

LEGISLATIVE BILL 105

Approved by the Governor February 14, 2018

Introduced by Brasch, 16.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-1552 and 25-1556, Reissue Revised Statutes of Nebraska; to change provisions relating to personal property exemptions in cases of forced sale on execution or attachment; to provide for inflation adjustments every fifth year as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

25-1556 (1) No property hereinafter mentioned shall be liable to attachment, execution, or sale on any final process issued from any court in this state, against any person being a resident of this state: (a) ~~(1)~~ The immediate personal possessions of the debtor and his or her family; (b) ~~(2)~~ all necessary wearing apparel of the debtor and his or her family; (c) ~~(3)~~ the debtor's interest, not to exceed an aggregate fair market value of three thousand one thousand five hundred dollars, in household furnishings, household goods, household computers, household appliances, books, or musical instruments which are held primarily for personal, family, or household use of such debtor or the dependents of such debtor; (d) ~~(4)~~ the debtor's interest, not to exceed an aggregate fair market value of five thousand two thousand four hundred dollars, in implements, tools, or professional books or supplies, other than a motor vehicle, held for use in the principal trade or business of such debtor or his or her family; ~~which may include one motor vehicle used by the debtor in connection with his or her principal trade or business or to commute to and from his or her principal place of trade or business; and~~ (e) the debtor's interest, not to exceed five thousand dollars, in a motor vehicle; and (f) ~~(5)~~ the debtor's interest in any professionally prescribed health aids for such debtor or the dependents of such debtor. The specific exemptions in this section shall be selected by the debtor or his or her agent, clerk, or legal representative in the manner provided in section 25-1552.

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

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