the contract shall not in itself require a rebate. If
7 judgment is obtained before the final installment date, the contract
8 balance shall be reduced by the rebate which would be required for
9 prepayment in full as of the date judgment is obtained;

10 (d) If any installment on a precomputed or interest-bearing loan is
11 unpaid in full for ten or more consecutive days, Sundays and holidays
12 included, after it is due, the licensee may charge and collect a default
13 charge not exceeding an amount equal to five percent of such installment.
14 If any installment payment is made by a check, draft, or similar signed
15 order which is not honored because of insufficient funds, no account, or
16 any other reason except an error of a third party to the loan contract,
17 the licensee may charge and collect a fifteen-dollar bad check charge.
18 Such default or bad check charges may be collected when due or at any
19 time thereafter;

20 (e) If, as of an installment due date, the payment date of all
21 wholly unpaid installments is deferred one or more full months and the
22 maturity of the contract is extended for a corresponding period, the
23 licensee may charge and collect a deferment charge not exceeding the
24 charge applicable to the first of the installments deferred, multiplied
25 by the number of months in the deferment period. The deferment period is
26 that period during which no payment is made or required by reason of such
27 deferment. The deferment charge may be collected at the time of deferment
28 or at any time thereafter. The portion of the precomputed charges
29 applicable to each deferred balance and installment period following the
30 deferment period shall remain the same as that applicable to such balance
31 and periods under the original loan contract. No installment on which a

1 default charge has been collected, or on account of which any partial
2 payment has been made, shall be deferred or included in the computation
3 of the deferment charge unless such default charge or partial payment is
4 refunded to the borrower or credited to the deferment charge. Any payment
5 received at the time of deferment may be applied first to the deferment
6 charge and the remainder, if any, applied to the unpaid balance of the
7 contract, except that if such payment is sufficient to pay, in addition
8 to the appropriate deferment charge, any installment which is in default
9 and the applicable default charge, it shall be first so applied and any
10 such installment shall not be deferred or subject to the deferment
11 charge. If a loan is prepaid in full during the deferment period, the
12 borrower shall receive, in addition to the required rebate, a rebate of
13 that portion of the deferment charge applicable to any unexpired full
14 month or months of such deferment period; and

15 (f) If two or more full installments are in default for one full
16 month or more at any installment date and if the contract so provides,
17 the installment loan licensee may reduce the contract balance by the
18 rebate which would be required for prepayment in full as of such
19 installment date and the amount remaining unpaid shall be deemed to be
20 the unpaid principal balance and thereafter in lieu of charging,
21 collecting, receiving, and applying charges as provided in this
22 subsection, charges may be charged, collected, received, and applied at
23 the agreed rate as otherwise provided by this section until the loan is
24 fully paid.

25 (3) The charges, as referred to in subsection (1) of this section,
26 shall not be compounded. The charging, collecting, and receiving of
27 charges as provided in subsection (2) of this section shall not be deemed
28 compounding. If part or all of the consideration for a loan contract is
29 the unpaid principal balance of a prior loan, then the principal amount
30 payable under such loan contract may include any unpaid charges on the
31 prior loan which have accrued within sixty days before the making of such

1 loan contract and may include the balance remaining after giving the
2 rebate required by subsection (2) of this section. Except as provided in
3 subsection (2) of this section, charges shall (a) be computed and paid
4 only as a percentage per month of the unpaid principal balance or
5 portions thereof and (b) be computed on the basis of the number of days
6 actually elapsed. For purposes of computing charges, whether at the
7 maximum rate or less, a month shall be that period of time from any date
8 in a month to the corresponding date in the next month but if there is no
9 such corresponding date then to the last day of the next month, and a day
10 shall be considered one-thirtieth of a month when computation is made for
11 a fraction of a month.

12 (4) Except as provided in subsections (5) and (6) of this section,
13 in addition to that provided for under the Nebraska Installment Loan and
14 Sales Act, no further or other amount whatsoever shall be directly or
15 indirectly charged, contracted for, or received. If any amount, in excess
16 of the charges permitted, is charged, contracted for, or received, the
17 loan contract shall not on that account be void, but the installment loan
18 licensee shall have no right to collect or receive any interest or other
19 charges whatsoever. If such interest or other charges have been collected
20 or contracted for, the licensee shall refund to the borrower all interest
21 and other charges collected and shall not collect any interest or other
22 charges contracted for and thereafter due on the loan involved, as
23 liquidated damages, and the installment loan licensee or its assignee, if
24 found liable, shall pay the costs of any action relating thereto,
25 including reasonable attorney's fees. No installment loan licensee shall
26 be found liable under this subsection if it shows by a preponderance of
27 the evidence that the violation was not intentional and resulted from a
28 bona fide error notwithstanding the maintenance of procedures reasonably
29 adopted to avoid any such error.

