

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 105

FINAL READING

Introduced by Brasch, 16.

Read first time January 06, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552
- 2 and 25-1556, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to personal property exemptions in cases of
- 4 forced sale on execution or attachment; to provide for inflation
- 5 adjustments every fifth year as prescribed; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1552, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1552 (1) Each natural person residing in this state shall have
4 exempt from forced sale on execution the sum of five thousand ~~two~~
5 ~~thousand five hundred~~ dollars in personal property, except wages. The
6 provisions of this section do not apply to the exemption of wages, that
7 subject being fully provided for by section 25-1558. In proceedings
8 involving a writ of execution, the exemption from execution under this
9 section shall be claimed in the manner provided by section 25-1516. The
10 debtor desiring to claim an exemption from execution under this section
11 shall, at the time the request for hearing is filed, file a list of the
12 whole of the property owned by the debtor and an indication of the items
13 of property which he or she claims to be exempt from execution pursuant
14 to this section and section 25-1556, along with a value for each item
15 listed. The debtor or his or her authorized agent may select from the
16 list an amount of property not exceeding the value exempt from execution
17 under this section according to the debtor's valuation or the court's
18 valuation if the debtor's valuation is challenged by a creditor.

19 (2) The dollar limitations in this section shall be adjusted by the
20 Department of Revenue every fifth year beginning with the year 2023 to
21 reflect the cumulative percentage change over the preceding five years in
22 the Consumer Price Index for All Urban Consumers, as prepared by the
23 United States Department of Labor, Bureau of Labor Statistics.

24 Sec. 2. Section 25-1556, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-1556 (1) No property hereinafter mentioned shall be liable to
27 attachment, execution, or sale on any final process issued from any court
28 in this state, against any person being a resident of this state: (a) ~~(1)~~
29 The immediate personal possessions of the debtor and his or her family;
30 (b) ~~(2)~~ all necessary wearing apparel of the debtor and his or her
31 family; (c) ~~(3)~~ the debtor's interest, not to exceed an aggregate fair

1 market value of three thousand ~~one thousand five hundred~~ dollars, in
2 household furnishings, household goods, household computers, household
3 appliances, books, or musical instruments which are held primarily for
4 personal, family, or household use of such debtor or the dependents of
5 such debtor; (d) ~~(4)~~ the debtor's interest, not to exceed an aggregate
6 fair market value of five thousand ~~two thousand four hundred~~ dollars, in
7 implements, tools, or professional books or supplies, other than a motor
8 vehicle, held for use in the principal trade or business of such debtor
9 or his or her family; ~~, which may include one motor vehicle used by the~~
10 ~~debtor in connection with his or her principal trade or business or to~~
11 ~~commute to and from his or her principal place of trade or business; and~~
12 (e) the debtor's interest, not to exceed five thousand dollars, in a
13 motor vehicle; and (f) ~~(5)~~ the debtor's interest in any professionally
14 prescribed health aids for such debtor or the dependents of such debtor.
15 The specific exemptions in this section shall be selected by the debtor
16 or his or her agent, clerk, or legal representative in the manner
17 provided in section 25-1552.

18 (2) The dollar limitations in this section shall be adjusted by the
19 Department of Revenue every fifth year beginning with the year 2023 to
20 reflect the cumulative percentage change over the preceding five years in
21 the Consumer Price Index for All Urban Consumers, as prepared by the
22 United States Department of Labor, Bureau of Labor Statistics.

23 Sec. 3. Original sections 25-1552 and 25-1556, Reissue Revised
24 Statutes of Nebraska, are repealed.