

NEBRASKA ADMINISTRATIVE CODE  
TITLE 434  
NEBRASKA COLLECTION AGENCY LICENSING ACT

Chapter 1 - DEFINITIONS

001. Solicitor shall mean anyone actively engaged in the solicitation of accounts for collection and/or collection of such 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.

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

003. Sworn complaint shall mean a written complaint which is notarized or otherwise legally authenticated by oath or affirmation

004. Board or NCALB shall mean the Nebraska Collection Agency Licensing Board.

005. Act shall mean the Nebraska Collection Agency Licensing Act.

006. Manager shall mean any employee or owner of a collection agency with comprehensive supervisory authority and responsibilities with the agency; manager shall not mean or include those with only limited supervisory authority or responsibilities.

007. Written application shall mean and include an application submitted on paper or an application submitted electronically in a digital format approved by the Collection Agency Licensing Board.

Annotation: Neb. Rev. Stat. Sec. 45-602; 45-607; 45-610 & 45-613

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Chapter 2 - MEETINGS

001. Meetings of the Board shall be called by the Secretary of State. Notice for meetings shall be given and meeting shall be held as required by the Nebraska Open Meetings Law.

Annotation: Neb. Rev. Stat. Sec. 45-603 and 84-1408 through 84-1414

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Chapter 3 - APPLICATIONS AND OTHER FORMS

001. The following forms shall be available to applicants for licensing under the Act:

- 001.01. Application for collection agency license
- 001.02. Collection agency license bond
- 001.03. Officer's Interrogatory
- 001.04. Financial Statement
- 001.05. Complaint form
- 001.06. Answer to complaint form

The forms listed in this section and attached hereto shall be made available to all applicants for license under the Act and shall be incorporated by reference into these rules and regulations.

002. The following applications shall contain the information provided below and may be submitted electronically or in written form except as specifically provided in 002.01n of this chapter.

002.01. Application for renewal of collection agency license which shall include:

- 002.01a. The date of the application
- 002.01b. The type of business organization
- 002.01c. The name of the agency
- 002.01d. The agency owner(s)
- 002.01e. The agency's business address
- 002.01f. The agency's telephone and fax numbers
- 002.01g. The name and address of the agency's Nebraska office
- 002.01h. The name and address of the agency's contact person for correspondence

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- 002.01i. The name and address of the agency's contact person for complaints
- 002.01j. The name(s) and address(es) of the agency's general manager(s)
- 002.01k. The agency's name if filed in the Secretary of State's Corporate Division
- 002.01l. The agency's trade names and d.b.a.'s
- 002.01m. The name and title of the person completing the application
- 002.01n. The original agency bond must be submitted on paper with original signatures and seal of insurance agency

002.02. Application for and renewal of solicitor's certificate, which shall include:

- 002.02a. The name of the solicitor
- 002.02b. The date of the solicitor's employment with the agency
- 002.02c. Any aliases used by the solicitor

002.03. Application for and renewal of branch office certificate, which shall include:

- 002.03a. The date of application
- 002.03b. The name of the branch office
- 002.03c. The address and telephone number of the branch office

Annotation: Neb. Rev. Stat. Sec. 45-606 through 45-608; 45-611; 45-613

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## Chapter 4 - LICENSE APPLICATION REQUIREMENTS

001. Before being considered by the Board, every application for a collection agency license shall include the following information and meet the following requirements:

- 001.01. All questions on the application form(s) must be answered, unless otherwise noted on the form.
- 001.02. All licensing and investigation fees must be paid in advance.
- 001.03. All instruments used for payments of licensing and investigation fees other than cash shall have been paid by the institution they were drawn upon.
- 001.04. Out of state applicants already doing business outside Nebraska shall provide a list of ten customers for reference purposes.
- 001.05. Personal references
- 001.06. If the applicant is a corporation, a copy of their articles of incorporation and the name and address of their resident agent
- 001.07. Financial statement of the corporation or business.
- 001.08. A bond in the amount required by the Act.
- 001.09. The names of all solicitors to be initially employed by the agency.

002. The board may request any additional information it deems necessary and relevant to the consideration of the applicant's qualifications to conduct collection agency business in this state.

003. The board may investigate and verify any information contained in an application.

004. If the applicant is a corporation, the Board shall verify that the corporation is in good standing to conduct business in the state of Nebraska

Annotation: Neb. Rev. Stat. Sec. 45-605 through 45-608; 45-610

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## Chapter 5 - SOLICITORS' CERTIFICATE FORMS

001. Holders of solicitors' certificates representing firms who did not renew their agency license shall return their obsolete solicitor's certificate to the Secretary of State's Office.

002. Solicitors' certificates shall become null and void upon the lapse, non-renewal, or revocation of the license of the agency using the solicitor as its employee or agent, or upon the termination of the solicitor's employment with the agency they work for.

Annotation: Neb. Rev. Stat. Sec. 45-610 and 45-611

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## Chapter 6 - LICENSES

001. Licenses shall not be transferable.

001.01. Before purchasing a currently licensed collection agency the prospective owner must be licensed.

001.02. Any changes in the managers or executive officers of a licensed collection agency owned by a partnership, limited liability company, or corporation shall be reported to the board in writing. Such report shall include:

001.02a. The name and address of each new manager or executive officer.

001.02b. The work history and qualifications of each new manager or executive officer.

Annotation: Neb. Rev. Stat. Sec. 45-607

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## Chapter 7 - RENEWAL OF AGENCY LICENSE

001. On or about November 1 of each year the Board shall send a collection agency license renewal form to each licensed collection agency in the state.

