

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 717

FINAL READING

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, 8-2703, 8-2742, 8-2903, 8-3005, 8-3007,
7 8-3033, 8-3034, 21-17,102, 21-17,115, 45-101.04, 45-335, 45-345,
8 45-349, 45-364, 59-1722, and 69-2103, Revised Statutes Supplement,
9 2025, and 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, the applicability of the
13 Nebraska Money Transmitters Act, digital asset depository
14 institutions, the maximum general interest rate on certain loans,
15 installment loans, mortgage loan originators, and mortgage bankers;
16 to change references to the Nebraska Money Transmitters Act in the
17 Controllable Electronic Record Fraud Prevention Act; to harmonize
18 provisions; to provide operative dates; to repeal the original
19 sections; and to declare an 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6 the name of any person, regardless of age, the deposit may be withdrawn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 8-2703, Revised Statutes Supplement, 2025, is
19 amended to read:

20 8-2703 The Nebraska Money Transmitters Act does not apply to:

21 (1) An operator of a payment system to the extent that such operator
22 provides processing, clearing, or settlement services, between or among
23 persons exempted from the Nebraska Money Transmitters Act under this
24 section or licensees, in connection with wire transfers, credit card
25 transactions, debit card transactions, stored value transactions,
26 automated clearinghouse transfers, or similar funds transfers;

27 (2) A person appointed as an agent of a payee to collect and process
28 a payment from a payor to the payee for goods or services, other than
29 money transmission, provided to the payor by the payee, provided that:

30 (a) There exists a written agreement between the payee and the agent
31 directing the agent to collect and process payments from payors on the

1 behalf of the payee;

2 (b) The payee holds the agent out to the public as accepting
3 payments for goods or services on the behalf of the payee; and

4 (c) Payment for the goods or services is treated as received by the
5 payee upon receipt by the agent so that the payor's obligation is
6 extinguished and there is no risk of loss to the payor if the agent fails
7 to remit the funds to the payee;

8 (3) A person that acts as an intermediary by processing payments
9 between an entity that has directly incurred an outstanding money
10 transmission obligation to a sender, and the sender's designated
11 recipient, provided that the entity:

12 (a) Is properly licensed or exempt from licensing requirements of
13 the Nebraska Money Transmitters Act;

14 (b) Provides a receipt, electronic record, or other written
15 confirmation to the sender identifying the entity as the provider of
16 money transmission in the transaction; and

17 (c) Bears sole responsibility to satisfy the outstanding money
18 transmission obligation to the sender, including the obligation to make
19 the sender whole in connection with any failure to transmit the funds to
20 the designated recipient of the sender;

21 (4) The United States or any department, agency, or instrumentality
22 thereof or any agent of the United States or any department, agency, or
23 instrumentality thereof;

24 (5) Money transmission by the United States Postal Service or by an
25 agent of the United States Postal Service;

26 (6) A state, county, or city or any governmental agency, political
27 subdivision, or instrumentality of a state, or any agent of a state,
28 county, or city or any governmental agency, political subdivision, or
29 instrumentality of a state;

30 (7) A federally insured depository financial institution, bank
31 holding company, office of an international banking corporation, foreign

1 bank that establishes a federal branch pursuant to the International
2 Banking Act of 1978, corporation organized pursuant to the Bank Service
3 Company Act, or corporation organized under the Edge Act;

4 (8) Electronic funds transfer of governmental benefits for a
5 federal, state, county, or other governmental agency by a contractor on
6 behalf of the United States or a department, agency, or instrumentality
7 thereof, or on behalf of a state, county, or other governmental
8 subdivision, agency, or instrumentality thereof;

9 (9) A board of trade designated as a contract market under the
10 Commodity Exchange Act or a person that, in the ordinary course of
11 business, provides clearance and settlement services for a board of trade
12 to the extent of such person's operation as or for such a board;

13 (10) A person registered as a futures commission merchant under the
14 federal commodities laws to the extent of such person's operation as a
15 merchant;

16 (11) A person registered as a securities broker-dealer under federal
17 or state securities laws to the extent of such person's operation as a
18 broker-dealer;

19 (12) An individual employed by a licensee, authorized delegate, or
20 any person exempted from the licensing requirements of the Nebraska Money
21 Transmitters Act when acting within the scope of employment, under the
22 supervision of the licensee, authorized delegate, or exempted person, as
23 an employee and not as an independent contractor;

24 (13) A person expressly appointed as a third-party service provider
25 to or agent of an entity exempt under subdivision (7) of this section,
26 solely to the extent that:

27 (a) Such service provider or agent is engaging in money transmission
28 on behalf of and pursuant to a written agreement with the exempt entity
29 that sets forth the specific functions that the service provider or agent
30 is to perform; and

31 (b) The exempt entity assumes all risk of loss and all legal

1 responsibility for satisfying the outstanding money transmission
2 obligations owed to purchasers and holders of the outstanding money
3 transmission obligations upon receipt of the purchaser's or holder's
4 money or monetary value by the service provider or agent;

5 (14) A person, firm, corporation, or association licensed in this
6 state and acting within this state within the scope of a license:

7 (a) As a collection agency pursuant to the Collection Agency Act;

8 (b) As a credit services organization pursuant to the Credit
9 Services Organization Act; or

10 (c) To engage in the debt management business pursuant to sections
11 69-1201 to 69-1217;

12 (15) A charter issued under the Nebraska Financial Innovation Act;
13 and

14 (16) A person that provides payroll processing services if such
15 person:

16 (a)(i) Employs less than twenty full time or full-time equivalent
17 employees for the provision of such services; or

18 (ii) Provides payroll processing services for less than fifty
19 employees residing in Nebraska;

20 (b) Has not been convicted of or pled guilty or nolo contendere to a
21 felony in a domestic, foreign, or military court and no key individual or
22 person in control of the person that provides payroll processing services
23 has been convicted of or pled guilty or nolo contendere to a felony in a
24 domestic, foreign, or military court;

25 (c) Has never had a financial services license or professional
26 license revoked in any jurisdiction and no key individual or person in
27 control of the person providing payroll processing services has ever had
28 a financial services license or professional license revoked in any
29 jurisdiction, except that a revocation that is formally vacated shall not
30 be deemed a revocation; and

31 (d) Does not otherwise engage in the business of money transmission

1 in this state or any other activity requiring a license under the
2 Nebraska Money Transmitters Act; and

3 (17) ~~(16)~~ A person exempt by regulation or order if the director
4 finds such exemption to be in the public interest and that the regulation
5 of such person is not necessary for the purposes of the Nebraska Money
6 Transmitters Act.

7 **Sec. 17.** Section 8-2742, Revised Statutes Supplement, 2025, is
8 amended to read:

9 8-2742 For purposes of the Nebraska Money Transmitters Act:

10 (1) 31 C.F.R. 1010.100 means 31 C.F.R. 1010.100, as such regulation
11 existed on January 1, 2026 ~~2025~~;

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

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

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

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

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

23 (7) Federal Deposit Insurance Act means the Federal Deposit
24 Insurance Act, 12 U.S.C. 1811 et seq., as such act existed on January 1,
25 2026 ~~2025~~;

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

28 (9) Foreign Account Tax Compliance Act means the Foreign Account Tax
29 Compliance Act, 26 U.S.C. 1471 et seq., as such act existed on January 1,
30 2026 ~~2025~~;

31 (10) International Banking Act of 1978 means the International

1 Banking Act of 1978, 12 U.S.C. 3101 et seq., as such act existed on
2 January 1, 2026 ~~2025~~;

3 (11) Securities Exchange Act of 1934 means the Securities Exchange
4 Act of 1934, 15 U.S.C. 78a et seq., as such act existed on January 1,
5 2026 ~~2025~~;

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

8 (13) Uniting and Strengthening America by Providing Appropriate
9 Tools Required to Intercept and Obstruct Terrorism Act of 2001 means the
10 Uniting and Strengthening America by Providing Appropriate Tools Required
11 to Intercept and Obstruct Terrorism Act of 2001, Public Law 107-56, as
12 such act existed on January 1, 2026 ~~2025~~.

