

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 848

Introduced by Aguilar, 35; Quandahl, 31

Read first time January 7, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section 25-1801,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to claims, expenses, and attorney's
4 fees; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-1801. Any person, partnership, limited liability
4 company, association, or corporation in this state having a claim
5 which amounts to ~~two~~ forty-five thousand dollars or less against
6 any person, partnership, limited liability company, association, or
7 corporation doing business in this state for (1) services rendered,
8 (2) labor done, (3) material furnished, (4) overcharges made and
9 collected, (5) lost or damaged personal property, (6) damage
10 resulting from delay in transmission or transportation, (7)
11 livestock killed or injured in transit, or (8) charges covering
12 articles and service affecting the life and well-being of the
13 debtor which are adjudged by the court to be necessities of life
14 may present the same to such person, partnership, limited liability
15 company, association, or corporation, or to any agent thereof, for
16 payment in any county where suit may be instituted for the
17 collection of the same. If, at the expiration of ninety days after
18 the presentation of such claim, the same has not been paid or
19 satisfied, he, she, or it may institute suit thereon in the proper
20 court. If he, she, or it establishes the claim and secures
21 judgment thereon, he, she, or it shall be entitled to recover the
22 full amount of such judgment and all costs of suit thereon, and, in
23 addition thereto, interest on the amount of the claim at the rate
24 of six percent per annum from the date of presentation thereof,
25 and, if he, she, or it has an attorney employed in the case, an
26 amount for attorney's fees as provided in this section. If the
27 cause is taken to an appellate court and plaintiff shall recover
28 judgment thereon, the appellate court shall tax as costs in the

1 action, to be paid to the plaintiff, an additional amount for
2 attorney's fees in such appellate court as provided in this
3 section, except that if the party in interest fails to recover a
4 judgment in excess of the amount that may have been tendered by any
5 person, partnership, limited liability company, association, or
6 corporation liable under this section, then such party in interest
7 shall not recover the attorney's fees provided by this section.
8 Attorney's fees shall be assessed by the court in a reasonable
9 amount but shall in no event be less than ~~ten~~ one hundred dollars
10 when the judgment is ~~fifty~~ five hundred dollars or less and when
11 the judgment is over ~~fifty~~ five hundred dollars up to ~~two~~
12 forty-five thousand dollars the attorney's fee shall be ~~ten~~ one
13 hundred dollars plus ten percent of the judgment in excess of ~~fifty~~
14 five hundred dollars.

15 Sec. 2. Original section 25-1801, Reissue Revised
16 Statutes of Nebraska, is repealed.