

LEGISLATIVE BILL 1132

Approved by the Governor March 21, 1972

Introduced by Fred W. Carstens, 30th District

AN ACT relating to civil procedure; to redefine the period of limitations for actions based upon malpractice or professional negligence as prescribed; to amend section 25-208, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

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

Section 1. Any action to recover damages based on alleged professional negligence or upon alleged breach of warranty in rendering or failure to render professional services shall be commenced within two years next after the alleged act or omission in rendering or failure to render professional services providing the basis for such action; Provided, if the cause of action is not discovered and could not be reasonably discovered within such two-year period, then the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier; and provided further, that in no event may any action be commenced to recover damages for professional negligence or breach of warranty in rendering or failure to render professional services more than ten years after the date of rendering or failure to render such professional service which provides the basis for the cause of action.

Sec. 2. That section 25-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-208. The following actions can only be brought within the periods herein stated: Within one year, an action for libel, slander, assault and battery, false imprisonment, malicious prosecution, or an action upon a statute for a penalty or forfeiture, but where the statute giving such action prescribes a different limitation, the action may be brought within the period so limited; within two years, an action for malpractice which is not otherwise specifically limited by statute. In the absence of any other shorter applicable statute of limitations, any action for the recovery of any excise or other tax, which has been collected under any statute of the State of Nebraska, which has been finally adjudged to be unconstitutional, shall be brought within one year

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after the final decision of the court declaring it to be unconstitutional.

Sec. 3. That original section 25-208, Reissue Revised Statutes of Nebraska, 1943, is repealed.