

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 971

Introduced by Kolowski, 31.

Read first time January 16, 2014

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to insurance; to amend sections 44-6410 and
2 44-6411, Reissue Revised Statutes of Nebraska; to change
3 and eliminate provisions relating to stacking of
4 coverage; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-6410, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-6410 ~~Regardless of the number of vehicles involved,~~
4 ~~persons covered, claims made, vehicles or premiums shown on the~~
5 ~~policy, or premiums paid, No policy of insurance issued or renewed in~~
6 this state after the effective date of this act shall include a
7 provision prohibiting the limits of liability for uninsured or
8 underinsured motorist coverage for two or more motor vehicles insured
9 under the same policy or separate policies ~~shall not be from being~~
10 added together, combined, or stacked to determine the limit of
11 insurance coverage available to an injured person for any one
12 accident. ~~except as provided in section 44-6411.~~

13 Sec. 2. Section 44-6411, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 44-6411 (1) ~~In the event an insured is entitled to~~
16 ~~uninsured or underinsured motorist coverage under more than one~~
17 ~~policy of motor vehicle liability insurance, the maximum amount an~~
18 ~~insured may recover shall not exceed the highest limit of any one~~
19 ~~such policy.~~

20 (2) ~~In the event of bodily injury, sickness, disease, or~~
21 ~~death of an insured while occupying a motor vehicle not owned by the~~
22 ~~insured, payment shall be made in the following order of priority,~~
23 ~~subject to the limitations in subsection (1) of this section: (a) The~~
24 ~~uninsured or underinsured motorist coverage on the occupied motor~~
25 ~~vehicle is primary; and (b) if such primary coverage is exhausted,~~

1 ~~other uninsured or underinsured motorist coverage available to the~~
2 ~~insured is excess.~~

3 ~~(3) When multiple policies apply, In the event an injured~~
4 ~~person is entitled to coverage under more than one policy, payment~~
5 shall be made in the following order of priority, subject to the
6 limit of liability for each applicable policy:

7 ~~(a)-(1)~~ A policy covering a motor vehicle occupied by the
8 injured person at the time of the accident;

9 ~~(b)-(2)~~ A policy covering a motor vehicle which causes
10 bodily injury, sickness, disease, or death of the insured while a
11 pedestrian; and

12 ~~(c)-(3)~~ A policy covering a motor vehicle not involved in
13 the accident with respect to which the injured person is an insured.

14 Sec. 3. Original sections 44-6410 and 44-6411, Reissue
15 Revised Statutes of Nebraska, are repealed.