



One Hundred First Legislature - Second Session - 2010
Introducer's Statement of Intent
LB 801

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 17, 2010

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 801 updates the Uniform Deceptive Trade Practices Act (UDTPA) to reflect modern anti-pyramid language. Current law is broad enough to potentially be applied to legitimate businesses and the updated language harmonizes the Act with its intent. LB 801 further updates the Act to allow for a private right of action for damages and requires the notification of the Attorney General's Office of such filing. Under LB 801, the Act sets the burden of proof at the standard of preponderance of evidence.

Furthermore, the submission of false documents would be a violation of the UDTPA. LB 801 also allows the Attorney General's Office to send cease and desist letters warning companies of potential violations and explaining why the practices are questionable under the Act.

Additionally, LB 801 would require the distributor of a covered file-sharing program to provide clear and conspicuous notice to the owner or user of the computer that their files will be made available to the public without requiring intentional activation of the file-sharing function by the owner or user.

Principal Introducer: _____
Senator Tony Fulton