

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 938

Introduced by La Grone, 49.

Read first time January 13, 2020

Committee:

- 1 A BILL FOR AN ACT relating to the Nebraska Uniform Power of Attorney Act;
- 2 to amend section 30-4019, Reissue Revised Statutes of Nebraska; to
- 3 provide immunity for reliance upon an acknowledged power of attorney
- 4 as prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-4019, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 30-4019 (1) For purposes of this section and section 30-4020,
4 acknowledged means purportedly verified before a notary public or other
5 individual authorized to take acknowledgments.

6 (2) A person that in good faith accepts an acknowledged power of
7 attorney without actual knowledge that the signature is not genuine may
8 rely upon the presumption under section 30-4005 that the signature is
9 genuine.

10 (3) A person that in good faith accepts an acknowledged power of
11 attorney without actual knowledge that the power of attorney is void,
12 invalid, or terminated, that the purported agent's authority is void,
13 invalid, or terminated, or that the agent is exceeding or improperly
14 exercising the agent's authority may rely upon the power of attorney as
15 if the power of attorney were genuine, valid, and still in effect, the
16 agent's authority were genuine, valid, and still in effect, and the agent
17 had not exceeded and had properly exercised the authority.

18 (4)(a) ~~(4)~~ A person that is asked to accept an acknowledged power of
19 attorney may request, and rely upon, without further investigation:

20 (i) ~~(a)~~ An agent's certification under penalty of perjury of any
21 factual matter concerning the principal, agent, or power of attorney;

22 (ii) ~~(b)~~ An English translation of the power of attorney if the
23 power of attorney contains, in whole or in part, language other than
24 English; and

25 (iii) ~~(c)~~ An opinion of counsel as to any matter of law concerning
26 the power of attorney if the person making the request provides in a
27 writing or other record the reason for the request.

28 (b) A person that in good faith acts in reliance upon a
29 certification, an English translation, or an opinion of counsel under
30 this subsection is not liable to any person for such actions.

31 (5) An English translation or an opinion of counsel requested under

1 this section must be provided at the principal's expense unless the
2 request is made more than seven business days after the power of attorney
3 is presented for acceptance.

4 (6) For purposes of this section and section 30-4020, a person that
5 conducts activities through employees is without actual knowledge of a
6 fact relating to a power of attorney, a principal, or an agent if the
7 employee conducting the transaction involving the power of attorney is
8 without actual knowledge of the fact.

9 Sec. 2. Original section 30-4019, Reissue Revised Statutes of
10 Nebraska, is repealed.