



STATE OF NEBRASKA
DEPARTMENT OF BANKING AND FINANCE

DAVE HEINEMAN
GOVERNOR

JOHN MUNN
DIRECTOR

TO: Interested Parties
FROM: John Munn, Director
RE: Statement of Policy #33
DATE: December 31, 2013

The Nebraska Department of Banking and Finance (“Department”) is reissuing Statement of Policy (SOP #33). SOP #33 focuses on Neb. Rev. Stat. § 8-157.01, which regulates electronic switch, automated teller machine, and point of sale terminal transactions. The revisions incorporate Nebraska Attorney General Opinion #13-001 into SOP #33.

SOP #33 can be viewed electronically on the Department’s web page, <http://www.ndbf.ne.gov>. SOP #33 has an effective date of January 1, 2014.

Comments to the revision of SOP #33 now being issued, received during the October 4, 2013 to October 23, 2013 comment period, indicated a great divergence of opinion on the applicability of Section 8-157.01 to today’s electronic financial transaction environment. Comments ranged from suggesting repeal of the statute to strengthening the language of SOP #33 regarding enforcement of the statute. Potential unintended consequences of the revisions to SOP #33 were also noted. All of the comments received during the comment period may be viewed at <http://www.ndbf.ne.gov>.

Should any amendments to Section 8-157.01 be introduced in the 2014 Session of the Nebraska Legislature, the Department will defer enforcement of SOP 33 until the conclusion of the 2014 Session, or the effective date of any legislation enacted relative to §8-157.01, whichever is later. The Department will be available as a resource to the Legislature and the industries impacted by Nebraska legislation on this subject.

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