

AMENDMENTS TO LB 55

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

3           "Section 1. (1) If an action is commenced within the  
4 time prescribed by the applicable statute of limitations but the  
5 plaintiff fails in the action for a reason other than a reason  
6 specified in subsection (2) of this section and the applicable  
7 statute of limitations would prevent the plaintiff from commencing  
8 a new action, the plaintiff, or his or her representatives if the  
9 plaintiff has died and the cause of action survived, may commence a  
10 new action within the period specified in subsection (3) of this  
11 section.

12           (2) A new action may not be commenced in accordance with  
13 subsection (1) of this section when the original action failed (a)  
14 on the merits of the action, (b) as a result of voluntary dismissal  
15 by the plaintiff for a reason other than loss of diversity  
16 jurisdiction in a federal court, (c) as a result of the plaintiff's  
17 failure to serve a defendant within the time prescribed in section  
18 25-217, or (d) as a result of any other inaction on the part of the  
19 plaintiff where the burden of initiating an action was on the  
20 plaintiff.

21           (3) A new action may be commenced in accordance with  
22 subsection (1) of this section within a period equal to the lesser  
23 of (a) six months after the failure of the action or (b) the  
24 applicable statute of limitations of the original action.".