30 (5) A borrower may be required to pay all reasonable expenses
31 incurred in connection with the making, closing, disbursing, extending,

1 readjusting, or renewing of loans. Such expenses may include abstracting,
2 recording, releasing, and registration fees; premiums paid for nonfiling
3 insurance; premiums paid on insurance policies covering tangible personal
4 property securing the loan; amounts charged for a debt cancellation
5 contract or a debt suspension contract, as agreed upon by the parties, if
6 the debt cancellation contract or debt suspension contract is a contract
7 of a financial institution or installment loan licensee and such contract
8 is sold directly by such financial institution or licensee or by an
9 unaffiliated, nonexclusive agent of such financial institution or
10 licensee in accordance with 12 C.F.R. part 37, as such part existed on
11 January 1, 2026 ~~2025~~, and the financial institution or installment loan
12 licensee is responsible for the unaffiliated, nonexclusive agent's
13 compliance with such part; title examinations; credit reports; survey;
14 taxes or charges imposed upon or in connection with the making and
15 recording or releasing of any mortgage; amounts charged for a guaranteed
16 asset protection waiver; and fees and expenses charged for electronic
17 title and lien services. Except as provided in subsection (6) of this
18 section, a borrower may also be required to pay a nonrefundable loan
19 origination fee not to exceed the lesser of five hundred dollars or an
20 amount equal to seven percent of that part of the original principal
21 balance of any loan not in excess of two thousand dollars and five
22 percent on that part of the original principal balance in excess of two
23 thousand dollars, if the installment loan licensee has not made another
24 loan to the borrower within the previous twelve months. If the licensee
25 has made another loan to the borrower within the previous twelve months,
26 a nonrefundable loan origination fee may only be charged on new funds
27 advanced on each successive loan. Such reasonable initial charges may be
28 collected from the borrower or included in the principal balance of the
29 loan at the time the loan is made and shall not be considered interest or
30 a charge for the use of the money loaned.

31 (6)(a) Loans secured solely by real property that are not made

1 pursuant to subdivision (11) of section 45-101.04 on real property shall
2 not be subject to the limitations on the rate of interest provided in
3 subsection (1) of this section or the limitations on the nonrefundable
4 loan origination fee under subsection (5) of this section if (i) the
5 principal amount of the loan is seven thousand five hundred dollars or
6 more and (ii) the sum of the principal amount of the loan and the
7 balances of all other liens against the property do not exceed one
8 hundred percent of the appraised value of the property. Acceptable
9 methods of determining appraised value shall be made by the department
10 pursuant to rule, regulation, or order.

11 (b) An origination fee on such loan shall be computed only on the
12 principal amount of the loan reduced by any portion of the principal that
13 consists of the amount required to pay off another loan made under this
14 subsection by the same licensee.

15 (c) A prepayment penalty on such loan shall be permitted only if (i)
16 the maximum amount of the penalty to be assessed is stated in writing at
17 the time the loan is made, (ii) the loan is prepaid in full within two
18 years from the date of the loan, and (iii) the loan is prepaid with money
19 other than the proceeds of another loan made by the same licensee. Such
20 prepayment penalty shall not exceed six months' interest on eighty
21 percent of the original principal balance computed at the agreed rate of
22 interest on the loan.

23 (d) An installment loan licensee making a loan pursuant to this
24 subsection may obtain an interest in any fixtures attached to such real
25 property and any insurance proceeds payable in connection with such real
26 property or the loan.

27 (e) For purposes of this subsection, principal amount of the loan
28 means the total sum owed by the borrower including, but not limited to,
29 insurance premiums, loan origination fees, or any other amount that is
30 financed, except that for purposes of subdivision (6)(b) of this section,
31 loan origination fees shall not be included in calculating the principal

1 amount of the loan.

2 **Sec. 30.** Section 45-364, Revised Statutes Supplement, 2025, is
3 amended to read:

4 45-364 (1) Each retail installment sales contract shall be in
5 writing, shall be signed by both the buyer and the seller, and shall
6 contain the following items, and a copy thereof shall be delivered to the
7 buyer at the time the instrument is signed, except for contracts made in
8 conformance with subdivision (5)(c) of section 45-336:

9 (a) The cash sale price;

10 (b) The amount of the buyer's downpayment, and whether made in money
11 or goods, or partly in money and partly in goods, including a brief
12 description of any goods traded in;

13 (c) The difference between subdivisions (a) and (b) of this
14 subsection;

15 (d) The amount included for insurance if a separate charge is made
16 therefor, specifying the types of coverages;