13 **Sec. 18.** Section 8-2903, Revised Statutes Supplement, 2025, is
14 amended to read:

15 8-2903 (1) When a financial institution, or an employee of a
16 financial institution, reasonably believes, or has received information
17 from the department or a law enforcement agency demonstrating that it is
18 reasonable to believe, that financial exploitation of a vulnerable adult
19 or senior adult may have occurred, may have been attempted, is occurring,
20 or is being attempted, the financial institution may, but is not required
21 to:

22 (a) Delay or refuse a transaction with or involving the vulnerable
23 adult or senior adult;

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

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

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

31 (e) Refuse to comply with instructions given to the financial

1 institution by an agent or a person acting for or with an agent under a
2 power of attorney signed or purported to have been signed by the
3 vulnerable adult or senior adult; or

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

7 (2) A financial institution is not required to act under subsection
8 (1) of this section when provided with information alleging that
9 financial exploitation may have occurred, may have been attempted, is
10 occurring, or is being attempted, but may use the financial institution's
11 discretion to determine whether or not to act under subsection (1) of
12 this section based on the information available to the financial
13 institution at the time.

14 (3)(a)(i) A financial institution may notify any third party
15 reasonably associated with a vulnerable adult or senior adult if the
16 financial institution reasonably believes that the financial exploitation
17 of a vulnerable adult or senior adult may have occurred, may have been
18 attempted, is occurring, or is being attempted.

19 (ii) A third party reasonably associated with a vulnerable adult or
20 senior adult includes, but is not limited to, the following: (A) A
21 parent, spouse, adult child, sibling, or other known family member or
22 close associate of a vulnerable adult or senior adult; (B) an authorized
23 contact provided by a vulnerable adult or senior adult to the financial
24 institution; (C) a co-owner, additional authorized signatory, or
25 beneficiary on a vulnerable adult's or a senior adult's account; (D) an
26 attorney in fact, trustee, conservator, guardian, or other fiduciary who
27 has been selected by a vulnerable adult or senior adult, a court, or a
28 third party to manage some or all of the financial affairs of the
29 vulnerable adult or senior adult; and (E) an attorney known to represent
30 or have represented the vulnerable adult or senior adult.

31 (b) A financial institution may choose not to notify any third party

1 reasonably associated with a vulnerable adult or senior adult of
2 suspected financial exploitation of the vulnerable adult or senior adult
3 if the financial institution reasonably believes the third party is, may
4 be, or may have been engaged in the financial exploitation of the
5 vulnerable adult or senior adult or if requested to refrain from making a
6 notification by a law enforcement agency, if such notification could
7 interfere with a law enforcement investigation.

8 (c) Nothing in this subsection shall prevent a financial institution
9 from notifying the department or a law enforcement agency, if the
10 financial institution reasonably believes that the financial exploitation
11 of a vulnerable adult or senior adult may have occurred, may have been
12 attempted, is occurring, or is being attempted.

13 (4) The authority granted the financial institution under subsection
14 (1) of this section expires upon the sooner of: (a) Thirty business days
15 after the date on which the financial institution first acted under
16 subsection (1) of this section; (b) when the financial institution is
17 satisfied that the transaction or act will not result in financial
18 exploitation of the vulnerable adult or senior adult; or (c) upon
19 termination by an order of a court of competent jurisdiction.

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

25 (6) A financial institution and its bank holding company, if any,
26 and any employees, agents, officers, and directors of the financial
27 institution and its bank holding company, if any, shall be immune from
28 any civil, criminal, or administrative liability that may otherwise exist
29 (a) for delaying or refusing to execute a transaction, withdrawal, or
30 disbursement, or for not delaying or refusing to execute such
31 transaction, withdrawal, or disbursement under this section and (b) for

1 actions taken in furtherance of determinations made under subsections (1)
2 through (5) of this section.

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

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

14 **Sec. 19.** Section 8-3003, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 8-3003 For purposes of the Nebraska Financial Innovation Act:

17 (1) Blockchain means a distributed digital record of controllable
18 electronic record transactions;

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

21 (3) Control has the following meaning:

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

23 (i) The following conditions are met:

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

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

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

31 (III) Subject to subdivision (b) of this subdivision, the exclusive

1 power to transfer control of the controllable electronic record to
2 another person or cause another person to obtain control of a
3 controllable electronic record that derives from the controllable
4 electronic record; and

5 (B) The controllable electronic record, a record attached to or
6 logically associated with the controllable electronic record, or the
7 system in which the controllable electronic record is recorded, if any,
8 enables the person to readily identify itself as having the powers
9 specified in subdivision (a)(i) of this subdivision; or

10 (ii) Another person obtains control of the controllable electronic
11 record on behalf of the person, or having previously obtained control of
12 the controllable electronic record, acknowledges that it has control on
13 behalf of the person.

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

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

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

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

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

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

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

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

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

10 (9) Customer means a digital asset depositor or digital asset
11 account holder;

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

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

15 (12) Digital asset depository means (a) a financial institution that
16 securely holds liquid assets when such assets are in the form of
17 controllable electronic records, either as a corporation organized,
18 chartered, and operated pursuant to the Nebraska Financial Innovation Act
19 as a digital asset depository institution or (b) a financial institution
20 which has been further chartered by the director to operate ~~operating~~ a
21 digital asset depository business in ~~as~~ a digital asset depository
22 department of the financial institution ~~under a charter granted by the~~
23 ~~director~~;

24 (13) Digital asset depository department means a financial
25 institution operating a digital asset depository business as a digital
26 asset depository department under a charter granted by the director;

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

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

31 (16) Financial institution means a bank, savings bank, building and

1 loan association, ~~or~~ savings and loan association, or credit union
2 chartered by the United States, the department, or a foreign state
3 agency; or a trust company;

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

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

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

10 **Sec. 20.** Section 8-3005, Revised Statutes Supplement, 2025, is
11 amended to read:

12 8-3005 (1)(a) A digital asset depository may:

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

14 (ii) Sue and be sued;

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

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

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

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

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

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

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

29 (b) A digital asset depository institution shall not accept demand
30 deposits of United States currency or United States currency that may be
31 accessed or withdrawn by check or similar means for payment to third

1 parties and except as otherwise provided in this subsection, a digital
2 asset depository institution shall not make any loans to consumers for
3 personal, property or household purposes, mortgage loans, or commercial
4 loans of any fiat currency including, but not limited to, United States
5 currency, including the provision of temporary credit relating to
6 overdrafts. Notwithstanding this prohibition against fiat currency
7 lending by a digital asset depository institution, a digital asset
8 depository institution may facilitate the provision of digital asset
9 business services resulting from the interaction of customers with
10 centralized finance or decentralized finance platforms including, but not
11 limited to, controllable electronic record exchange, staking,
12 controllable electronic record lending, and controllable electronic
13 record borrowing. A digital asset depository institution may purchase
14 debt obligations specified by subdivision (2)(c) of section 8-3009.

15 (c) A digital asset depository institution may open a branch in this
16 state or in another state in the manner set forth in section 8-157 or
17 8-2303. A branch in another state is subject to the laws of the host
18 state. A digital asset depository institution, including any branch of
19 the digital asset depository institution, may only accept digital asset
20 deposits or provide other digital asset business services under the
21 Nebraska Financial Innovation Act to individual customers or a customer
22 that is a legal entity other than a natural person engaged in a bona fide
23 business which is lawful under the laws of Nebraska, the laws of the host
24 state if the entity is headquartered in another state, and federal law.

25 (3) The deposit limitations of subdivision (2)(a)(ii) of section
26 8-157 shall not apply to a digital asset depository.

27 (4) Any United States currency coming into an account established by
28 a customer of a digital asset depository institution shall be held in a
29 financial institution, the deposits of which are insured by the Federal
30 Deposit Insurance Corporation, ~~which maintained a main-chartered office~~
31 ~~in this state, any branch thereof in this state, or any branch of the~~

1 ~~financial institution which maintained the main-chartered office in this~~
2 ~~state prior to becoming a branch of such financial institution.~~

3 (5) A digital asset depository institution shall establish and
4 maintain programs for compliance with the federal Bank Secrecy Act, in
5 accordance with 12 C.F.R. 208.63, as the act and rule existed on January
6 1, 2026 ~~2025~~.

