

NEBRASKA ADMINISTRATIVE CODE

Title 48 - DEPARTMENT OF BANKING AND FINANCE

Chapter 1 - GENERAL PROVISIONS

001 GENERAL.

001.01 This Rule has been promulgated pursuant to authority delegated to the Director in Section 8-1120(3) of the Securities Act of Nebraska ("Act").

001.02 The Department has determined that this Rule is consistent with investor protection and is in the public interest.

001.03 The Director may, on a case-by-case basis, and with prior written notice to the affected persons, require adherence to additional standards or policies, as deemed necessary in the public interest.

001.04 The definitions in 48 NAC 2 shall apply to the provisions of this Rule, unless otherwise specified.

002 ADMINISTRATION.

002.01 The Securities Act of Nebraska is administered by the Director of Banking and Finance, Department of Banking and Finance, pursuant to Sections 8-1101 through ~~8-1124~~[8-1123](#), R.R.S. 1943. The offices of the Department are open from the hours of 8 a.m. to 5 p.m., Monday through Friday, legal holidays excepted. The mailing address of the agency is Department of Banking and Finance, P.O. Box 95006, Lincoln, Nebraska 68509-5006.

002.02 References in Chapters 1 through 37 of Title 48 of the Nebraska Administrative Code to the Securities Act of 1933; the Securities Exchange Act of 1934; the Investment Company Act of 1940; the Investment Advisers Act of 1940; Securities and Exchange Commission ("SEC") rules, regulations, forms and ethical standards; and Financial Industry Regulatory Authority ("FINRA") rules and ethical standards are to such statutes, rules, regulations, forms and ethical standards as adopted on the effective date of these rules, or as may hereafter be amended. Copies of any statute, rule, regulation, standard, form or other material referenced in Chapters 1 through 37 may be obtained through the Department.

002.03 [References in Chapters 38 through 42 of Title 48 of the Nebraska Administrative Code to the Securities Act of 1933; the Securities Exchange Act of 1934; the Investment Company Act of 1940; the Investment Advisers Act of 1940; SEC rules, regulations, forms and ethical standards; and FINRA rules and ethical standards are to such statutes, rules, regulations, forms and ethical standards as adopted on the effective date of these rules. Copies of any statute, rule, regulation, standard, form or other material referenced in Chapters 38 through 42 are attached to the applicable Chapter or may be obtained through the Department.](#)

003 FEE SCHEDULE. The following fee schedule has been set according to the provisions of the Act:

<u>003.01</u> Broker-Dealer (initial and renewal)	\$250.00
Agent of Broker-Dealers and Issuer-Dealers (initial and renewal)	\$ 40.00
Investment Adviser (initial and renewal)	\$200.00
Issuer-Dealer (initial and renewal)	\$100.00
Nebraska Securities Law Examination	\$ 5.00
Exemption Filings pursuant to 8-1111(16), 8-1110(5), and 8-1111(20) , <u>and 8-1111(24)</u>	\$200.00
Investment Adviser Representative (initial and renewal)	\$ 40.00
Notice Filings by Federal Covered Adviser (initial and renewal)	\$200.00
Notice Filing for Federal Covered Securities, Except Securities Issued By an Investment Company	\$200.00
Portal Operator Registration	\$200.00

003.02 With regard to fees for registration of securities, refer to Section 8-1108 of the Act as fees may vary depending upon the type of registration being sought.

003.03 With regard to fees for notice filings by investment companies, refer to Section 8-1108.03 of the Act, as fees are based on the amount of securities intended to be sold in Nebraska.

003.04 Fees are payable by corporate check or money order to the Nebraska Department of Banking and Finance or through a registration depository or electronic filing system recognized by the Director. Neither cash nor personal checks will be accepted.

004 RETENTION OF FEES UPON WITHDRAWAL OR DENIAL.

004.01 Upon withdrawal or denial of an application for registration as a broker-dealer, agent, investment adviser, investment adviser representative, or issuer-dealer, the entire fee shall be retained by the Department.

004.02 Upon withdrawal of a notice filing by a federal covered adviser, the entire fee shall be retained by the Department.

004.03 Upon withdrawal or denial of an application for registration of securities, one hundred dollars (\$100.00) shall be retained by the Department.

004.04 Upon the withdrawal of a notice filing for federal covered securities, except securities issued by an investment company, the entire fee shall be retained by the Department.

004.05 Upon withdrawal of a notice filing by an investment company, [subject to the Investment Company Act of 1940](#), a fee of one hundred dollars (\$100.00) shall be retained by the Department.

004.06 Upon the withdrawal or denial of an exemption notice, the entire fee shall be retained by the Department.

005 EFFECTIVE DATE OF FILING. A document is filed when it is received in the office of the Department with the appropriate fee. A document so filed cannot be returned.

006 FORMS.

006.01 The following forms for the registration of securities, for the claim of exemption from registration, or for a notice filing of federal covered securities, [must shall](#) be used in Nebraska:

- **Form U-1 - Uniform Application for Registration of Securities
Application for Registration of Securities by Qualification
- **Form D - Notice of Sale of Securities Pursuant to Regulation D,
Section 4(6), and/or Uniform Limited Offering Exemption
- **Form NF --Uniform Investment Company Notice Filing Form
- **Form U-2 --Uniform Consent to Service of Process
Indefinite Mutual Fund Sales Report for Nebraska
Indefinite Unit Investment Trust Sales Report for Nebraska
Form SODD --Securities Offering Disclosure Document
[Form NCF --Nebraska Intrastate Crowd Funding Exemption Filing Form](#)

006.02 The following forms for the registration of broker-dealers and agents [must and for registering as a portal operator shall](#) be used in Nebraska:

- **Form BD - Uniform Application for Broker-Dealer Registration
- **Form BDW - Notice of Withdrawal from Registration as Broker-Dealer
- **Form U-2A - Corporate Resolution
- **Form U-2 --Uniform Consent to Service of Process
- **Form U-4 - Uniform Application for Securities Industry Registration
or Transfer
- **Form U-5 - Uniform Termination Notice for Securities Industry
Registration
- **Form U-6 - Uniform Disciplinary Action Reporting
- **Form U-10 - Uniform Examination Request for Non-FINRA Candidates
Affidavit of Broker-Dealer Activity in Nebraska
[Form NPO --Nebraska Portal Operator Registration Form](#)

006.03 The following forms for the registration of investment advisers and investment adviser representatives or for a notice filing by a federal covered adviser [must-shall](#) be used in Nebraska:

- **Form ADV - Uniform Application for Investment Adviser Registration
- **Form ADV-W - Notice of Withdrawal from Registration as Investment
Adviser

Form IAR - Designation of Compliance Principal and Investment Adviser Representative

Affidavit of Investment Adviser Activity in Nebraska

I-A Corporate Resolution

**Form U-2A - Corporate Resolution

**Form U-2 - Uniform Consent to Service of Process

**Form U-4 - Uniform Application for Securities Industry Registration or Transfer

**Form U-5 - Uniform Termination Notice for Securities Industry Registration

**Form U-6 - Uniform Disciplinary Action Reporting

**Form U-10 - Uniform Examination Request for Non-FINRA Candidates

006.04 The following forms for the registration of issuer-dealers and agents **must shall** be used in Nebraska:

Application for Registration as Issuer-Dealer

Application for Registration as Agent of Issuer-Dealer

** Uniform Form Accepted