17 (e) The amount included for a debt cancellation contract or a debt
18 suspension contract if the debt cancellation contract or debt suspension
19 contract is a contract of a financial institution or licensee, such
20 contract is sold directly by such financial institution or licensee or by
21 an unaffiliated, nonexclusive agent of such financial institution or
22 licensee in accordance with 12 C.F.R. part 37, as such part existed on
23 January 1, 2026 ~~2025~~, and the financial institution or licensee is
24 responsible for the unaffiliated, nonexclusive agent's compliance with
25 such part, and a separate charge is made therefor;

26 (f) The amount included for electronic title and lien services other
27 than fees and charges prescribed by law which actually are or will be
28 paid to public officials for determining the existence of or for
29 perfecting, releasing, or satisfying any security related to the credit
30 transaction;

31 (g) The basic time price, which is the sum of subdivisions (c), (d),

1 (e), and (f) of this subsection;

2 (h) The time-price differential;

3 (i) The amount of the time-price balance, which is the sum of
4 subdivisions (g) and (h) of this subsection, payable in installments by
5 the buyer to the seller;

6 (j) The number, amount, and due date or period of each installment;

7 (k) The time-sales price; and

8 (l) The amount included for a guaranteed asset protection waiver.

9 (2) The contract shall contain substantially the following notice:
10 NOTICE TO THE BUYER. DO NOT SIGN THIS CONTRACT BEFORE YOU READ IT OR IF
11 IT CONTAINS BLANK SPACES. YOU ARE ENTITLED TO A COPY OF THE CONTRACT YOU
12 SIGN.

13 (3) The items listed in subsection (1) of this section need not be
14 stated in the sequence or order set forth in such subsection. Additional
15 items may be included to explain the computations made in determining the
16 amount to be paid by the buyer. No installment sales contract shall be
17 signed by the buyer or proffered by the seller when it contains blank
18 spaces to be filled in after execution, except that if delivery of the
19 goods or services is not made at the time of the execution of the
20 contract, the identifying numbers or marks of the goods, or similar
21 information, and the due date of the first installment may be inserted in
22 the contract after its execution.

23 (4) If a seller proffers an installment sales contract as part of a
24 transaction which delays or cancels, or promises to delay or cancel, the
25 payment of the time-price differential on the contract if the buyer pays
26 the basic time price, cash price, or cash sale price within a certain
27 period of time, the seller shall, in clear and conspicuous writing,
28 either within the installment sales contract or in a separate document,
29 inform the buyer of the exact date by which the buyer must pay the basic
30 time price, cash price, or cash sale price in order to delay or cancel
31 the payment of the time-price differential. The seller or any subsequent

1 purchaser of the installment sales contract, including a sales finance
2 company, shall not be allowed to change such date.

3 (5) Upon written request from the buyer, the holder of an
4 installment sales contract shall give or forward to the buyer a written
5 statement of the dates and amounts of payments and the total amount
6 unpaid under such contract. A buyer shall be given a written receipt for
7 any payment when made in cash.

8 (6) After payment of all sums for which the buyer is obligated under
9 a contract, the holder shall deliver or mail to the buyer at his or her
10 last-known address one or more good and sufficient instruments or copies
11 thereof to acknowledge payment in full and shall release all security in
12 the goods and mark canceled and return to the buyer the original
13 agreement or copy thereof or instruments or copies thereof signed by the
14 buyer. For purposes of this section, a copy shall meet the requirements
15 of section 25-12,112.

16 **Sec. 31.** Section 45-735, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 45-735 (1) A mortgage loan originator shall be an employee or
19 independent agent of a single Nebraska licensed mortgage banker,
20 registrant, or installment loan company that shall directly supervise,
21 control, and maintain responsibility for the acts and omissions of the
22 mortgage loan originator.

23 (2)(a) A mortgage loan originator shall not engage in mortgage loan
24 origination activities at any location that is not a main office location
25 of a licensed mortgage banker, registrant, or installment loan company or
26 a branch office of a licensed mortgage banker or registrant. The licensed
27 mortgage banker, registrant, or installment loan company shall designate
28 the location or locations at which each mortgage loan originator is
29 originating residential mortgage loans.

30 (b) The department may adopt and promulgate rules, regulations, and
31 orders to authorize and regulate the use of remote work arrangements

1 conducted outside of a main office location or branch office by employees
2 or agents, including mortgage loan originators, of licensed mortgage
3 bankers, registrants, or installment loan companies.