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

13 (a) The collection and reporting of data;

14 (b) Its policies and procedures for accepting and responding to
15 consumer complaints; and

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

20 **Sec. 21.** Section 8-3007, Revised Statutes Supplement, 2025, is
21 amended to read:

22 8-3007 (1) No customer shall open or maintain an account with a
23 digital asset depository or otherwise receive any services from the
24 digital asset depository unless the customer meets the criteria of this
25 subsection. A customer shall:

26 (a) Make sufficient evidence available to the digital asset
27 depository to enable compliance with anti-money laundering, customer
28 identification, and beneficial ownership requirements, as determined by
29 the federal Bank Secrecy Act guidance and the policies and practices of
30 the institution; and

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

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

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

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

11 (3) Consistent with subdivisions (1)(a)(iv) and (v) of section
12 8-3005, and in addition to any requirements specified by federal law, a
13 digital asset depository shall require that any potential customer that
14 is a legal entity other than a natural person provide reasonable evidence
15 that the entity is engaged in a business that is lawful and bona fide in
16 Nebraska, in the host state, if applicable, and under federal law or is
17 likely to open a lawful, bona fide business within a federal Bank Secrecy
18 Act compliant timeframe, as the act existed on January 1, 2026 ~~2025~~. For
19 purposes of this subsection, reasonable evidence includes business entity
20 filings, articles of incorporation or organization, bylaws, operating
21 agreements, business plans, promotional materials, financing agreements,
22 or other evidence.

23 **Sec. 22.** Section 8-3013, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 8-3013 (1) The capital stock of each digital asset depository
26 institution chartered under the Nebraska Financial Innovation Act shall
27 be subscribed for as paid-up stock. Except as provided in subsection (3)
28 of this section, a ~~no~~ digital asset depository institution shall not be
29 chartered with capital stock of less than ten million dollars.

30 (2) A ~~no~~ digital asset depository institution shall not commence
31 business until the full amount of its authorized capital is subscribed

1 and all capital stock is fully paid in. Except as provided in subsection
2 (3) of this section, a ~~No~~ digital asset depository institution shall not
3 ~~may~~ be chartered without a paid-up surplus fund of at least three years
4 of estimated operating expenses in the amount disclosed pursuant to
5 subsection (2) of section 8-3015 or in another amount required by the
6 director.

7 (3) Notwithstanding the provisions of subsections (1) and (2) of
8 this section and at the discretion of the director, a digital asset
9 depository institution may be chartered and commence business if such
10 institution meets the capital and surplus requirements for a
11 substantially similar federal charter, license, or regulatory structure
12 as determined by the director.

13 (4) ~~(3)~~ A digital asset depository institution may acquire
14 additional capital prior to the granting of a charter and shall report
15 this capital as an amendment to its charter application.

16 **Sec. 23.** Section 8-3033, Revised Statutes Supplement, 2025, is
17 amended to read:

18 8-3033 For purposes of the Controllable Electronic Record Fraud
19 Prevention Act:

20 (1) Blockchain analytics means the analysis of data from blockchains
21 or public distributed ledgers, including associated transaction
22 information;

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

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

28 (4) Controllable electronic record address means an alphanumeric
29 identifier associated with a controllable electronic record wallet
30 identifying the location to which a controllable electronic record
31 transaction can be sent;

1 (5) Controllable electronic record kiosk means an electronic
2 terminal acting as a mechanical agent of the controllable electronic
3 record kiosk operator to enable the controllable electronic record kiosk
4 operator to facilitate the exchange of controllable electronic records
5 for money, bank credit, or other controllable electronic records,
6 including, but not limited to, by (a) connecting directly to a separate
7 controllable electronic record exchange that performs the actual
8 controllable electronic record transmission or (b) drawing upon the
9 controllable electronic record in the possession of the electronic
10 terminal's operator;

11 (6) Controllable electronic record kiosk operator means a person, or
12 a third party acting on behalf of another person, that engages in
13 controllable electronic record business activity via a controllable
14 electronic record kiosk located in this state or a person that owns,
15 operates, or manages a money transmission kiosk located in this state
16 through which controllable electronic record business activity is
17 offered;

18 (7) Controllable electronic record kiosk transaction means a
19 transaction conducted or performed, in whole or in part, by electronic
20 means via a controllable electronic record kiosk. Controllable electronic
21 record kiosk transaction includes, but is not limited to, a transaction
22 made at a controllable electronic record kiosk (a) to purchase
23 controllable electronic records with United States dollars, (b) ~~or~~ to
24 sell controllable electronic records for United States dollars, or (c) to
25 fund a stored value account, which, at the time the stored value account
26 is funded or thereafter, offers the ability to purchase a controllable
27 electronic record and is utilized to purchase a controllable electronic
28 record; ~~and~~

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

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

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

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

6 (12) New customer means an individual during the fourteen-day period
7 after such individual's first transaction with the controllable
8 electronic record kiosk operator that the individual has never previously
9 transacted with. The individual shall remain defined as a new customer
10 during the fourteen-day period after the first controllable electronic
11 record kiosk transaction with the controllable electronic record kiosk
12 operator; and

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

16 **Sec. 24.** Section 8-3034, Revised Statutes Supplement, 2025, is
17 amended to read:

18 8-3034 (1) A controllable electronic record kiosk operator shall not
19 engage in controllable electronic record kiosk transactions or hold
20 itself out as being able to engage in such transactions with or on behalf
21 of another person unless the kiosk operator has a license issued under
22 the Nebraska Money Transmitters Act ~~pursuant to section 8-2725.~~

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

26 (3) In addition to the required reporting of authorized delegates
27 pursuant to the Nebraska Money Transmitters Act ~~section 8-2730~~, each
28 controllable electronic record kiosk operator shall submit to the
29 department within forty-five days after the end of each calendar quarter
30 a list of all associated controllable electronic record addresses
31 utilized by each controllable electronic record kiosk, on a form as

1 prescribed by the department.

2 **Sec. 25.** Section 21-17,102, Revised Statutes Supplement, 2025, is
3 amended to read:

4 21-17,102 (1) Funds not used in loans to members may be invested:

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

9 (b) In securities, obligations, or other instruments of any state of
10 the United States, the District of Columbia, the Commonwealth of Puerto
11 Rico, and the several territories organized by Congress or any political
12 subdivision thereof;

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

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

17 (e) In obligations issued by banks for cooperatives, federal land
18 banks, federal intermediate credit banks, federal home loan banks, the
19 Federal Home Loan Bank Board, or any corporation designated in 31 U.S.C.
20 9101 as a wholly owned government corporation; in obligations,
21 participation certificates, or other instruments of or insured by or
22 fully guaranteed as to principal and interest by the Federal National
23 Mortgage Association or the Government National Mortgage Association; in
24 mortgages, obligations, or other securities which are or ever have been
25 sold by the Federal Home Loan Mortgage Corporation pursuant to section
26 305 or section 306 of the Federal Home Loan Mortgage Corporation Act, 12
27 U.S.C. 1454 et seq.; in obligations or other instruments or securities of
28 the Student Loan Marketing Association; or in obligations, participation,
29 securities, or other instruments of or issued by or fully guaranteed as
30 to principal and interest by any other agency of the United States. A
31 state credit union may issue and sell securities which are guaranteed

1 pursuant to section 306(g) of the National Housing Act, 12 U.S.C.
2 1721(g);

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

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

12 (h) In the shares, stock, or other obligations of any other
13 organization, not to exceed ten percent of the credit union's capital and
14 not to exceed five percent of the credit union's capital in any one
15 corporation's stock, bonds, or other obligations, unless otherwise
16 approved by the director. Such authority shall not include the power to
17 acquire control, directly or indirectly, of another financial
18 institution, nor invest in shares, stocks, or obligations of any
19 insurance company or trade association except as otherwise expressly
20 provided for or approved by the director;

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

23 (j) In obligations of or issued by any state or political
24 subdivision thereof, including any agency, corporation, or
25 instrumentality of a state or political subdivision, except that no
26 credit union may invest more than ten percent of its capital in the
27 obligations of any one issuer, exclusive of general obligations of the
28 issuer;

29 (k) In securities issued pursuant to the Nebraska Business
30 Development Corporation Act;

31 (l) In participation loans with other credit unions, credit union

1 organizations, or other organizations; and

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

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

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

17 21-17,115 Notwithstanding any of the other provisions of the Credit
18 Union Act or any other Nebraska statute, any credit union incorporated
19 under the laws of the State of Nebraska and organized under the
20 provisions of the act shall have all the rights, powers, privileges,
21 benefits, and immunities which may be exercised as of January 1, 2026
22 ~~2025~~, by a federal credit union doing business in Nebraska on the
23 condition that such rights, powers, privileges, benefits, and immunities
24 shall not relieve such credit union from payment of state taxes assessed
25 under any applicable laws of this state.

