

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 740**

Introduced by Schimek, 27

Read first time January 19, 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 provisions relating to  
4 the limitation of actions for certain political  
5 subdivisions; and to repeal the original sections.  
6 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 after such claim accrued the  
6 claim is made in writing to the governing body. Except as  
7 otherwise provided in this section, all suits permitted by the act  
8 shall be forever barred unless begun within two years after such  
9 claim accrued. The time to begin a suit shall be extended for a  
10 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) If a political subdivision is transacting business  
 17 under a name other than the true name of the political subdivision  
 18 and has not registered a trade name as required by sections 87-208  
 19 to 87-220, the time periods specified in this section shall  
 20 commence upon the registration of the trade name.

21 (6) This section and ~~section~~ sections 13-920 and 25-213  
 22 shall be the only statutes of limitations applicable to tort claims  
 23 as defined in the act.

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

26 13-920. (1) No suit shall be commenced against any  
 27 employee of a political subdivision for money on account of damage  
 28 to or loss of property or personal injury to or the death of any

1 person caused by any negligent or wrongful act or omission of the  
2 employee while acting in the scope of his or her office or  
3 employment occurring after May 13, 1987, unless a claim has been  
4 submitted in writing to the governing body of the political  
5 subdivision within one year after such claim accrued in accordance  
6 with section 13-905.

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

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

23 (4) If the political subdivision employing such employee  
24 is transacting business under a name other than the true name of  
25 the political subdivision and has not registered a trade name as  
26 required by sections 87-208 to 87-220, the time periods specified  
27 in this section shall commence upon the registration of the trade  
28 name.

LB 740

LB 740

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