

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1078

Introduced by Dungan, 26.

Read first time January 15, 2026

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to data; to adopt the Fair Online Pricing Act.
- 2 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 5 of this act shall be known and may be
2 cited as the Fair Online Pricing Act.

3 **Sec. 2.** For purposes of the Fair Online Pricing Act:

4 (1) Coupon means any method by which a consumer receives a discount
5 on the purchase of any item that is funded, produced, sponsored,
6 promoted, or furnished, either directly or indirectly, by a business,
7 including any paper coupon, digital coupon, or instant redeemable coupon;

8 (2) Discount means any reduction from the regular or advertised
9 price offered to consumers on a temporary or conditional basis;

10 (3) Hardware state means a condition or mode of existence of a
11 system, component, or simulation, including the battery life of, number
12 of wireless connections detected by, hardware performance characteristics
13 of, and age of the device, and data that is erased or retained when an
14 online device is restarted or powered down; and

15 (4) Online device means a physical object that has built-in
16 resources that allow it to communicate through the Internet or a short-
17 range wireless technology and react to interface conditions, including
18 any laptop computer, desktop computer, tablet, smartphone, or other smart
19 hardware.

20 **Sec. 3.** (1) A price offered to a consumer through the consumer's
21 online device shall not be generated in whole, or in part, based on any
22 of the following input data:

23 (a) The hardware or hardware state of the online device. This
24 subdivision (a) does not prohibit the generation of a price offered to a
25 consumer based on the hardware or hardware state of the online device for
26 the following purposes:

27 (i) Any repair or maintenance of the online device; or

28 (ii) Calculating a trade-in value of the online device;

29 (b) The presence or absence of any software on the online device; or

30 (c) Geolocation data of the online device, when used to set a price
31 based on inferences about the consumer made from such data. This

1 subdivision (c) does not prohibit the use of geolocation data of the
2 online device and the consumer's location to generate a price for any
3 reason that is not specified in this subdivision (c), including:

4 (i) To determine pricing based on the real-time demand for the
5 product or service in the consumer's vicinity, if the product or service
6 is provided immediately upon request; or

7 (ii) To provide accurate pricing information based on price
8 variances at different physical locations, due to legitimate cost
9 differentials associated with providing a good or service to different
10 consumers or state or local government taxes, duties, or other fees
11 imposed by any state or local government on the transaction.

12 (2) The Fair Online Pricing Act does not prohibit any coupon;
13 discount; or other bona fide rebate, sale, or promotion that:

14 (a) Is separate from the price of any good or service;

15 (b) Reduces the price of any good or service;

16 (c) Is issued or offered to the general public on the same terms;
17 and

18 (d) Does not incorporate input data as specified in subsection (1)
19 of this section.

20 **Sec. 4.** (1) A person who violates the Fair Online Pricing Act is
21 liable for a civil penalty in an amount not to exceed ten thousand
22 dollars for each violation.

23 (2) The Attorney General may bring an action in the name of the
24 State of Nebraska to:

25 (a) Recover a civil penalty under this section;

26 (b) Restrain or enjoin the person from violating the Fair Online
27 Pricing Act; or

28 (c) Recover the civil penalty and seek injunctive relief.

29 (3) The Attorney General may recover reasonable attorney's fees and
30 other reasonable expenses incurred in investigating and bringing an
31 action under this section.

1 (4) All money collected under this section shall be remitted to the
2 State Treasurer for distribution in accordance with Article VII, section
3 5, of the Constitution of Nebraska.

4 **Sec. 5.** The duties and obligations imposed by the Fair Online
5 Pricing Act are cumulative with any other duties or obligations imposed
6 under other law and shall not be construed to relieve any party from any
7 duty or obligation that is imposed under other law, including any duty or
8 obligation that is related to the accurate advertising, displaying, or
9 offering of prices.