26 **Sec. 27.** Section 45-101.04, Revised Statutes Supplement, 2025, is
27 amended to read:

28 45-101.04 The limitation on the rate of interest provided in section
29 45-101.03 shall not apply to:

30 (1) Other rates of interest authorized for loans made by any
31 licensee or permittee operating under a license or permit duly issued by

1 the Department of Banking and Finance pursuant to the Credit Union Act,
2 the Nebraska Installment Loan and Sales Act, subsection (4) of section
3 8-319, or sections 8-815 to 8-829;

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

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

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

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

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

20 (7) Interest charges made on open credit accounts by a person who
21 sells goods or services on credit when the interest charges do not exceed
22 one and one-third percent per month for any charges which remain unpaid
23 for more than thirty days following rendition of the statement of
24 account;

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

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

30 (10) Loans made primarily for business or agricultural purposes or
31 secured by real property when such loans are made (a) by a licensee,

1 registrant, or permittee operating under a license, registration, or
2 permit duly issued by the Department of Banking and Finance except for
3 licensees operating under the Nebraska Installment Loan and Sales Act,
4 (b) by any financial institution insured by the Federal Deposit Insurance
5 Corporation or the National Credit Union Administration, or (c) by any
6 insurance company organized under the laws of this state and subject to
7 regulation by the Department of Insurance;

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

17 (12) Loans secured by a reverse mortgage pursuant to section
18 45-702.01;

19 (13) Interest charges made on any goods or services sold under an
20 installment contract pursuant to the Nebraska Installment Loan and Sales
21 Act. Subject to section 45-365, it shall be lawful to contract for and
22 receive any rate of interest on such contract as the parties may
23 expressly agree to in writing; or

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

26 **Sec. 28.** Section 45-335, Revised Statutes Supplement, 2025, is
27 amended to read:

28 45-335 For purposes of the Nebraska Installment Loan and Sales Act,
29 unless the context otherwise requires:

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

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

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

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

20 (b) Any offices that, while not physically located in this state,
21 intend to transact business with Nebraska residents;

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

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

27 (6) Cash price or cash sale price means the price stated in an
28 installment sales contract for which the seller would have sold or
29 furnished to the buyer and the buyer would have bought or acquired from
30 the seller goods or services which are the subject matter of the contract
31 if such sale had been a sale for cash instead of an installment sale. It

1 may include the cash price of accessories or services related to the sale
2 such as delivery, installation, alterations, modifications, and
3 improvements and may include taxes to the extent imposed on the cash
4 sale;

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

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

14 (b) Control in the case of any other entity means (i) the power,
15 directly or indirectly, to direct the management or policies of the
16 entity, (ii) the contribution of twenty-five percent or more of the
17 capital of the entity, or (iii) the right to receive, upon dissolution,
18 twenty-five percent or more of the capital of the entity;

19 (9) Debt cancellation contract means a loan term or contractual
20 arrangement modifying loan terms under which a financial institution or
21 licensee agrees to cancel all or part of a buyer's obligation to repay an
22 extension of credit from the financial institution or licensee upon the
23 occurrence of a specified event. The debt cancellation contract may be
24 separate from or a part of other loan documents. The term debt
25 cancellation contract does not include loan payment deferral arrangements
26 in which the triggering event is the buyer's unilateral election to defer
27 repayment or the financial institution's or licensee's unilateral
28 decision to allow a deferral of repayment;

29 (10) Debt suspension contract means a loan term or contractual
30 arrangement modifying loan terms under which a financial institution or
31 licensee agrees to suspend all or part of a buyer's obligation to repay

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

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

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

10 (13) Financial institution has the same meaning as in section
11 8-101.03;

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

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

19 (16) Installment sale means any transaction, whether or not
20 involving the creation or retention of a security interest, in which a
21 buyer acquires goods or services from a seller pursuant to an agreement
22 which provides for a time-price differential and under which the buyer
23 agrees to pay all or part of the time-sale price in one or more
24 installments and within one hundred forty-five months, except that the
25 purchase of mobile homes may exceed such one-hundred-forty-five-month
26 limitation. Installment sale does not include a consumer rental purchase
27 agreement defined in and regulated by the Consumer Rental Purchase
28 Agreement Act;

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

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

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

8 (20) Mortgage loan originator has the same meaning as in section
9 45-702;

10 (21) Nationwide Mortgage Licensing System and Registry means a
11 licensing system, also known as the Nationwide Multistate Licensing
12 System and Registry, developed and maintained by the Conference of State
13 Bank Supervisors and the American Association of Residential Mortgage
14 Regulators for the licensing and registration of mortgage loan
15 originators, mortgage bankers, installment loan companies, and other
16 state-regulated financial services entities and industries;

17 (22) Person means individual, partnership, limited liability
18 company, association, financial institution, trust, corporation, or any
19 other legal entity;

20 (23) Real property means an owner-occupied single-family, two-
21 family, three-family, or four-family dwelling which is located in this
22 state, which is occupied, used, or intended to be occupied or used for
23 residential purposes, and which is, or is intended to be, permanently
24 affixed to the land;

25 (24) Sales finance company means a person purchasing one or more
26 installment sales contracts from one or more sellers or acquiring any
27 rights of ownership, servicing, or other forms of participation in or
28 otherwise engaging with a consumer on behalf of the purchaser of one or
29 more installment sales contracts from one or more sellers. Sales finance
30 company includes, but is not limited to, a financial institution or
31 installment loan licensee, if so engaged;

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

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

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

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

13 **Sec. 29.** Section 45-345, Revised Statutes Supplement, 2025, is
14 amended to read:

15 45-345 (1) A licensee shall notify the director through the
16 Nationwide Mortgage Licensing System and Registry at least thirty days
17 prior to the occurrence of any change of the licensee's name, trade name,
18 or doing business as designation.

19 (2)(a) Except as provided in subdivisions (b) and (c) of this
20 subsection, a licensee shall notify the director in writing or through
21 the Nationwide Mortgage Licensing System and Registry within three
22 business days from the time that the licensee becomes aware of any breach
23 of the security of the system of computerized data owned or licensed by
24 the licensee, which contains personal information about a Nebraska
25 resident, or the unauthorized access to or use of such information about
26 a Nebraska resident as a result of the breach.

27 (b) If a licensee would be required under Nebraska law to provide
28 notification to a Nebraska resident regarding such incident, then the
29 licensee shall provide a copy of such notification to the department
30 prior to or simultaneously with the licensee's notification to the
31 Nebraska resident.

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

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

9 (3) A licensee shall maintain the minimum net worth required by
10 section 45-337 while a license issued to the licensee under the Nebraska
11 Installment Loan and Sales Act is in effect. The minimum net worth shall
12 be proven by an annual audit conducted by a certified public accountant.
13 A licensee shall submit a copy of the annual audit to the director as
14 required by section 45-337 or upon written request of the director. If a
15 licensee fails to maintain the required minimum net worth, the department
16 may issue a notice of cancellation of the license in lieu of revocation
17 proceedings.

18 (4)(a) Every licensee shall, at the time any loan is made, give to
19 the borrower, or if there are two or more borrowers, to one of the
20 borrowers, a statement in the English language disclosing in clear and
21 distinct terms the information required to be disclosed under the federal
22 Consumer Credit Protection Act.

