

AMENDMENTS TO LB694

Introduced by Blood, 3.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 25-224, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           25-224 (1) All product liability actions, except one governed by  
6 subsection (5) or (6) of this section, shall be commenced within four  
7 years next after the date on which the death, injury, or damage  
8 complained of occurs.

9           (2)(a) Notwithstanding subsection (1) of this section or any other  
10 statutory provision to the contrary, any product liability action, except  
11 one governed by section 2-725, Uniform Commercial Code or by subsection  
12 (5) or (6) of this section, shall be commenced as follows:

13           (i) For products manufactured in Nebraska, within ten years after  
14 the date the product which allegedly caused the personal injury, death,  
15 or damage was first sold or leased for use or consumption; or

16           (ii) For products manufactured outside Nebraska, within the time  
17 allowed by the applicable statute of repose, if any, of the state or  
18 country where the product was manufactured, but in no event less than ten  
19 years. If the state or country where the product was manufactured does  
20 not have an applicable statute of repose, then the only limitation upon  
21 the commencement of an action for product liability shall be as set forth  
22 in subsection (1) of this section.

23           (b) If the changes made to this subsection by Laws 2001, LB 489, are  
24 declared invalid or unconstitutional, this subsection as it existed prior  
25 to September 1, 2001, shall be deemed in full force and effect and shall  
26 apply to all claims in which a final order has not been entered.

27           (3) The limitations contained in subsection (1), (2), ~~or (5)~~, or (6)

1 of this section shall not be applicable to indemnity or contribution  
2 actions brought by a manufacturer or seller of a product against a person  
3 who is or may be liable to such manufacturer or seller for all or any  
4 portion of any judgment rendered against a manufacturer or seller.

5 (4) Notwithstanding the provisions of subsections (1) and (2) of  
6 this section, any cause of action or claim which any person may have on  
7 July 22, 1978, may be brought not later than two years following such  
8 date.

9 (5) Any action to recover damages based on injury allegedly  
10 resulting from exposure to asbestos composed of chrysotile, amosite,  
11 crocidolite, tremolite, anthrophyllite, actinolite, or any combination  
12 thereof, shall be commenced within four years after the injured person  
13 has been informed of discovery of the injury by competent medical  
14 authority and that such injury was caused by exposure to asbestos as  
15 described herein, or within four years after the discovery of facts which  
16 would reasonably lead to such discovery, whichever is earlier. No action  
17 commenced under this subsection based on the doctrine of strict liability  
18 in tort shall be commenced or maintained against any seller of a product  
19 which is alleged to contain or possess a defective condition unreasonably  
20 dangerous to the buyer, user, or consumer unless such seller is also the  
21 manufacturer of such product or the manufacturer of the part thereof  
22 claimed to be defective. Nothing in this subsection shall be construed to  
23 permit an action to be brought based on an injury described in this  
24 subsection discovered more than two years prior to August 30, 1981.

25 (6)(a) An action to recover damages based on injury or death that is  
26 caused by exposure to a hazardous or toxic chemical shall be commenced  
27 within ten years next after the cause of action accrues.

28 (b) Such a cause of action accrues upon the earlier of the date on  
29 which the plaintiff:

30 (i) Is informed by competent medical authority that the injury or  
31 death is related to the exposure to such chemical; or

1            (ii) By the exercise of reasonable diligence, should have known that  
2            the injury or death is related to the exposure to such chemical.

3            (c) This subsection does not apply to actions described in  
4            subsection (5) of this section.

5            Sec. 2.    Original section 25-224, Reissue Revised Statutes of  
6            Nebraska, is repealed.