

LEGISLATURE OF NEBRASKA  
ONE HUNDRED THIRD LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 284**

Introduced by Conrad, 46.

Read first time January 16, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims Act; to  
2 amend sections 13-919, 13-920, 13-922, and 13-926,  
3 Reissue Revised Statutes of Nebraska; to change  
4 limitation of action provisions; to change amounts  
5 recoverable as prescribed; to harmonize provisions; and  
6 to repeal the original sections.

7 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. Section 13-922, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 13-922 (1) The total amount recoverable against any

1 employee for claims filed pursuant to section 13-920 or 13-921  
2 arising out of an occurrence after May 13, 1987, and prior to the  
3 effective date of this act shall be limited to: ~~(1)-(a)~~ One million  
4 dollars for any person for any number of claims arising out of a  
5 single occurrence; and ~~(2)-(b)~~ five million dollars for all claims  
6 arising out of a single occurrence.

7 (2) The total amount recoverable against any employee for  
8 claims filed pursuant to section 13-920 arising out of an occurrence  
9 on or after the effective date of this act shall be limited to: (a)  
10 Three million dollars for any person for any number of claims arising  
11 out of a single occurrence; and (b) twelve million dollars for all  
12 claims arising out of a single occurrence.

13 Sec. 4. Section 13-926, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 13-926 (1) The total amount recoverable under the  
16 Political Subdivisions Tort Claims Act for claims arising out of an  
17 occurrence after November 16, 1985, and prior to the effective date  
18 of this act shall be limited to:

19 ~~(1)-(a)~~ One million dollars for any person for any number  
20 of claims arising out of a single occurrence; and

21 ~~(2)-(b)~~ Five million dollars for all claims arising out  
22 of a single occurrence.

23 (2) The total amount recoverable under the Political  
24 Subdivisions Tort Claims Act for claims arising out of an occurrence  
25 on or after the effective date of this act shall be limited to:

1                   (a) Three million dollars for any person for any number  
2 of claims arising out of a single occurrence; and

3                   (b) Twelve million dollars for all claims arising out of  
4 a single occurrence.

5                   (3) If the damages sustained by an innocent third party  
6 pursuant to section 13-911 are not fully recoverable from one or more  
7 political subdivisions due to the limitations in this section,  
8 additional sources for recovery shall be as follows: First, any  
9 offsetting payments specified in subsection (3) of section 13-911  
10 shall be reduced to the extent necessary to fully compensate the  
11 innocent third party; and second, if such reduction is insufficient  
12 to fully compensate the innocent third party, the right of  
13 reimbursement granted to the political subdivision in subsection (2)  
14 of section 13-911 shall be reduced to the extent necessary to fully  
15 compensate the innocent third party.

16                   Sec. 5. Original sections 13-919, 13-920, 13-922, and  
17 13-926, Reissue Revised Statutes of Nebraska, are repealed.