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

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

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

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

9 (i) Obtaining a lower interest rate;

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

12 (iii) Obtaining a shorter amortization schedule;

13 (iv) Changing from an adjustable interest rate to a fixed interest
14 rate;

15 (v) Eliminating a negative amortization feature;

16 (vi) Eliminating a balloon payment feature;

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

19 (viii) Avoiding foreclosure;

20 (ix) Eliminating private insurance; and

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

22 (6) ~~(5)~~ All licensees under the Nebraska Installment Loan and Sales
23 Act shall, on or before March 1 of each year, file with the department a
24 report of the licensee's earnings and operations for the preceding
25 calendar year, the licensee's assets at the end of the year, and any
26 other relevant information as the department may reasonably require. The
27 report shall be made under oath and shall be in the form and manner
28 prescribed by the department.

29 (7) ~~(6)~~ All installment loan licensees shall submit a mortgage
30 report of condition as required by section 45-726 on or before a date or
31 dates established by rule, regulation, or order of the director.

1 (8) (7) Upon written request of a borrower, the licensee shall
2 provide a written statement of the dates and amounts of payments made and
3 the amounts of any default and deferment charges assessed preceding the
4 month in which the request is received and the total amount unpaid as of
5 the end of the period covered by the statement and a copy of the loan
6 agreement and security agreement, and a facsimile of any insurance
7 certificate issued as part of the transaction, if applicable. The
8 licensee may charge a reasonable fee for such copies, not to exceed fifty
9 cents per page.

10 (9) (8) A licensee shall answer in writing, within ten business days
11 after receipt, any written request for payoff information from a borrower
12 or a borrower's representative. This service shall be provided without
13 charge to the borrower, except that when such information is provided
14 upon request within sixty days after the fulfillment of a previous
15 request, a processing fee of up to ten dollars may be charged for the
16 subsequent request.

17 **Sec. 30.** Section 45-349, Revised Statutes Supplement, 2025, is
18 amended to read:

19 45-349 (1) Except as provided in section 45-350 and subsection (6)
20 of this section, every installment loan licensee may make loans and may
21 contract for and receive on such loans charges at a rate not exceeding
22 twenty-four percent per annum on that part of the unpaid principal
23 balance on any loan not in excess of one thousand dollars, and twenty-one
24 percent per annum on any remainder of such unpaid principal balance.
25 Except for loans secured by mobile homes, an installment loan licensee
26 may not make loans for a period in excess of one hundred forty-five
27 months ~~if the amount of the loan is greater than three thousand dollars~~
28 ~~but less than twenty-five thousand dollars.~~ Unless otherwise allowed for
29 by law, charges on loans made under the Nebraska Installment Loan and
30 Sales Act shall not be paid, deducted, or received in advance. The
31 contracting for, charging of, or receiving of charges as provided for in

1 subsection (2) of this section shall not be deemed to be the payment,
2 deduction, or receipt of such charges in advance.

3 (2) When the loan contract requires repayment in substantially equal
4 and consecutive monthly installments of principal and charges combined,
5 the installment loan licensee may, at the time the loan is made,
6 precompute the charges at the agreed rate on scheduled unpaid principal
7 balances according to the terms of the contract and add such charges to
8 the principal of the loan. Every payment may be applied to the combined
9 total of principal and precomputed charges until the contract is fully
10 paid. All payments made on account of any loan except for default and
11 deferment charges shall be deemed to be applied to the unpaid
12 installments in the order in which the unpaid installments are due. The
13 portion of the precomputed charges applicable to any particular month of
14 the contract, as originally scheduled or following a deferment, shall be
15 that proportion of such precomputed charges, excluding any adjustment
16 made for a first installment period of more than one month and any
17 adjustment made for deferment, which the balance of the contract
18 scheduled to be outstanding during such month bears to the sum of all
19 monthly balances originally scheduled to be outstanding by the contract.
20 This section shall not limit or restrict the manner of calculating
21 charges, whether by way of add-on, single annual rate, or otherwise, if
22 the rate of charges does not exceed what is permitted by this section.
23 Charges may be contracted for and earned at a single annual rate, except
24 that the total charges from such rate shall not be greater than the total
25 charges from the several rates otherwise applicable to the different
26 portions of the unpaid balance according to subsection (1) of this
27 section. All loan contracts made pursuant to this subsection are subject
28 to the following adjustments:

29 (a) Notwithstanding the requirement for substantially equal and
30 consecutive monthly installments, the first installment period may not
31 exceed one month by more than twenty-one days and may not fall short of

1 one month by more than eleven days. The charges for each day exceeding
2 one month shall be one-thirtieth of the charges which would be applicable
3 to a first installment period of one month. The charge for extra days in
4 the first installment period may be added to the first installment and
5 such charges for such extra days shall be excluded in computing any
6 rebate;

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

14 (c) If a contract is prepaid in full by cash, a new loan, or
15 otherwise after the first installment due date, the borrower shall
16 receive a rebate of an amount which is not less than the amount obtained
17 by applying to the unpaid principal balances as originally scheduled or,
18 if deferred, as deferred, for the period following prepayment, according
19 to the actuarial method, the rate of charge contracted for in accordance
20 with this section. The licensee may round the rate of charge to the
21 nearest one-half of one percent if such procedure is not consistently
22 used to obtain a greater yield than would otherwise be permitted. Any
23 default and deferment charges which are due and unpaid may be deducted
24 from any rebate. No rebate shall be required for any partial prepayment.
25 No rebate of less than one dollar need be made. Acceleration of the
26 maturity of the contract shall not in itself require a rebate. If
27 judgment is obtained before the final installment date, the contract
28 balance shall be reduced by the rebate which would be required for
29 prepayment in full as of the date judgment is obtained;

30 (d) If any installment on a precomputed or interest-bearing loan is
31 unpaid in full for ten or more consecutive days, Sundays and holidays

1 included, after it is due, the licensee may charge and collect a default
2 charge not exceeding an amount equal to five percent of such installment.
3 If any installment payment is made by a check, draft, or similar signed
4 order which is not honored because of insufficient funds, no account, or
5 any other reason except an error of a third party to the loan contract,
6 the licensee may charge and collect a fifteen-dollar bad check charge.
7 Such default or bad check charges may be collected when due or at any
8 time thereafter;

9 (e) If, as of an installment due date, the payment date of all
10 wholly unpaid installments is deferred one or more full months and the
11 maturity of the contract is extended for a corresponding period, the
12 licensee may charge and collect a deferment charge not exceeding the
13 charge applicable to the first of the installments deferred, multiplied
14 by the number of months in the deferment period. The deferment period is
15 that period during which no payment is made or required by reason of such
16 deferment. The deferment charge may be collected at the time of deferment
17 or at any time thereafter. The portion of the precomputed charges
18 applicable to each deferred balance and installment period following the
19 deferment period shall remain the same as that applicable to such balance
20 and periods under the original loan contract. No installment on which a
21 default charge has been collected, or on account of which any partial
22 payment has been made, shall be deferred or included in the computation
23 of the deferment charge unless such default charge or partial payment is
24 refunded to the borrower or credited to the deferment charge. Any payment
25 received at the time of deferment may be applied first to the deferment
26 charge and the remainder, if any, applied to the unpaid balance of the
27 contract, except that if such payment is sufficient to pay, in addition
28 to the appropriate deferment charge, any installment which is in default
29 and the applicable default charge, it shall be first so applied and any
30 such installment shall not be deferred or subject to the deferment
31 charge. If a loan is prepaid in full during the deferment period, the

1 borrower shall receive, in addition to the required rebate, a rebate of
2 that portion of the deferment charge applicable to any unexpired full
3 month or months of such deferment period; and

4 (f) If two or more full installments are in default for one full
5 month or more at any installment date and if the contract so provides,
6 the installment loan licensee may reduce the contract balance by the
7 rebate which would be required for prepayment in full as of such
8 installment date and the amount remaining unpaid shall be deemed to be
9 the unpaid principal balance and thereafter in lieu of charging,
10 collecting, receiving, and applying charges as provided in this
11 subsection, charges may be charged, collected, received, and applied at
12 the agreed rate as otherwise provided by this section until the loan is
13 fully paid.