4 (3) Any licensed mortgage banker, registrant, or installment loan
5 company who engages an independent agent as a mortgage loan originator
6 shall maintain a written agency contract with such mortgage loan
7 originator. Such written agency contract shall provide that the mortgage
8 loan originator is originating loans exclusively for the licensed
9 mortgage banker, registrant, or installment loan company.

10 (4) A licensed mortgage banker, registrant, or installment loan
11 company that has hired a licensed mortgage loan originator as an employee
12 or entered into an independent agent agreement with such licensed
13 mortgage loan originator shall provide notification to the department as
14 soon as reasonably possible after entering into such relationship, along
15 with a fee of fifty dollars. The employing entity shall not allow the
16 mortgage loan originator to conduct such activity in this state prior to
17 such notification to the department and confirmation that the department
18 has received notice of the termination of the mortgage loan originator's
19 prior employment.

20 (5) A licensed mortgage banker, registrant, or installment loan
21 company shall notify the department no later than ten days after the
22 termination, whether voluntary or involuntary, of a mortgage loan
23 originator unless the mortgage loan originator has previously notified
24 the department of the termination.

25 **Sec. 32.** Section 45-737, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 45-737 A licensee licensed as a mortgage banker shall:

28 (1) Disburse required funds paid by the borrower and held in escrow
29 for the payment of insurance payments no later than the date upon which
30 the premium is due under the insurance policy;

31 (2) Disburse funds paid by the borrower and held in escrow for the

1 payment of real estate taxes prior to the time such real estate taxes
2 become delinquent;

3 (3) Pay any penalty incurred by the borrower because of the failure
4 of the licensee to make the payments required in subdivisions (1) and (2)
5 of this section unless the licensee establishes that the failure to
6 timely make the payments was due solely to the fact that the borrower was
7 sent a written notice of the amount due more than fifteen calendar days
8 before the due date to the borrower's last-known address and failed to
9 timely remit the amount due to the licensee;

10 (4) At least annually perform a complete escrow analysis. If there
11 is a change in the amount of the periodic payments, the licensee shall
12 mail written notice of such change to the borrower at least twenty
13 calendar days before the effective date of the change in payment. The
14 following information shall be provided to the borrower, without charge,
15 in one or more reports, at least annually:

16 (a) The name and address of the licensee;

17 (b) The name and address of the borrower;

18 (c) A summary of the escrow account activity during the year which
19 includes all of the following:

20 (i) The balance of the escrow account at the beginning of the year;

21 (ii) The aggregate amount of deposits to the escrow account during
22 the year; and

23 (iii) The aggregate amount of withdrawals from the escrow account
24 for each of the following categories:

25 (A) Payments applied to loan principal;

26 (B) Payments applied to interest;

27 (C) Payments applied to real estate taxes;

28 (D) Payments for real property insurance premiums; and

29 (E) All other withdrawals; and

30 (d) A summary of loan principal for the year as follows:

31 (i) The amount of principal outstanding at the beginning of the

1 year;

2 (ii) The aggregate amount of payments applied to principal during
3 the year; and

4 (iii) The amount of principal outstanding at the end of the year;

5 (5) Establish and maintain a toll-free telephone number or accept
6 collect telephone calls to respond to inquiries from borrowers, if the
7 licensee services residential mortgage loans. If a licensee ceases to
8 service residential mortgage loans, it shall continue to maintain a toll-
9 free telephone number or accept collect telephone calls to respond to
10 inquiries from borrowers for a period of twelve months after the date the
11 licensee ceased to service residential mortgage loans. A telephonic
12 messaging service which does not permit the borrower an option of
13 personal contact with an employee, agent, or contractor of the licensee
14 shall not satisfy the conditions of this section. Each day such licensee
15 fails to comply with this subdivision shall constitute a separate
16 violation of the Residential Mortgage Licensing Act;

17 (6) Answer in writing, within seven business days after receipt, any
18 written request for payoff information received from a borrower or a
19 borrower's designated representative. This service shall be provided
20 without charge to the borrower, except that when such information is
21 provided upon request within sixty days after the fulfillment of a
22 previous request, a processing fee of up to ten dollars may be charged;

23 (7) Record or cause to be recorded a release of mortgage pursuant to
24 the provisions of section 76-2803 or, in the case of a trust deed, record
25 or cause to be recorded a reconveyance pursuant to the provisions of
26 section 76-2803;

27 (8) Maintain a copy of all documents and records relating to each
28 residential mortgage loan and application for a residential mortgage
29 loan, including, but not limited to, loan applications, federal Truth in
30 Lending Act statements, good faith estimates, appraisals, notes, rights
31 of rescission, and mortgages or trust deeds for a period of five years

1 after the date the residential mortgage loan is funded or the loan
2 application is denied or withdrawn;

