

## Nebraska

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### Summary

License not required for debt buying companies.

License and bond required for resident collection agencies and for non-resident collection agencies not regulated as a collection agency in another state. No license required for out-of-state collection agency “regulated in another state as a collection agency.”

### Resources

Licensing Information: <http://www.sos.ne.gov/licensing/collection/index.html>

Statutes: <http://www.sos.ne.gov/licensing/collection/collectionstatutes.html>

Rules: [http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Secretary\\_of\\_State/Title-433.pdf](http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Secretary_of_State/Title-433.pdf)

### Statutory Provisions

45-601. Act, how cited; collection agency; license required; violation; penalty; foreign agency; communication authorized.

Sections [45-601](#) to [45-622](#) shall be known and may be cited as the Collection Agency Act.

No person, firm, corporation, or association shall conduct or operate a collection agency or do a collection agency business as defined in the act until he, she, or it has secured a license as provided in the act. Any person, firm, corporation, or association conducting or operating such a collection agency or doing such a collection agency business without a license shall be guilty of a Class III misdemeanor for each day that such unlawful business is conducted. Any officer or agent of a firm, corporation, or association who personally participates in any violation of the act shall be guilty of a Class III misdemeanor.

Nothing in the act shall be construed to prohibit a person, firm, corporation, or association regulated as a collection agency in another state and residing in another state from communicating with a debtor in this state.

45-602. Terms, defined.

For purposes of the Collection Agency Act:

(1) Board shall mean the Collection Agency Licensing Board;

(2) Collection agency shall mean and include:

(a) All persons, firms, corporations, and associations directly or indirectly engaged in soliciting, from more than one person, firm, corporation, or association, claims of any kind owed or due or asserted to be owed or due such solicited person, firm, corporation, or association, and all persons, firms, corporations, and associations directly or indirectly engaged in asserting, enforcing, or prosecuting such claims;

(b) Any person, firm, corporation, or association which, in attempting to collect or in collecting his, her, or its own accounts or claims, uses a fictitious name or any name other than his, her, or its own name which would indicate to the debtor that a third person is collecting or attempting to collect such account or claim; and

(c) Any person, firm, corporation, or association which attempts to or does give away or sell to any person, firm, corporation, or association, other than one licensed under the act, any system or series of letters or forms for use in the collection of accounts or claims which assert or indicate,

directly or indirectly, that the claim or account is being asserted or collected by any other person, firm, corporation, or association other than the creditor or owner of the claim or demand; and (3) Collection agency shall not mean or include (a) regular employees of a single creditor, (b) banks, (c) trust companies, (d) savings and loan associations, (e) building and loan associations, (f) abstract companies doing an escrow business, (g) duly licensed real estate brokers and agents when the claims or accounts being handled by such broker or agent are related to or are in connection with such brokers' or agents' regular real estate business, (h) express and telegraph companies subject to public regulation and supervision, (i) attorneys at law handling claims and collections in their own names and not operating a collection agency under the management of a layperson, (j) any person, firm, corporation, or association handling claims, accounts, or collections under an order or orders of any court, or (k) a person, firm, corporation, or association which, for valuable consideration, purchases accounts, claims, or demands of another and then, in such purchaser's own name, proceeds to assert or collect such accounts, claims, or demands.

45-608. Licensee; bond; conditions.

No license shall be issued under section 45-607 until the applicant has furnished a good and sufficient corporate surety bond in the sum of fifteen thousand dollars for those agencies or foreign corporations having sixteen or more licensed solicitors, ten thousand dollars for any agency having five to fifteen licensed solicitors, and five thousand dollars for any agency having less than five solicitors, payable to and approved by the board and conditioned that the licensee shall faithfully and truly perform all agreements entered into with the licensee's clients or customers and shall, within forty-five days after the close of each calendar month, report to and pay to his, her, or its client or customer the net proceeds of all collections made during the preceding calendar month and due to each client or customer, which bond shall be in such form as approved by the board and shall be filed in the office of the Secretary of State. No person shall be required to post a bond in excess of one hundred thousand dollars.

## **Rules**

### **CHAPTER 2. COLLECTION AGENCY LICENSING**

#### **001. DEFINITIONS**

For purposes of Chapter 2 of these regulations:

001.01. Solicitor shall mean anyone actively engaged in contacting creditors or prospective clients for the purpose of selling the collection agency's services and/or anyone collecting on accounts once referred or assigned to a licensed collection agency, solicitor shall not mean anyone actively engaged solely in office clerical work for an agency.

001.02. Soliciting shall mean acquiring, or attempting to acquire through advertising or other means, accounts for collection from clients located or doing business in Nebraska.