14 (3) The charges, as referred to in subsection (1) of this section,
15 shall not be compounded. The charging, collecting, and receiving of
16 charges as provided in subsection (2) of this section shall not be deemed
17 compounding. If part or all of the consideration for a loan contract is
18 the unpaid principal balance of a prior loan, then the principal amount
19 payable under such loan contract may include any unpaid charges on the
20 prior loan which have accrued within sixty days before the making of such
21 loan contract and may include the balance remaining after giving the
22 rebate required by subsection (2) of this section. Except as provided in
23 subsection (2) of this section, charges shall (a) be computed and paid
24 only as a percentage per month of the unpaid principal balance or
25 portions thereof and (b) be computed on the basis of the number of days
26 actually elapsed. For purposes of computing charges, whether at the
27 maximum rate or less, a month shall be that period of time from any date
28 in a month to the corresponding date in the next month but if there is no
29 such corresponding date then to the last day of the next month, and a day
30 shall be considered one-thirtieth of a month when computation is made for
31 a fraction of a month.

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

19 (5) A borrower may be required to pay all reasonable expenses
20 incurred in connection with the making, closing, disbursing, extending,
21 readjusting, or renewing of loans. Such expenses may include abstracting,
22 recording, releasing, and registration fees; premiums paid for nonfiling
23 insurance; premiums paid on insurance policies covering tangible personal
24 property securing the loan; amounts charged for a debt cancellation
25 contract or a debt suspension contract, as agreed upon by the parties, if
26 the debt cancellation contract or debt suspension contract is a contract
27 of a financial institution or installment loan licensee and such contract
28 is sold directly by such financial institution or licensee or by an
29 unaffiliated, nonexclusive agent of such financial institution or
30 licensee in accordance with 12 C.F.R. part 37, as such part existed on
31 January 1, 2026 ~~2025~~, and the financial institution or installment loan

1 licensee is responsible for the unaffiliated, nonexclusive agent's
2 compliance with such part; title examinations; credit reports; survey;
3 taxes or charges imposed upon or in connection with the making and
4 recording or releasing of any mortgage; amounts charged for a guaranteed
5 asset protection waiver; and fees and expenses charged for electronic
6 title and lien services. Except as provided in subsection (6) of this
7 section, a borrower may also be required to pay a nonrefundable loan
8 origination fee not to exceed the lesser of five hundred dollars or an
9 amount equal to seven percent of that part of the original principal
10 balance of any loan not in excess of two thousand dollars and five
11 percent on that part of the original principal balance in excess of two
12 thousand dollars, if the installment loan licensee has not made another
13 loan to the borrower within the previous twelve months. If the licensee
14 has made another loan to the borrower within the previous twelve months,
15 a nonrefundable loan origination fee may only be charged on new funds
16 advanced on each successive loan. Such reasonable initial charges may be
17 collected from the borrower or included in the principal balance of the
18 loan at the time the loan is made and shall not be considered interest or
19 a charge for the use of the money loaned.

20 (6)(a) Loans secured solely by real property that are not made
21 pursuant to subdivision (11) of section 45-101.04 on real property shall
22 not be subject to the limitations on the rate of interest provided in
23 subsection (1) of this section or the limitations on the nonrefundable
24 loan origination fee under subsection (5) of this section if (i) the
25 principal amount of the loan is seven thousand five hundred dollars or
26 more and (ii) the sum of the principal amount of the loan and the
27 balances of all other liens against the property do not exceed one
28 hundred percent of the appraised value of the property. Acceptable
29 methods of determining appraised value shall be made by the department
30 pursuant to rule, regulation, or order.

31 (b) An origination fee on such loan shall be computed only on the

1 principal amount of the loan reduced by any portion of the principal that
2 consists of the amount required to pay off another loan made under this
3 subsection by the same licensee.

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

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

16 (e) For purposes of this subsection, principal amount of the loan
17 means the total sum owed by the borrower including, but not limited to,
18 insurance premiums, loan origination fees, or any other amount that is
19 financed, except that for purposes of subdivision (6)(b) of this section,
20 loan origination fees shall not be included in calculating the principal
21 amount of the loan.

22 **Sec. 31.** Section 45-364, Revised Statutes Supplement, 2025, is
23 amended to read:

24 45-364 (1) Each retail installment sales contract shall be in
25 writing, shall be signed by both the buyer and the seller, and shall
26 contain the following items, and a copy thereof shall be delivered to the
27 buyer at the time the instrument is signed, except for contracts made in
28 conformance with subdivision (5)(c) of section 45-336:

29 (a) The cash sale price;

30 (b) The amount of the buyer's downpayment, and whether made in money
31 or goods, or partly in money and partly in goods, including a brief

1 description of any goods traded in;

2 (c) The difference between subdivisions (a) and (b) of this
3 subsection;

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

6 (e) The amount included for a debt cancellation contract or a debt
7 suspension contract if the debt cancellation contract or debt suspension
8 contract is a contract of a financial institution or licensee, such
9 contract is sold directly by such financial institution or licensee or by
10 an unaffiliated, nonexclusive agent of such financial institution or
11 licensee in accordance with 12 C.F.R. part 37, as such part existed on
12 January 1, 2026 ~~2025~~, and the financial institution or licensee is
13 responsible for the unaffiliated, nonexclusive agent's compliance with
14 such part, and a separate charge is made therefor;

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

20 (g) The basic time price, which is the sum of subdivisions (c), (d),
21 (e), and (f) of this subsection;

22 (h) The time-price differential;

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

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

27 (k) The time-sales price; and

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

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

1 SIGN.

2 (3) The items listed in subsection (1) of this section need not be
3 stated in the sequence or order set forth in such subsection. Additional
4 items may be included to explain the computations made in determining the
5 amount to be paid by the buyer. No installment sales contract shall be
6 signed by the buyer or proffered by the seller when it contains blank
7 spaces to be filled in after execution, except that if delivery of the
8 goods or services is not made at the time of the execution of the
9 contract, the identifying numbers or marks of the goods, or similar
10 information, and the due date of the first installment may be inserted in
11 the contract after its execution.

12 (4) If a seller proffers an installment sales contract as part of a
13 transaction which delays or cancels, or promises to delay or cancel, the
14 payment of the time-price differential on the contract if the buyer pays
15 the basic time price, cash price, or cash sale price within a certain
16 period of time, the seller shall, in clear and conspicuous writing,
17 either within the installment sales contract or in a separate document,
18 inform the buyer of the exact date by which the buyer must pay the basic
19 time price, cash price, or cash sale price in order to delay or cancel
20 the payment of the time-price differential. The seller or any subsequent
21 purchaser of the installment sales contract, including a sales finance
22 company, shall not be allowed to change such date.

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

28 (6) After payment of all sums for which the buyer is obligated under
29 a contract, the holder shall deliver or mail to the buyer at his or her
30 last-known address one or more good and sufficient instruments or copies
31 thereof to acknowledge payment in full and shall release all security in

1 the goods and mark canceled and return to the buyer the original
2 agreement or copy thereof or instruments or copies thereof signed by the
3 buyer. For purposes of this section, a copy shall meet the requirements
4 of section 25-12,112.

5 **Sec. 32.** Section 45-735, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 45-735 (1) A mortgage loan originator shall be an employee or
8 independent agent of a single Nebraska licensed mortgage banker,
9 registrant, or installment loan company that shall directly supervise,
10 control, and maintain responsibility for the acts and omissions of the
11 mortgage loan originator.

12 (2)(a) A mortgage loan originator shall not engage in mortgage loan
13 origination activities at any location that is not a main office location
14 of a licensed mortgage banker, registrant, or installment loan company or
15 a branch office of a licensed mortgage banker or registrant. The licensed
16 mortgage banker, registrant, or installment loan company shall designate
17 the location or locations at which each mortgage loan originator is
18 originating residential mortgage loans.

19 (b) The department may adopt and promulgate rules, regulations, and
20 orders to authorize and regulate the use of remote work arrangements
21 conducted outside of a main office location or branch office by employees
22 or agents, including mortgage loan originators, of licensed mortgage
23 bankers, registrants, or installment loan companies.