002. A license shall only be renewed if the license renewal form along with the appropriate fees and evidence of bond or continuance of current bond in the proper amount is submitted on or prior to December 1 of each year and if the agency is a corporation, limited liability company, limited partnership, or limited liability partnership it must be in good standing to do business in the State of Nebraska.

003. Every renewal application received by the Board after the December 1 deadline shall be considered by the board as an initial license application. Such application shall not be considered until the proper application and investigation fees have been paid. The board may also request any of the additional information required for an initial license application when considering late renewals.

Annotation: Neb. Rev. Stat. Sec. 45-611

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## Chapter 8 - INVESTIGATIONS

001. The Board may verify any and all information received by the Board pursuant to a license or certificate application, complaint, or renewal, by phone, correspondence, or personal interviews conducted by members of the Board or employees or agents of the Board at the direction of the Board. Board members and employees or agents of the Board may be reimbursed for actual and necessary expenses associated with such investigations.

002. The Board may request that anyone being investigated pursuant to a license application, complaint, or renewal personally appear before the board to answer questions and concerns related to the application, complaint, or renewal.

Annotation: Neb. Rev. Stat. Sec. 45-603; 45-605; 45-611; 45-613

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Chapter 9 - FAIR DEBT COLLECTION PRACTICES ACT

001. The Board shall inform each applicant for a collection agency license of the existence of Federal Fair Debt Collection Practices Act. (15 U.S.C. sec. 1692 et. seq.) and shall inform each applicant how they can acquire a copy of the Federal Act.

Annotation: Neb. Rev. Stat. sec. 45-615; 15 U.S.C. sec. 1692 et. seq.

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## Chapter 10 - MAINTENANCE OF A REGULAR OFFICE

001. Failure of a collection agency to maintain a regular office in the state shall be grounds for revocation of license pursuant to the procedures set forth in these rules and regulations and in the Act.

002. The minimum requirements for a regular office are a physical location where a manager, officer, employee or agent of the agency maintains regular business hours or other hours as posted in public view at the location. Such office shall have actual document records or access to electronically stored document records of all collections and claims involving clients or debtors in the state being handled by the licensee.

003. The Board may verify the existence of a regular office for a particular collection agency upon written or verbal notification by any party alleging that such an office does not meet the requirements of this section.

Annotation: Neb. Rev. Stat. sec. 45-612

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## Chapter 11 - REVOCATION OR SUSPENSION OF AGENCY LICENSE OR SOLICITOR'S CERTIFICATE.

001. The Board may, upon an affirmative vote of the majority of the members of the Board and after its own investigation, and shall, upon sworn complaint of any person or client of a licensee, cite the licensee or solicitor to appear before it at a time and place as set forth in such citation, to show cause as to why such license should not be suspended or revoked. Such citation shall be in writing and shall set forth the exact charges against the licensee or solicitor. The citation shall be served upon the licensee or solicitor at least twenty days prior to the hearing in the same manner that summons of the district courts are served. If the citation is against a solicitor, a true copy of the citation shall also be served upon the licensee under whose license the solicitor's certificate was issued.

002. In preparation for and the conduct of such hearing the Board may issue subpoenas to require the attendance and testimony of witnesses, the production of any pertinent records, papers, books and documents, may administer oaths, examine witnesses, and take any evidence it deems pertinent to a proper determination of the charge. The party against whom the citation has been issued shall have the right to obtain from the Secretary of State subpoenas for such witnesses the party may desire to have at such hearing. Depositions may be taken and used at such hearings in the same manner as they are taken and used in the district courts of this state. Witnesses so subpoenaed shall receive the same fees as witnesses in the district courts of this state.

003. The Board shall record the testimony given at the hearing and maintain a file containing such testimony as well as a record of all witnesses who appeared and all documents or items offered as exhibits.

NAC, Title 434, Chapter 11 (Continued)

004. After such hearing the Board shall approve by a vote of a majority of its members a statement of its findings in writing and signed by the Secretary of State. If the Board finds that the cited licensee or solicitor has failed to comply with the specific requirements of the Act, or failed to comply with the general intent and purposes of the Act, the Board may

revoke such license or certificate, or suspend such license or certificate for a specified time. A certified copy of the findings shall be served upon the cited licensee or solicitor by certified mail within five days of the issuance of such findings.

005. The Board may make the reinstatement of a suspended license contingent upon satisfactory evidence being produced that the suspended licensee or certificate holder has acted to remedy the situation or action which was cause for the suspension or has taken steps to ensure that the situation or action does not re- occur. Any such requirement shall be included in the findings of the Board in addition to such revocation or suspension.

Annotation: Neb. Rev. Stat. Sec. 45-613 through 45-615

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Chapter 12 - APPEALS

001. Appeal from a final decision of the Board on any application for a license or certificate that is denied, suspended, or revoked shall be taken in accordance with the Administrative Procedures Act (Neb. Rev. Stat. Sec. 84-901 et. seq.)

Annotation: Neb. Rev. Stat. Sec. 45-616

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Chapter 13 - FEES

001. Fees charged by the Board shall be as follows:

- 001.01. Collection Agency License Fee---\$200.00
- 001.02. Collection Agency License Investigation Fee--\$200.00
- 001.03. Collection Agency Annual Renewal Fee--\$75.00
- 001.04. Branch Office Certificate (initial)--\$50.00
- 001.05. Branch Office Certificate Renewal--\$35.00
- 001.06. Solicitor's Certificate (new or renewal)--\$1.00

002. Fees may be waived by the Board if the Board determines that special circumstances merit such waiver.

Annotation: Neb. Rev. Stat. Sec. 45-606 and 45-620

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