

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 24

Introduced by Brashear, 4

Read first time January 9, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the State Tort Claims Act; to amend sections
2 81-8,213 and 81-8,227, Reissue Revised Statutes of
3 Nebraska; to change tort claim procedures and
4 limitations; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,213, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-8,213. No suit shall be permitted under the State
4 Tort Claims Act unless the State Claims Board has made final
5 disposition of the claim, except that (1) if the suit seeks damages
6 of five thousand dollars or more the claimant may bypass the board
7 and begin suit and (2) if the board does not make final disposition
8 of a any claim within six months after the claim is made in writing
9 to the board, the claimant may, by notice in writing, withdraw the
10 claim from consideration of the board and begin suit under such
11 act.

12 Sec. 2. Section 81-8,227, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-8,227. (1) Every tort claim permitted under the State
15 Tort Claims Act seeking less than five thousand dollars shall be
16 forever barred unless within two years after such claim accrued the
17 claim is made in writing to the State Claims Board in the manner
18 provided by such act. The time to begin suit under such act shall
19 be extended for a period of six months from the date of mailing of
20 notice to the claimant by the board as to the final disposition of
21 the claim or from the date of withdrawal of the claim from the
22 board under section 81-8,213 if the time to begin suit would
23 otherwise expire before the end of such period.

24 (2) Every tort claim permitted under the State Tort
25 Claims Act seeking five thousand dollars or more shall be forever
26 barred unless the action is brought within two years after such
27 claim accrued.

28 (3) If a claim is made or filed under any other law of

1 this state and a determination is made by a state agency or court
2 that the State Tort Claims Act provides the exclusive remedy for
3 the claim, the time to make a claim and begin suit under such act
4 shall be extended for a period of six months from the date of the
5 court order making such determination or the date of mailing of
6 notice to the claimant of such determination by a state agency if
7 the time to make the claim and to begin suit under such act would
8 otherwise expire before the end of such period. The time to begin
9 a suit under such act may be further extended as provided in
10 subsection (1) of this section.

11 ~~(3)~~ (4) If a claim is brought under the Nebraska
12 Hospital-Medical Liability Act, the filing of a request for review
13 under section 44-2840 shall extend the time to begin suit under the
14 State Tort Claims Act an additional ninety days following the
15 issuance of the opinion by the medical review panel if the time to
16 begin suit under the State Tort Claims Act would otherwise expire
17 before the end of such ninety-day period.

18 ~~(4)~~ (5) This section and section 25-213 shall constitute
19 the only statutes of limitations applicable to the State Tort
20 Claims Act.

21 Sec. 3. Original sections 81-8,213 and 81-8,227, Reissue
22 Revised Statutes of Nebraska, are repealed.