

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 149

Introduced By: Gay, 14;
Read first time: January 8, 2007
Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to banks and banking; to amend section 8-113,
2 Revised Statutes Cumulative Supplement, 2006; to change
3 provisions relating to the unauthorized use of the word
4 bank; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 8-113, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 8-113. No individual, firm, company, corporation, or
4 association doing business in the State of Nebraska, unless organized
5 as a bank under the Nebraska Banking Act or the authority of the
6 federal government, or as a building and loan association, savings and
7 loan association, or savings bank under Chapter 8, article 3, or the
8 authority of the federal government, shall use the word bank or any
9 derivative thereof as any part of a title or description of any
10 business activity. This section does not apply to: (1) Banks, ~~(1)~~
11 ~~banks~~, building and loan associations, savings and loan associations,
12 or savings banks chartered and supervised by a foreign state agency;
13 7 (2) bank holding companies registered pursuant to section 8-913
14 if the term holding company is also used as any part of the title or
15 description of any business activity or if the derivative banc is
16 used; 7 (3) affiliates or subsidiaries of (i) a bank organized
17 under the Nebraska Banking Act, the authority of the federal
18 government, or chartered and supervised by a foreign state agency,
19 (ii) a building and loan association, savings and loan association,
20 or savings bank organized under Chapter 8, article 3, the authority
21 of the federal government, or chartered and supervised by a foreign
22 state agency, or (iii) a bank holding company registered pursuant to
23 section 8-913 if the term holding company is also used as any part of
24 the title or description of any business activity or if the
25 derivative banc is used; (4) organizations substantially owned by (i)
26 a bank organized under the Nebraska Banking Act, the authority of the
27 federal government, or chartered and supervised by a foreign state

1 agency, (ii) a building and loan association, savings and loan
 2 association, or savings bank organized under Chapter 8, article 3,
 3 the authority of the federal government, or chartered and supervised
 4 by a foreign state agency, (iii) a bank holding company registered
 5 pursuant to section 8-913 if the term holding company is also used as
 6 any part of the title or description of any business activity or if
 7 the derivative bank is used, or (iv) any combination of entities
 8 listed in subdivisions (i) through (iii) of this subdivision; (5)
 9 mortgage bankers licensed or registered under the Mortgage Bankers
 10 Registration and Licensing Act, if the word mortgage immediately
 11 precedes the word bank or its derivative; ~~7-(4)~~ (6)
 12 organizations described in section 501(c)(3) of the Internal Revenue
 13 Code as defined in section 49-801.01 and exempt from taxation under
 14 section 501(a) of the code; ~~7-(5)~~ (7) trade associations which
 15 are exempt from taxation under section 501(c)(6) of the code which
 16 represent a segment of the banking or savings and loan industries, and
 17 any affiliate or subsidiary thereof; ~~7~~ and ~~(6)~~ (8) such other
 18 firms, companies, corporations, or associations as have been in
 19 existence and doing business ~~for a period of ten years or more~~ prior
 20 to ~~October 19, 1963,~~ December 1, 1975, under a name composed in
 21 part of the word bank or some derivative thereof. Any violation of
 22 this section shall be a Class V misdemeanor.

23 Sec. 2. Original section 8-113, Revised Statutes Cumulative
 24 Supplement, 2006, is repealed.