

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 59**

Final Reading

Introduced by Larson, 40; Carlson, 38.

Read first time January 10, 2013

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to insurance; to amend section 44-361.01, Reissue  
2 Revised Statutes of Nebraska; to change provisions  
3 relating to presumptions regarding the circumvention of  
4 rebates by a licensed agent; and to repeal the original  
5 section.

6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 44-361.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           44-361.01 (1) A licensed agent, whose total commissions  
4 and underwriting fees on business written upon the property, life,  
5 health, or liability of himself or herself, his or her relatives by  
6 consanguinity or affinity, and his or her employer or employees  
7 exceed ten percent of the total commissions or underwriting fees  
8 received during any one license year, shall be presumed to have  
9 obtained a license or renewal thereof primarily to circumvent the  
10 enforcement of section 44-361, except that for a licensed agent  
11 soliciting crop insurance, the percentage shall be thirty percent for  
12 commissions and underwriting fees on crop insurance business.

13           (2) A licensed agent, whose total commissions and  
14 underwriting fees on ~~such~~ business written upon the property, life,  
15 health, or liability of himself or herself, his or her relatives by  
16 consanguinity or affinity, and his or her employer or employees  
17 exceed thirty percent of the total commissions and underwriting fees  
18 received during any one license year, shall be conclusively presumed  
19 to have obtained a license or renewal thereof primarily to circumvent  
20 the enforcement of section 44-361, except that for a licensed agent  
21 soliciting crop insurance, the percentage shall be fifty percent for  
22 commissions and underwriting fees on crop insurance business.

23           Sec. 2. Original section 44-361.01, Reissue Revised  
24 Statutes of Nebraska, is repealed.