3 (9) Notify the director in writing or through the Nationwide
4 Mortgage Licensing System and Registry within three business days after
5 the occurrence of any of the following:

6 (a) The filing of a voluntary petition in bankruptcy by the licensee
7 or notice of a filing of an involuntary petition in bankruptcy against
8 the licensee;

9 (b) The licensee has lost the ability to fund a loan or loans after
10 it had made a loan commitment or commitments and approved a loan
11 application or applications;

12 (c) Any other state or jurisdiction institutes license denial, cease
13 and desist, suspension, or revocation procedures against the licensee;

14 (d) The attorney general of any state, the Consumer Financial
15 Protection Bureau, or the Federal Trade Commission initiates an action to
16 enforce consumer protection laws against the licensee or any of the
17 licensee's officers, directors, shareholders, partners, members,
18 employees, or agents;

19 (e) The Federal National Mortgage Association, Federal Home Loan
20 Mortgage Corporation, Federal Housing Administration, or Government
21 National Mortgage Association suspends or terminates the licensee's
22 status as an approved seller or seller and servicer;

23 (f) The filing of a criminal indictment or information against the
24 licensee or any of its officers, directors, shareholders, partners,
25 members, employees, or agents;

26 (g) The licensee or any of the licensee's officers, directors,
27 shareholders, partners, members, employees, or agents was convicted of,
28 pleaded guilty to, or was found guilty after a plea of nolo contendere to

29 (i) a misdemeanor under state or federal law which involves dishonesty or
30 fraud or which involves any aspect of the mortgage banking business,
31 depository institution business, or installment loan company business or

1 (ii) any felony under state or federal law; or

2 (h)(i) Except as provided in subdivisions (9)(h)(ii) and (iii) of
3 this section, a licensee shall notify the director in writing or through
4 the Nationwide Mortgage Licensing System and Registry within three
5 business days from the time that the licensee becomes aware of any breach
6 of security of the system of computerized data owned or licensed by the
7 licensee, which contains personal information about a Nebraska resident,
8 or the unauthorized access to or use of such information about a Nebraska
9 resident as a result of the breach.

10 (ii) If a licensee would be required under Nebraska law to provide
11 notification to a Nebraska resident regarding such incident, then the
12 licensee shall provide a copy of such notification to the department
13 prior to or simultaneously with the licensee's notification to the
14 Nebraska resident.

15 (iii) Notice required by subdivision (9)(h) of this section may be
16 delayed if a law enforcement agency determines that the notice will
17 impede a criminal investigation. Notice shall be made in good faith,
18 without unreasonable delay, and as soon as possible after the law
19 enforcement agency determines that notification will no longer impede the
20 investigation.

21 (iv) For purposes of subdivision (9)(h) of this section, the terms
22 breach of the security of the system and personal information have the
23 same meaning as in section 87-802; and

24 (10) Notify the director in writing or through the Nationwide
25 Mortgage Licensing System and Registry within thirty days after the
26 occurrence of a material development other than as described in
27 subdivision (9) of this section, including, but not limited to, any of
28 the following:

29 (a) Business reorganization;

30 (b) A change of name, trade name, doing business as designation, or
31 main office address;

1 (c) The establishment of a branch office. Notice of such
2 establishment shall be on a form prescribed by the department and
3 accompanied by a fee of seventy-five dollars for each branch office;

4 (d) The relocation or closing of a branch office; or

5 (e) The entry of an order against the licensee or any of the
6 licensee's officers, directors, shareholders, partners, members,
7 employees, or agents, including orders to which the licensee or other
8 parties consented, by any other state or federal regulator.

9 (11)(a) Disclose to the borrower, in connection with any refinance
10 of an existing residential mortgage loan, whether or not the borrower
11 will receive a net tangible benefit through such refinance. Such
12 disclosure shall be on a worksheet prescribed by the director or on a
13 form prescribed by the director substantially similar to such worksheet.

14 (b) For purposes of this subsection, net tangible benefit means a
15 benefit of a refinance that will be in the financial interests of the
16 borrower. Net tangible benefit includes, but is not limited to:

17 (i) Obtaining a lower interest rate;

18 (ii) Obtaining a lower monthly payment, including principal,
19 interest, taxes, and insurance;

20 (iii) Obtaining a shorter amortization schedule;

21 (iv) Changing from an adjustable interest rate to a fixed interest
22 rate;

23 (v) Eliminating a negative amortization feature;

24 (vi) Eliminating a balloon payment feature;

25 (vii) Receiving cash out from the new loan in an amount greater than
26 all closing costs incurred in connection with such loan;

27 (viii) Avoiding foreclosure;

28 (ix) Eliminating private mortgage insurance; and

29 (x) Consolidating other existing loans into a new mortgage loan.

