

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 115

Introduced by Council, 11.

Read first time January 06, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to
2 amend sections 13-919 and 13-920, Reissue Revised
3 Statutes of Nebraska; to change limitation of action
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-919, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-919 (1) Every claim against a political subdivision
4 permitted under the Political Subdivisions Tort Claims Act shall be
5 forever barred unless within ~~one year~~ two years after such claim
6 accrued the claim is made in writing to the governing body. Except as
7 otherwise provided in this section, all suits permitted by the act
8 shall be forever barred unless begun within two years after such
9 claim accrued. The time to begin a suit shall be extended for a
10 period of six months from the date of mailing of notice to the
11 claimant by the governing body as to the final disposition of the
12 claim or from the date of withdrawal of the claim from the governing
13 body under section 13-906 if the time to begin suit would otherwise
14 expire before the end of such period.

15 (2) If a claim is made or filed under any other law of
16 this state and a determination is made by a political subdivision or
17 court that the act provides the exclusive remedy for the claim, the
18 time to make a claim and to begin suit under the act shall be
19 extended for a period of six months from the date of the court order
20 making such determination or the date of mailing of notice to the
21 claimant of such determination by the political subdivision if the
22 time to make the claim and to begin suit under the act would
23 otherwise expire before the end of such period. The time to begin
24 suit may be further extended as provided in subsection (1) of this
25 section.

1 (3) If a claim is made or a suit is begun under the act
2 and a determination is made by the political subdivision or by the
3 court that the claim or suit is not permitted under the act for any
4 other reason than lapse of time, the time to make a claim or to begin
5 a suit under any other applicable law of this state shall be extended
6 for a period of six months from the date of the court order making
7 such determination or the date of mailing of notice to the claimant
8 of such determination by the political subdivision if the time to
9 make the claim or begin the suit under such other law would otherwise
10 expire before the end of such period.

11 (4) If a claim is brought under the Nebraska Hospital-
12 Medical Liability Act, the filing of a request for review under
13 section 44-2840 shall extend the time to begin suit under the
14 Political Subdivisions Tort Claims Act an additional ninety days
15 following the issuance of the opinion by the medical review panel if
16 the time to begin suit under the Political Subdivisions Tort Claims
17 Act would otherwise expire before the end of such ninety-day period.

18 (5) This section and section 25-213 shall be the only
19 statutes of limitations applicable to tort claims as defined in the
20 act.

21 Sec. 2. Section 13-920, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 13-920 (1) No suit shall be commenced against any
24 employee of a political subdivision for money on account of damage to
25 or loss of property or personal injury to or the death of any person

1 caused by any negligent or wrongful act or omission of the employee
2 while acting in the scope of his or her office or employment
3 occurring after May 13, 1987, unless a claim has been submitted in
4 writing to the governing body of the political subdivision within ~~one~~
5 year ~~two years~~ after such claim accrued in accordance with section
6 13-905.

7 (2) No suit shall be permitted on a claim filed pursuant
8 to this section unless the governing body of the political
9 subdivision has made final disposition of the claim, except that if
10 the governing body does not make final disposition of the claim
11 within six months after the claim is filed, the claimant may, by
12 notice in writing, withdraw the claim from consideration of the
13 governing body and begin suit.

14 (3) Except as provided in section 13-919, any suit
15 commenced on any claim filed pursuant to this section shall be
16 forever barred unless begun within two years after the claim accrued.
17 The time to begin suit under this section shall be extended for a
18 period of six months (a) from the date of mailing of notice to the
19 claimant by the governing body as to the final disposition of the
20 claim or (b) from the date of withdrawal of the claim from the
21 governing body under this section, if the time to begin suit would
22 otherwise expire before the end of such period.

23 Sec. 3. Original sections 13-919 and 13-920, Reissue
24 Revised Statutes of Nebraska, are repealed.