

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 856

Introduced by Harr, 8.

Read first time January 11, 2016

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to the Insured Homeowners Protection Act; to
- 2 amend sections 44-8602 and 44-8604, Revised Statutes Cumulative
- 3 Supplement, 2014; to redefine a term; to change provisions relating
- 4 to prohibited acts of residential contractors; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-8602, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 44-8602 For purposes of the Insured Homeowners Protection Act:

4 (1) Residential contractor means a person in the business of
5 contracting or offering to contract with an owner or possessor of
6 residential real estate to:

7 (a) Repair ~~repair~~ or replace a roof system or perform any other
8 exterior repair, replacement, construction, or reconstruction work on
9 residential real estate; ~~or~~

10 (b) Perform ~~perform~~ interior or exterior cleanup services on
11 residential real estate;

12 (c) Arrange for, manage, refer, transfer, or process the work
13 referred to in subdivision (1)(a) or (b) of this section; or

14 (d) Serve as a representative, agent, or assignee of the owner or
15 possessor of residential real estate in regard to the work referred to in
16 subdivision (1)(a) or (b) of this section, unless the person or entity
17 serving as the representative, agent, or assignee is a licensed attorney.

18 (2) Residential real estate means a new or existing building,
19 including a detached garage, constructed for habitation by at least one
20 but no more than four families; and

21 (3) Roof system means and includes roof coverings, roof sheathing,
22 roof weatherproofing, and insulation.

23 Sec. 2. Section 44-8604, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 44-8604 (1) A residential contractor shall not promise to rebate
26 any portion of an insurance deductible as an inducement to the sale of
27 goods or services. A promise to rebate any portion of an insurance
28 deductible includes granting any allowance or offering any discount
29 against the fees to be charged or paying an insured or a person directly
30 or indirectly associated with the residential real estate any form of
31 compensation, except for any item of nominal value.

1 (2) A residential contractor shall not represent, negotiate on
2 behalf of, or offer or advertise to represent or negotiate on behalf of
3 an owner or possessor of residential real estate in any insurance claim,
4 or take an assignment of any such claim, relating to the repair or
5 replacement of roof systems or relating to the performance of any other
6 exterior repair, replacement, construction, or reconstruction work on the
7 residential real estate.

8 (3) A contract entered into with a residential contractor is void if
9 the residential contractor violates any section of the Insured
10 Homewowners Protection Act.

11 Sec. 3. Original sections 44-8602 and 44-8604, Revised Statutes
12 Cumulative Supplement, 2014, are repealed.