30 **Sec. 33.** Section 45-741, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 45-741 (1) The director may examine documents and records maintained
2 by a licensee, registrant, individual, or person subject to the
3 Residential Mortgage Licensing Act. The director may investigate
4 complaints about a licensee, registrant, individual, or person subject to
5 the act. The director may investigate reports of alleged violations of
6 the act, any federal law governing residential mortgage loans, or any
7 rule, regulation, or order of the director under the act. For purposes of
8 investigating violations or complaints arising under the act or for the
9 purposes of examination, the director may review, investigate, or examine
10 any licensee, registrant, individual, or person subject to the act as
11 often as necessary in order to carry out the purposes of the act.

12 (2) For purposes of any investigation, examination, or proceeding,
13 including, but not limited to, initial licensing, license renewal,
14 license suspension, license conditioning, or license revocation, the
15 director shall have the authority to access, receive, and use any books,
16 accounts, records, files, documents, information, or evidence, including,
17 but not limited to:

18 (a) Criminal, civil, and administrative history information;

19 (b) Personal history and experience information, including
20 independent credit reports obtained from a consumer reporting agency
21 described in 15 U.S.C. 1681a(p), as such section existed on January 1,
22 2026 ~~2010~~; and

23 (c) Any other documents, information, or evidence the director deems
24 relevant to the inquiry or investigation regardless of the location,
25 possession, control, or custody of such documents, information, or
26 evidence.

27 (3) Each licensee, registrant, individual, or person subject to the
28 Residential Mortgage Licensing Act shall make available to the director
29 upon request the books, accounts, records, files, or documents relating
30 to the operations of such licensee, registrant, individual, or person
31 subject to the act. The director shall have access to such books,

1 accounts, records, files, and documents and may interview the officers,
2 principals, mortgage loan originators, employees, independent
3 contractors, agents, and customers of the licensee, registrant,
4 individual, or person subject to the act, concerning the business of the
5 licensee, registrant, individual, or person subject to the act.

6 (4) Each licensee, registrant, individual, or person subject to the
7 act shall make or compile reports or prepare other information as
8 instructed by the director in order to carry out the purposes of this
9 section, including, but not limited to:

10 (a) Accounting compilations;

11 (b) Information lists and data concerning loan transactions on a
12 form prescribed by the director; or

13 (c) Such other information deemed necessary to carry out the
14 purposes of this section.

15 (5) The director may send a notice of investigation or inquiry
16 request for information to a licensee or registrant. Upon receipt by a
17 licensee or registrant of the director's notice of investigation or
18 inquiry request for information, the licensee or registrant shall respond
19 within twenty-one calendar days. Each day beyond that time a licensee or
20 registrant fails to respond as required by this subsection shall
21 constitute a separate violation of the act. This subsection shall not be
22 construed to require the director to send a notice of investigation to a
23 licensee, a registrant, or any person.

24 (6) For the purpose of any investigation, examination, or proceeding
25 under the act, the director or any officer designated by him or her may
26 administer oaths and affirmations, subpoena witnesses and compel their
27 attendance, take evidence, and require the production of any books,
28 papers, correspondence, memoranda, agreements, or other documents or
29 records which the director deems relevant or material to the inquiry. If
30 any person refuses to comply with a subpoena issued under this section or
31 to testify with respect to any matter relevant to the proceeding, the

1 district court of Lancaster County may, on application of the director,
2 issue an order requiring the person to comply with the subpoena and to
3 testify. Failure to obey an order of the court to comply with the
4 subpoena may be punished by the court as civil contempt.

5 (7) In conducting an examination or investigation under this
6 section, the director may rely on reports made by the licensee or
7 registrant which have been prepared within the preceding twelve months
8 for the following federal agencies or federally related entities:

- 9 (a) The United States Department of Housing and Urban Development;
- 10 (b) The Federal Housing Administration;
- 11 (c) The Federal National Mortgage Association;
- 12 (d) The Government National Mortgage Association;
- 13 (e) The Federal Home Loan Mortgage Corporation;
- 14 (f) The United States Department of Veterans Affairs; or
- 15 (g) The Consumer Financial Protection Bureau.

16 (8) In order to carry out the purposes of this section, the director
17 may:

18 (a) Enter into agreements or relationships with other government
19 officials or regulatory associations in order to improve efficiencies and
20 reduce the regulatory burden by sharing resources, standardized or
21 uniform methods or procedures, and documents, records, information, or
22 evidence obtained under this section;

23 (b) Use, hire, contract, or employ publicly or privately available
24 analytical systems, methods, or software to examine or investigate the
25 licensee, registrant, individual, or person subject to the act;

26 (c) Accept and rely on examination or investigation reports made by
27 other government officials, within or without this state; or

28 (d) Accept audit reports made by an independent certified public
29 accountant for the licensee, registrant, individual, or person subject to
30 the act in the course of that part of the examination covering the same
31 general subject matter as the audit and incorporate the audit report in

1 the report of the examination, report of investigation, or other writing
2 of the director.

