

## LEGISLATIVE BILL 14

Approved by the Governor February 15, 1991

Introduced by Executive Board: Labeledz, 5, Chairperson

AN ACT relating to civil procedure; to amend section 75-802, Reissue Revised Statutes of Nebraska, 1943; to transfer a provision providing a statute of limitations for certain actions against a common carrier; to provide a duty for the Revisor of Statutes; and to repeal the original section.

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

Section 1. That section 75-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~75-802-~~ A cause of action for a freight damage claim, a rate overcharge, a claim for damages resulting from a delay in transportation, or a claim for a lost shipment against a common carrier shall be barred unless it ~~be~~ is filed with a court having jurisdiction of the amount in dispute within two years after the date such action accrues. A cause of action for a rate overcharge accrues on the date the overcharge is paid. A cause of action for a freight damage claim, damages resulting from a delay in transportation, or a shortage in a shipment accrues on the date of delivery or tender of delivery of the freight by the common carrier. A cause of action for a lost shipment accrues on the date the lost shipment was delivered to the common carrier.

Sec. 2. The Revisor of Statutes shall assign section 1 of this act to Chapter 25, article 2.

Sec. 3. That original section 75-802, Reissue Revised Statutes of Nebraska, 1943, is repealed.