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Opponents:

Representing:

Neutral:
Larry Ruth

Representing:
ATT

Summary of purpose and/or change:

Legislative Bill 781 amends the Uniform Deceptive Trade Practices Act in the following ways:

- Expends the definition of deceptive trade practice:
 - To include a provision to prohibit schemes devised to defraud consumers with false or fraudulent pretenses, representations or promises to obtain money or property, as well as, to sell, distribute, supply, furnish or procure property for the purpose of furthering such schemes;
 - To prohibit the use of unsolicited promotional or incentive checks that obligate the endorser to pay for goods and services if cashed or deposited; and
 - To prohibit the use of unsolicited billing statements or invoices that appear to obligate the consumer to pay for goods or services he or she did not order.
- Clarifies that the act applies to deceptive trade practices conducted in whole or in part within the state against residents and nonresidents of Nebraska and to any deceptive trade practices conducted outside the state against residents of the state if there is a direct connection to deceptive trade practices conducted in whole or in part within the state.

Explanation of amendments, if any:

Committee Amendment 2097 amends the provision that prohibits the use of schemes devised to obtain money or property with false or fraudulent pretenses, representations or promises by making knowledge a material element of the prohibited act. In other words, a person engages in deceptive trade practices under proposed Section 87-303(15)(i) if he or she acts with intent and awareness of the probable consequences of his or her actions.

Senator Brad Ashford, Chairperson