24 (3) Any licensed mortgage banker, registrant, or installment loan
25 company who engages an independent agent as a mortgage loan originator
26 shall maintain a written agency contract with such mortgage loan
27 originator. Such written agency contract shall provide that the mortgage
28 loan originator is originating loans exclusively for the licensed
29 mortgage banker, registrant, or installment loan company.

30 (4) A licensed mortgage banker, registrant, or installment loan
31 company that has hired a licensed mortgage loan originator as an employee

1 or entered into an independent agent agreement with such licensed
2 mortgage loan originator shall provide notification to the department as
3 soon as reasonably possible after entering into such relationship, along
4 with a fee of fifty dollars. The employing entity shall not allow the
5 mortgage loan originator to conduct such activity in this state prior to
6 such notification to the department and confirmation that the department
7 has received notice of the termination of the mortgage loan originator's
8 prior employment.

9 (5) A licensed mortgage banker, registrant, or installment loan
10 company shall notify the department no later than ten days after the
11 termination, whether voluntary or involuntary, of a mortgage loan
12 originator unless the mortgage loan originator has previously notified
13 the department of the termination.

14 **Sec. 33.** Section 45-737, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 45-737 A licensee licensed as a mortgage banker shall:

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

20 (2) Disburse funds paid by the borrower and held in escrow for the
21 payment of real estate taxes prior to the time such real estate taxes
22 become delinquent;

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

30 (4) At least annually perform a complete escrow analysis. If there
31 is a change in the amount of the periodic payments, the licensee shall

1 mail written notice of such change to the borrower at least twenty
2 calendar days before the effective date of the change in payment. The
3 following information shall be provided to the borrower, without charge,
4 in one or more reports, at least annually:

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

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

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

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

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

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

14 (A) Payments applied to loan principal;

15 (B) Payments applied to interest;

16 (C) Payments applied to real estate taxes;

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

18 (E) All other withdrawals; and

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

20 (i) The amount of principal outstanding at the beginning of the
21 year;

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

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

25 (5) Establish and maintain a toll-free telephone number or accept
26 collect telephone calls to respond to inquiries from borrowers, if the
27 licensee services residential mortgage loans. If a licensee ceases to
28 service residential mortgage loans, it shall continue to maintain a toll-
29 free telephone number or accept collect telephone calls to respond to
30 inquiries from borrowers for a period of twelve months after the date the
31 licensee ceased to service residential mortgage loans. A telephonic

1 messaging service which does not permit the borrower an option of
2 personal contact with an employee, agent, or contractor of the licensee
3 shall not satisfy the conditions of this section. Each day such licensee
4 fails to comply with this subdivision shall constitute a separate
5 violation of the Residential Mortgage Licensing Act;

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

12 (7) Record or cause to be recorded a release of mortgage pursuant to
13 the provisions of section 76-2803 or, in the case of a trust deed, record
14 or cause to be recorded a reconveyance pursuant to the provisions of
15 section 76-2803;

16 (8) Maintain a copy of all documents and records relating to each
17 residential mortgage loan and application for a residential mortgage
18 loan, including, but not limited to, loan applications, federal Truth in
19 Lending Act statements, good faith estimates, appraisals, notes, rights
20 of rescission, and mortgages or trust deeds for a period of five years
21 after the date the residential mortgage loan is funded or the loan
22 application is denied or withdrawn;

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

26 (a) The filing of a voluntary petition in bankruptcy by the licensee
27 or notice of a filing of an involuntary petition in bankruptcy against
28 the licensee;

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

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

3 (d) The attorney general of any state, the Consumer Financial
4 Protection Bureau, or the Federal Trade Commission initiates an action to
5 enforce consumer protection laws against the licensee or any of the
6 licensee's officers, directors, shareholders, partners, members,
7 employees, or agents;

8 (e) The Federal National Mortgage Association, Federal Home Loan
9 Mortgage Corporation, Federal Housing Administration, or Government
10 National Mortgage Association suspends or terminates the licensee's
11 status as an approved seller or seller and servicer;

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

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

18 (i) a misdemeanor under state or federal law which involves dishonesty or
19 fraud or which involves any aspect of the mortgage banking business,
20 depository institution business, or installment loan company business or
21 (ii) any felony under state or federal law; or

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

30 (ii) If a licensee would be required under Nebraska law to provide
31 notification to a Nebraska resident regarding such incident, then the

1 licensee shall provide a copy of such notification to the department
2 prior to or simultaneously with the licensee's notification to the
3 Nebraska resident.

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

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

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

18 (a) Business reorganization;

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

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

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

25 (e) The entry of an order against the licensee or any of the
26 licensee's officers, directors, shareholders, partners, members,
27 employees, or agents, including orders to which the licensee or other
28 parties consented, by any other state or federal regulator; ~~and -~~

29 (11)(a) Disclose to the borrower, in connection with any refinance
30 of an existing residential mortgage loan, whether or not the borrower
31 will receive a net tangible benefit through such refinance. Such

1 disclosure shall be on a worksheet prescribed by the director or on a
2 form prescribed by the director substantially similar to such worksheet.

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

6 (i) Obtaining a lower interest rate;

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

9 (iii) Obtaining a shorter amortization schedule;

10 (iv) Changing from an adjustable interest rate to a fixed interest
11 rate;

12 (v) Eliminating a negative amortization feature;

13 (vi) Eliminating a balloon payment feature;

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

16 (viii) Avoiding foreclosure;

17 (ix) Eliminating private mortgage insurance; and

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

19 **Sec. 34.** Section 45-741, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 45-741 (1) The director may examine documents and records maintained
22 by a licensee, registrant, individual, or person subject to the
23 Residential Mortgage Licensing Act. The director may investigate
24 complaints about a licensee, registrant, individual, or person subject to
25 the act. The director may investigate reports of alleged violations of
26 the act, any federal law governing residential mortgage loans, or any
27 rule, regulation, or order of the director under the act. For purposes of
28 investigating violations or complaints arising under the act or for the
29 purposes of examination, the director may review, investigate, or examine
30 any licensee, registrant, individual, or person subject to the act as
31 often as necessary in order to carry out the purposes of the act.

1 (2) For purposes of any investigation, examination, or proceeding,
2 including, but not limited to, initial licensing, license renewal,
3 license suspension, license conditioning, or license revocation, the
4 director shall have the authority to access, receive, and use any books,
5 accounts, records, files, documents, information, or evidence, including,
6 but not limited to:

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

8 (b) Personal history and experience information, including
9 independent credit reports obtained from a consumer reporting agency
10 described in 15 U.S.C. 1681a(p), as such section existed on January 1,
11 2026 ~~2010~~; and

12 (c) Any other documents, information, or evidence the director deems
13 relevant to the inquiry or investigation regardless of the location,
14 possession, control, or custody of such documents, information, or
15 evidence.

16 (3) Each licensee, registrant, individual, or person subject to the
17 Residential Mortgage Licensing Act shall make available to the director
18 upon request the books, accounts, records, files, or documents relating
19 to the operations of such licensee, registrant, individual, or person
20 subject to the act. The director shall have access to such books,
21 accounts, records, files, and documents and may interview the officers,
22 principals, mortgage loan originators, employees, independent
23 contractors, agents, and customers of the licensee, registrant,
24 individual, or person subject to the act, concerning the business of the
25 licensee, registrant, individual, or person subject to the act.

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

30 (a) Accounting compilations;

31 (b) Information lists and data concerning loan transactions on a

1 form prescribed by the director; or

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

4 (5) The director may send a notice of investigation or inquiry
5 request for information to a licensee or registrant. Upon receipt by a
6 licensee or registrant of the director's notice of investigation or
7 inquiry request for information, the licensee or registrant shall respond
8 within twenty-one calendar days. Each day beyond that time a licensee or
9 registrant fails to respond as required by this subsection shall
10 constitute a separate violation of the act. This subsection shall not be
11 construed to require the director to send a notice of investigation to a
12 licensee, a registrant, or any person.

