

Neb.Rev.St. § 45-101.03

45-101.03. General interest rate; maximum; variable rate authorized; conditions

(1) Except as provided in [section 45-101.04](#), any rate of interest which may be agreed upon, not exceeding sixteen percent per annum on the unpaid principal balance, shall be valid upon any loan or forbearance of money, goods, or things in action and may be taken yearly, for any shorter period, or in advance, if so expressly agreed.

(2) Such rate of interest so long as it does not violate [sections 45-101.02](#) to [45-113](#) or any federal usury law may be charged on a variable rate basis, except that if the lender proposes to increase the interest rate during the term of a loan on consumer goods notice of such proposed increase shall be communicated in writing to the person or persons primarily obligated on such loan at least ten days prior to the proposed increase. Deposit of such notice in the United States mails, postage prepaid, shall be deemed communication for the purpose of this section.

Credits

Laws 1975, LB 349, § 2; Laws 1979, LB 390, § 1; Laws 1980, LB 276, § 6; Laws 1982, LB 778, § 1.

Neb.Rev.St. § 45-101.04

45-101.04. General interest rate; maximum; when not applicable

The limitation on the rate of interest provided in [section 45-101.03](#) shall not apply to:

- (1) Other rates of interest authorized for loans made by any licensee or permittee operating under a license or permit duly issued by the Department of Banking and Finance pursuant to the Credit Union Act, the Nebraska Installment Loan Act, [subsection \(4\) of section 8-319](#), or [sections 8-815 to 8-829](#);
- (2) Loans made to any corporation, partnership, limited liability company, or trust;
- (3) The guarantor or surety of any loan to a corporation, partnership, limited liability company, or trust;
- (4) Loans made when the aggregate principal amount of the indebtedness is twenty-five thousand dollars or more of the borrower to any one financial institution, licensee, or permittee;
- (5) Loans insured, guaranteed, sponsored, or participated in, either in whole or part, by any agency, department, or program of the United States or state government;
- (6) Loans or advances of money, repayable on demand, which are made solely upon securities, as defined in subdivision (15) of [section 8-1101](#), pledged as collateral for such repayment and in which such loans or advances are used by the borrower only for the purchase of securities as so defined. It shall be lawful to contract for and receive any rate of interest on such transaction as the parties thereto may expressly agree;
- (7) Interest charges made on open credit accounts by a person who sells goods or services on credit when the interest charges do not exceed one and one-third percent per month for any charges which remain unpaid for more than thirty days following rendition of the statement of account;
- (8) A minimum charge of ten dollars per loan which may be charged by the lender in lieu of all interest charges;

(9) Loans described in [subsection \(4\) of section 8-319](#) made by a state or federal savings and loan association at a rate not to exceed nineteen percent per annum;

(10) Loans made primarily for business or agricultural purposes or secured by real property when such loans are made (a) by a licensee, registrant, or permittee operating under a license, registration, or permit duly issued by the Department of Banking and Finance except for licensees operating under the Nebraska Installment Loan Act, (b) by any financial institution insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration, or (c) by any insurance company organized under the laws of this state and subject to regulation by the Department of Insurance;

(11) Loans secured solely by real property when such loans are (a) made by licensees operating under the Nebraska Installment Loan Act and (b) made to finance or refinance the purchase of the property or construction on or improvements to the property, if the Department of Banking and Finance has the authority to examine such loans for compliance with [sections 45-101.02](#) and [45-101.03](#). A licensee making a loan pursuant to this subdivision may obtain an interest in any fixtures attached to such real property and any insurance proceeds payable in connection with such real property or the loan;

(12) Loans secured by a reverse mortgage pursuant to [section 45-702.01](#);

(13) Interest charges made on any goods or services sold under an installment contract pursuant to the Nebraska Installment Sales Act. Subject to [section 45-338](#), it shall be lawful to contract for and receive any rate of interest on such contract as the parties may expressly agree to in writing; or

(14) Fees which may be charged by a licensee for services pursuant to the Delayed Deposit Services Licensing Act.

Credits

Laws 1975, LB 349, § 3; Laws 1976, LB 616, § 1; Laws 1979, LB 390, § 2; Laws 1980, LB 276, § 7; Laws 1980, LB 279, § 4; Laws 1982, LB 623, § 1; Laws 1986, LB 143, § 1; Laws 1988, LB 795, § 5; Laws 1989, LB 272, § 2; [Laws 1993, LB 121, § 263](#); [Laws 1993, LB 216, § 11](#); [Laws 1994, LB 979, § 7](#); [Laws 1994, LB 967, § 30](#); [Laws 1995, LB 397, § 1](#); [Laws 1996, LB 948, § 124](#); [Laws 1997, LB 335, § 12](#); [Laws 1999, LB 396, § 24](#); [Laws 2001, LB 53, § 28](#); [Laws 2003, LB 131, § 25](#); [Laws 2004, LB 999, § 31](#); [Laws 2010, LB 892, § 2](#), eff. March 4, 2010.

Neb.Rev.St. § 45-102

45-102. Interest; legal rate; exception

Interest upon the loan or forbearance of money, goods or things in action shall be at the rate of twelve percent per annum for the period commencing on March 19, 1980, through August 31, 1983, and at the rate of six percent per annum commencing on September 1, 1983, on the unpaid principal balance, unless a greater rate, not exceeding the rate of interest provided in [section 45-101.03](#), be contracted for by the parties.

Credits

Laws 1879, § 2, p. 113; Laws 1933, ch. 85, § 2, p. 336; Laws 1941, ch. 90, § 3, p. 345; Laws 1943, ch. 108, § 2, p. 376; Laws 1961, ch. 17, § 3, p. 118; Laws 1963, ch. 272, § 2, p. 819; Laws 1963, Sp. Sess., ch. 8, § 5, p. 101; Laws 1963, Sp. Sess., ch. 7, § 4, p. 90; Laws 1967, ch. 276, § 2, p. 744; Laws 1975, LB 349, § 4; Laws 1980, LB 279, § 5.

Neb.Rev.St. § 45-110

45-110. Usurious contracts; limit of recovery

All such contracts are hereby declared contrary to public policy and usurious, and in any action therefor the plaintiff shall recover only the same number of dollars in any lawful money of the United States as the number of dollars contracted for at the time the original contract was entered into, plus interest not exceeding the maximum legal contract rate and costs, and no more.

Credits

Laws 1935, ch. 126, § 2, p. 452.

Codifications: C.S. Supp., 1941, § 45-129.