3 (9) If the director receives a complaint or other information
4 concerning noncompliance with the act by an exempt person, the director
5 shall inform the agency having supervisory authority over the exempt
6 person of the complaint.

7 (10) No licensee, registrant, individual, or person subject to
8 investigation or examination under this section shall knowingly withhold,
9 abstract, remove, mutilate, destroy, or secrete any books, records,
10 computer records, or other information.

11 (11) The total charge for an examination or investigation shall be
12 paid by the licensee or registrant as set forth in sections 8-605 and
13 8-606.

14 (12) Examination reports shall not be deemed public records and may
15 be withheld from the public pursuant to section 84-712.05.

16 (13) Complaint files shall be deemed public records.

17 (14) The authority of this section shall remain in effect, whether
18 such a licensee, registrant, individual, or person subject to the
19 Residential Mortgage Licensing Act acts or claims to act under any
20 licensing or registration law of this state or claims to act without such
21 authority.

22 **Sec. 34.** Section 59-1722, Revised Statutes Supplement, 2025, is
23 amended to read:

24 59-1722 (1) Any transaction involving the sale of a franchise as
25 defined in 16 C.F.R. 436.1(h), as such regulation existed on January 1,
26 2026 2025, shall be exempt from the Seller-Assisted Marketing Plan Act,
27 except that such transactions shall be subject to subdivision (1)(d) of
28 section 59-1757, those provisions regulating or prescribing the use of
29 the phrase buy-back or secured investment or similar phrases as set forth
30 in sections 59-1726 to 59-1728 and 59-1751, and all sections which
31 provide for their enforcement. The exemption shall only apply if:

1 (a) The franchise is offered and sold in compliance with the
2 requirements of 16 C.F.R. part 436, Disclosure Requirements and
3 Prohibitions Concerning Franchising, as such part existed on January 1,
4 ~~2026~~ 2025;

5 (b) Before placing any advertisement in a Nebraska-based
6 publication, offering for sale to any prospective purchaser in Nebraska,
7 or making any representations in connection with such offer or sale to
8 any prospective purchaser in Nebraska, the seller files a notice with the
9 Department of Banking and Finance which contains (i) the name, address,
10 and telephone number of the seller and the name under which the seller
11 intends to do business and (ii) a brief description of the plan offered
12 by the seller; and

13 (c) The seller pays a filing fee of one hundred dollars.

14 (2) The department may request a copy of the disclosure document
15 upon receipt of a written complaint or inquiry regarding the seller or
16 upon a reasonable belief that a violation of the Seller-Assisted
17 Marketing Plan Act has occurred or may occur. The seller shall provide
18 such copy within ten business days of receipt of the request.

19 (3) All funds collected by the department under this section shall
20 be remitted to the State Treasurer for credit to the Securities Act Cash
21 Fund.

22 (4) The Director of Banking and Finance may by order deny or revoke
23 an exemption specified in this section with respect to a particular
24 offering of one or more business opportunities if the director finds that
25 such an order is in the public interest or is necessary for the
26 protection of purchasers. An order shall not be entered without
27 appropriate prior notice to all interested parties, an opportunity for
28 hearing, and written findings of fact and conclusions of law. If the
29 public interest or the protection of purchasers so requires, the director
30 may by order summarily deny or revoke an exemption specified in this
31 section pending final determination of any proceedings under this

1 section. An order under this section shall not operate retroactively.

2 **Sec. 35.** Section 69-2103, Revised Statutes Supplement, 2025, is
3 amended to read:

4 69-2103 For purposes of the Consumer Rental Purchase Agreement Act:

5 (1) Advertisement means a commercial message in any medium that
6 aids, promotes, or assists directly or indirectly a consumer rental
7 purchase agreement but does not include in-store merchandising aids such
8 as window signs and ceiling banners;

9 (2) Cash price means the price at which the lessor would have sold
10 the property to the consumer for cash on the date of the consumer rental
11 purchase agreement for the property;

12 (3) Consumer means a natural person who rents property under a
13 consumer rental purchase agreement;

