

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 3, 2001

LB 489

repose for product liability actions. I know that will cause at least some people to sit up and take notice because this is an issue we deal with on an annual basis. Like to take a moment to give you some background on the statute of repose, if I might. The statute of repose limits potential liability by limiting the time during which a cause of action may arise. A statute of repose differs from a statute of limitations in that the statute of repose terminates a right of action after a specific period of time measured from the delivery of the product, regardless of the period of time within which a cause of action accrues. Under current Nebraska law, the statute of repose is ten years from and after the date when the product was first sold or leased in Nebraska for use or consumption. An example: Product is first marketed in Nebraska in 1985. The statute of repose would commence to run. The statute of repose would terminate in 1995, and if the product causes an injury, the plaintiffs, after the ten-year anniversary, would be barred from recovery. LB 489 would maintain that ten-year limitation for products that are manufactured in Nebraska, but would apply the statute of repose for products manufactured outside of Nebraska from the jurisdiction where the products were manufactured. Such a change allows for another state's statute of repose to be imported into Nebraska courts for the benefit of Nebraska litigants without any disadvantage whatsoever to Nebraska manufacturers. Over twenty states do not have a statute of repose for manufactured products. New York is an example of such a state. Under LB 489, if a Nebraska plaintiff were to bring an action against a New York manufacturer in a Nebraska court, then the statute of repose limitation would not bar that plaintiff from filing that action, irrespective of the period of time, provided that the individual litigant complied with the statute of limitations. This bill is logical. I think it's reasonable. I think it's good Nebraska wisdom. If other states do not care to extend to their manufacturers for the protection of those manufacturers a statute of repose and we do, then why should our Nebraska consumers not benefit from the application of this concept? Nebraska's manufacturers will not be harmed in the least. There is no detriment to them. But our consumers, injured plaintiffs, will have the benefit of a broader reach in the law. I urge the advancement of LB 489. Thank you.