

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 281

Introduced by Cornett, 45; Combs, 32; Connealy, 16; Janssen, 15;
Kruse, 13

Read first time January 10, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims Act;
2 to amend sections 13-919 and 13-920, Reissue Revised
3 Statutes of Nebraska; to change limitation of action
4 provisions; and to repeal the original sections.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-919, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-919. (1) Every claim against a political subdivision
4 permitted under the Political Subdivisions Tort Claims Act shall be
5 forever barred unless within ~~one year~~ two years after such claim
6 accrued the claim is made in writing to the governing body. Except
7 as otherwise provided in this section, all suits permitted by the
8 act shall be forever barred unless begun within two years after
9 such claim accrued. The time to begin a suit shall be extended for
10 a period of six months from the date of mailing of notice to the
11 claimant by the governing body as to the final disposition of the
12 claim or from the date of withdrawal of the claim from the
13 governing body under section 13-906 if the time to begin suit would
14 otherwise expire before the end of such period.

15 (2) If a claim is made or filed under any other law of
16 this state and a determination is made by a political subdivision
17 or court that the act provides the exclusive remedy for the claim,
18 the time to make a claim and to begin suit under the act shall be
19 extended for a period of six months from the date of the court
20 order making such determination or the date of mailing of notice to
21 the claimant of such determination by the political subdivision if
22 the time to make the claim and to begin suit under the act would
23 otherwise expire before the end of such period. The time to begin
24 suit may be further extended as provided in subsection (1) of this
25 section.

26 (3) If a claim is made or a suit is begun under the act
27 and a determination is made by the political subdivision or by the
28 court that the claim or suit is not permitted under the act for any

1 other reason than lapse of time, the time to make a claim or to
2 begin a suit under any other applicable law of this state shall be
3 extended for a period of six months from the date of the court
4 order making such determination or the date of mailing of notice to
5 the claimant of such determination by the political subdivision if
6 the time to make the claim or begin the suit under such other law
7 would otherwise expire before the end of such period.

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

16 (5) This section and section 25-213 shall be the only
17 statutes of limitations applicable to tort claims as defined in the
18 act.

19 Sec. 2. Section 13-920, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 13-920. (1) No suit shall be commenced against any
22 employee of a political subdivision for money on account of damage
23 to or loss of property or personal injury to or the death of any
24 person caused by any negligent or wrongful act or omission of the
25 employee while acting in the scope of his or her office or
26 employment occurring after May 13, 1987, unless a claim has been
27 submitted in writing to the governing body of the political
28 subdivision within ~~one year~~ two years after such claim accrued in

1 accordance with section 13-905.

2 (2) No suit shall be permitted on a claim filed pursuant
3 to this section unless the governing body of the political
4 subdivision has made final disposition of the claim, except that if
5 the governing body does not make final disposition of the claim
6 within six months after the claim is filed, the claimant may, by
7 notice in writing, withdraw the claim from consideration of the
8 governing body and begin suit.

9 (3) Except as provided in section 13-919, any suit
10 commenced on any claim filed pursuant to this section shall be
11 forever barred unless begun within two years after the claim
12 accrued. The time to begin suit under this section shall be
13 extended for a period of six months (a) from the date of mailing of
14 notice to the claimant by the governing body as to the final
15 disposition of the claim or (b) from the date of withdrawal of the
16 claim from the governing body under this section, if the time to
17 begin suit would otherwise expire before the end of such period.

18 Sec. 3. Original sections 13-919 and 13-920, Reissue
19 Revised Statutes of Nebraska, are repealed.