14 (4) Consumer rental purchase agreement means an agreement which is
15 for the use of property by a consumer primarily for personal, family, or
16 household purposes, which is for an initial period of four months or
17 less, whether or not there is any obligation beyond the initial period,
18 which is automatically renewable with each payment, and which permits the
19 consumer to become the owner of the property. A consumer rental purchase
20 agreement in compliance with the act shall not be construed to be a lease
21 or agreement which constitutes a credit sale as defined in 12 C.F.R.
22 1026.2(a)(16), as such regulation existed on January 1, 2026 ~~2025~~, and 15
23 U.S.C. 1602(h), as such section existed on January 1, 2026 ~~2025~~, or a
24 lease which constitutes a consumer lease as defined in 12 C.F.R. 1013.2,
25 as such regulation existed on January 1, 2026 ~~2025~~. Consumer rental
26 purchase agreement does not include:

27 (a) Any lease for agricultural, business, or commercial purposes;

28 (b) Any lease made to an organization;

29 (c) A lease or agreement which constitutes an installment sale or
30 installment sales contract as defined in section 45-335;

31 (d) A security interest as defined in subdivision (35) of section

1 1-201, Uniform Commercial Code; and

2 (e) A home solicitation sale as defined in section 69-1601;

3 (5) Consummation means the occurrence of an event which causes a
4 consumer to become contractually obligated on a consumer rental purchase
5 agreement;

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

7 (7) Lease payment means a payment to be made by the consumer for the
8 right of possession and use of the property for a specific lease period
9 but does not include taxes imposed on such payment;

10 (8) Lease period means a week, month, or other specific period of
11 time, during which the consumer has the right to possess and use the
12 property after paying the lease payment and applicable taxes for such
13 period;

14 (9) Lessor means a person who in the ordinary course of business
15 operates a commercial outlet which regularly leases, offers to lease, or
16 arranges for the leasing of property under a consumer rental purchase
17 agreement;

18 (10) Property means any property that is not real property under the
19 laws of this state when made available for a consumer rental purchase
20 agreement; and

21 (11) Total of payments to acquire ownership means the total of all
22 charges imposed by the lessor and payable by the consumer as a condition
23 of acquiring ownership of the property. Total of payments to acquire
24 ownership includes lease payments and any initial nonrefundable
25 administrative fee or required delivery charge but does not include
26 taxes, late charges, reinstatement fees, or charges for optional products
27 or services.

28 **Sec. 36.** Section 4A-108, Uniform Commercial Code, Revised Statutes
29 Supplement, 2025, is amended to read:

30 4A-108 Relationship to federal Electronic Fund Transfer Act.

31 (a) Except as provided in subsection (b), this article does not

1 apply to a funds transfer any part of which is governed by the federal
2 Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq., as such act existed
3 on January 1, 2026 ~~2025~~.

4 (b) This article applies to a funds transfer that is a remittance
5 transfer as defined in the federal Electronic Fund Transfer Act, 15
6 U.S.C. 1693o-1, as such section existed on January 1, 2026 ~~2025~~, unless
7 the remittance transfer is an electronic fund transfer as defined in the
8 federal Electronic Fund Transfer Act, 15 U.S.C. 1693a, as such section
9 existed on January 1, 2026 ~~2025~~.

10 (c) In a funds transfer to which this article applies, in the event
11 of an inconsistency between an applicable provision of this article and
12 an applicable provision of the federal Electronic Fund Transfer Act, the
13 provision of the federal Electronic Fund Transfer Act governs to the
14 extent of the inconsistency.

15 **Sec. 37.** Sections 6, 10, 12, 18, 21, 22, 23, 26, 27, 28, 31, 32,
16 and 38 of this act become operative three calendar months after the
17 adjournment of this legislative session. The other sections of this act
18 become operative on their effective date.

19 **Sec. 38.** Sections 8-1,124 and 8-1502, Reissue Revised Statutes of
20 Nebraska, sections 8-3003, 8-3013, 45-735, and 45-737, Revised Statutes
21 Cumulative Supplement, 2024, and sections 8-1101, 8-3033, 8-3034,
22 45-101.04, 45-335, and 45-345, Revised Statutes Supplement, 2025, are
23 repealed.

24 **Sec. 39.** Sections 8-2102 and 45-741, Reissue Revised Statutes of
25 Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01, 8-183.04, 8-1,140,
26 8-318, 8-355, 8-1101.01, 8-1704, 8-1707, 8-2742, 8-2903, 8-3005, 8-3007,
27 21-17,102, 21-17,115, 45-349, 45-364, 59-1722, and 69-2103, Revised
28 Statutes Supplement, 2025, and section 4A-108, Uniform Commercial Code,
29 Revised Statutes Supplement, 2025, are repealed.

30 **Sec. 40.** Since an emergency exists, this act takes effect when
31 passed and approved according to law.