13 (6) For the purpose of any investigation, examination, or proceeding
14 under the act, the director or any officer designated by him or her may
15 administer oaths and affirmations, subpoena witnesses and compel their
16 attendance, take evidence, and require the production of any books,
17 papers, correspondence, memoranda, agreements, or other documents or
18 records which the director deems relevant or material to the inquiry. If
19 any person refuses to comply with a subpoena issued under this section or
20 to testify with respect to any matter relevant to the proceeding, the
21 district court of Lancaster County may, on application of the director,
22 issue an order requiring the person to comply with the subpoena and to
23 testify. Failure to obey an order of the court to comply with the
24 subpoena may be punished by the court as civil contempt.

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

29 (a) The United States Department of Housing and Urban Development;

30 (b) The Federal Housing Administration;

31 (c) The Federal National Mortgage Association;

1 (d) The Government National Mortgage Association;

2 (e) The Federal Home Loan Mortgage Corporation;

3 (f) The United States Department of Veterans Affairs; or

4 (g) The Consumer Financial Protection Bureau.

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

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

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

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

17 (d) Accept audit reports made by an independent certified public
18 accountant for the licensee, registrant, individual, or person subject to
19 the act in the course of that part of the examination covering the same
20 general subject matter as the audit and incorporate the audit report in
21 the report of the examination, report of investigation, or other writing
22 of the director.

23 (9) If the director receives a complaint or other information
24 concerning noncompliance with the act by an exempt person, the director
25 shall inform the agency having supervisory authority over the exempt
26 person of the complaint.

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

31 (11) The total charge for an examination or investigation shall be

1 paid by the licensee or registrant as set forth in sections 8-605 and
2 8-606.

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

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

6 (14) The authority of this section shall remain in effect, whether
7 such a licensee, registrant, individual, or person subject to the
8 Residential Mortgage Licensing Act acts or claims to act under any
9 licensing or registration law of this state or claims to act without such
10 authority.

11 **Sec. 35.** Section 59-1722, Revised Statutes Supplement, 2025, is
12 amended to read:

13 59-1722 (1) Any transaction involving the sale of a franchise as
14 defined in 16 C.F.R. 436.1(h), as such regulation existed on January 1,
15 2026 2025, shall be exempt from the Seller-Assisted Marketing Plan Act,
16 except that such transactions shall be subject to subdivision (1)(d) of
17 section 59-1757, those provisions regulating or prescribing the use of
18 the phrase buy-back or secured investment or similar phrases as set forth
19 in sections 59-1726 to 59-1728 and 59-1751, and all sections which
20 provide for their enforcement. The exemption shall only apply if:

21 (a) The franchise is offered and sold in compliance with the
22 requirements of 16 C.F.R. part 436, Disclosure Requirements and
23 Prohibitions Concerning Franchising, as such part existed on January 1,
24 2026 2025;

25 (b) Before placing any advertisement in a Nebraska-based
26 publication, offering for sale to any prospective purchaser in Nebraska,
27 or making any representations in connection with such offer or sale to
28 any prospective purchaser in Nebraska, the seller files a notice with the
29 Department of Banking and Finance which contains (i) the name, address,
30 and telephone number of the seller and the name under which the seller
31 intends to do business and (ii) a brief description of the plan offered

1 by the seller; and

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

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

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

11 (4) The Director of Banking and Finance may by order deny or revoke
12 an exemption specified in this section with respect to a particular
13 offering of one or more business opportunities if the director finds that
14 such an order is in the public interest or is necessary for the
15 protection of purchasers. An order shall not be entered without
16 appropriate prior notice to all interested parties, an opportunity for
17 hearing, and written findings of fact and conclusions of law. If the
18 public interest or the protection of purchasers so requires, the director
19 may by order summarily deny or revoke an exemption specified in this
20 section pending final determination of any proceedings under this
21 section. An order under this section shall not operate retroactively.

22 **Sec. 36.** Section 69-2103, Revised Statutes Supplement, 2025, is
23 amended to read:

24 69-2103 For purposes of the Consumer Rental Purchase Agreement Act:

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

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

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

3 (4) Consumer rental purchase agreement means an agreement which is
4 for the use of property by a consumer primarily for personal, family, or
5 household purposes, which is for an initial period of four months or
6 less, whether or not there is any obligation beyond the initial period,
7 which is automatically renewable with each payment, and which permits the
8 consumer to become the owner of the property. A consumer rental purchase
9 agreement in compliance with the act shall not be construed to be a lease
10 or agreement which constitutes a credit sale as defined in 12 C.F.R.
11 1026.2(a)(16), as such regulation existed on January 1, ~~2026~~ 2025, and 15
12 U.S.C. 1602(h), as such section existed on January 1, ~~2026~~ 2025, or a
13 lease which constitutes a consumer lease as defined in 12 C.F.R. 1013.2,
14 as such regulation existed on January 1, ~~2026~~ 2025. Consumer rental
15 purchase agreement does not include:

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

17 (b) Any lease made to an organization;

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

20 (d) A security interest as defined in subdivision (35) of section
21 1-201, Uniform Commercial Code; and

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

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

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

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

30 (8) Lease period means a week, month, or other specific period of
31 time, during which the consumer has the right to possess and use the

1 property after paying the lease payment and applicable taxes for such
2 period;

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

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

10 (11) Total of payments to acquire ownership means the total of all
11 charges imposed by the lessor and payable by the consumer as a condition
12 of acquiring ownership of the property. Total of payments to acquire
13 ownership includes lease payments and any initial nonrefundable
14 administrative fee or required delivery charge but does not include
15 taxes, late charges, reinstatement fees, or charges for optional products
16 or services.

17 **Sec. 37.** Section 4A-108, Uniform Commercial Code, Revised Statutes
18 Supplement, 2025, is amended to read:

19 4A-108 Relationship to federal Electronic Fund Transfer Act.

20 (a) Except as provided in subsection (b), this article does not
21 apply to a funds transfer any part of which is governed by the federal
22 Electronic Fund Transfer Act, 15 U.S.C. 1693 et seq., as such act existed
23 on January 1, 2026 ~~2025~~.

24 (b) This article applies to a funds transfer that is a remittance
25 transfer as defined in the federal Electronic Fund Transfer Act, 15
26 U.S.C. 1693o-1, as such section existed on January 1, 2026 ~~2025~~, unless
27 the remittance transfer is an electronic fund transfer as defined in the
28 federal Electronic Fund Transfer Act, 15 U.S.C. 1693a, as such section
29 existed on January 1, 2026 ~~2025~~.

30 (c) In a funds transfer to which this article applies, in the event
31 of an inconsistency between an applicable provision of this article and

1 an applicable provision of the federal Electronic Fund Transfer Act, the
2 provision of the federal Electronic Fund Transfer Act governs to the
3 extent of the inconsistency.

4 **Sec. 38.** Sections 6, 10, 12, 16, 19, 22, 23, 24, 27, 28, 29, 32,
5 33, and 39 of this act become operative three calendar months after the
6 adjournment of this legislative session. The other sections of this act
7 become operative on their effective date.

8 **Sec. 39.** Original sections 8-1,124 and 8-1502, Reissue Revised
9 Statutes of Nebraska, sections 8-3003, 8-3013, 45-735, and 45-737,
10 Revised Statutes Cumulative Supplement, 2024, and sections 8-1101,
11 8-2703, 8-3033, 8-3034, 45-101.04, 45-335, and 45-345, Revised Statutes
12 Supplement, 2025, are repealed.

13 **Sec. 40.** Original sections 8-2102 and 45-741, Reissue Revised
14 Statutes of Nebraska, sections 8-135, 8-141, 8-143.01, 8-157.01,
15 8-183.04, 8-1,140, 8-318, 8-355, 8-1101.01, 8-1704, 8-1707, 8-2742,
16 8-2903, 8-3005, 8-3007, 21-17,102, 21-17,115, 45-349, 45-364, 59-1722,
17 and 69-2103, Revised Statutes Supplement, 2025, and section 4A-108,
18 Uniform Commercial Code, Revised Statutes Supplement, 2025, are repealed.

19 **Sec. 41.** Since an emergency exists, this act takes effect when
20 passed and approved according to law.