

LEGISLATIVE BILL 958

Approved by the Governor May 4, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend section 44-359, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to broaden the scope of the awarding of attorney fees as prescribed; to provide when no such fee shall be removed; and to repeal the original section, and also section 44-381, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 44-359, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-359. In all cases where the beneficiary, or other person entitled thereto, brings an action at--law upon any type of insurance policy except workmen's compensation insurance, of--life,--accident,--liability, sickness, guaranty, fidelity, or other--insurance--of--a similar-nature, or upon any certificate issued by a fraternal beneficiary association, against any company, person or association doing business in this state, the court, upon rendering judgment against such company, person or association, shall allow the plaintiff a reasonable sum as an attorney's fee in addition to the amount of his recovery, to be taxed as part of the costs. If such cause is appealed, the appellate court shall likewise allow a reasonable sum as an attorney's fee for the appellate proceedings; Provided, that if the plaintiff shall fail to obtain judgment for more than may have been offered by such company, person or association in accordance with section 25-901, then the plaintiff shall not recover the attorney's fee provided by this section.

Sec. 2. That original section 44-359, Reissue Revised Statutes of Nebraska, 1943, and also section 44-381, Reissue Revised Statutes of Nebraska, 1943, are repealed.