

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 876

Introduced by Pahls, 31.

Read first time January 11, 2008

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to insurance; to amend section 44-6408,
2 Reissue Revised Statutes of Nebraska, and section 60-310,
3 Revised Statutes Cumulative Supplement, 2006; to change
4 provisions relating to motor vehicle liability policies;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-6408, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-6408 (1) No policy insuring against liability imposed
4 by law for bodily injury, sickness, disease, or death suffered
5 by a natural person arising out of the ownership, operation,
6 maintenance, or use of a motor vehicle within the United States,
7 its territories or possessions, or Canada shall be delivered,
8 issued for delivery, or renewed with respect to any motor vehicle
9 principally garaged in this state unless coverage is provided for
10 the protection of persons insured who are legally entitled to
11 recover compensatory damages for bodily injury, sickness, disease,
12 or death from (a) the owner or operator of an uninsured motor
13 vehicle in limits of twenty-five thousand dollars because of bodily
14 injury, sickness, disease, or death of one person in any one
15 accident and, subject to such limit for one person, fifty thousand
16 dollars because of bodily injury, sickness, disease, or death of
17 two or more persons in any one accident, and (b) the owner or
18 operator of an underinsured motor vehicle in limits of twenty-five
19 thousand dollars because of bodily injury, sickness, disease, or
20 death of one person in any one accident and, subject to such
21 limit for one person, fifty thousand dollars because of bodily
22 injury, sickness, disease, or death of two or more persons in
23 any one accident. The coverages required by this subsection shall
24 extend to any person who is occupying the insured motor vehicle
25 as a passenger at the time of the accident with the consent of

1 an insured and who is not entitled to uninsured or underinsured
2 motorist coverage under any other policy of motor vehicle liability
3 insurance.

4 (2) At the written request of the named insured, the
5 insurer shall provide higher limits of uninsured and underinsured
6 motorist coverages in accordance with its rating plan and rules,
7 except that in no event shall the insurer be required to provide
8 limits higher than one hundred thousand dollars per person and
9 three hundred thousand dollars per accident.

10 (3) After purchase of uninsured and underinsured
11 motorist coverages, no insurer or any affiliated insurer shall be
12 required to notify any policyholder in any renewal, reinstatement,
13 substitute, amended, altered, modified, transfer, or replacement
14 policy as to the availability of optional limits of such coverages.
15 The named insured may, subject to the limitations of this section,
16 make a written request for additional coverage or coverage more
17 extensive than that provided in a prior policy.

18 Sec. 2. Section 60-310, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 60-310 Automobile liability policy means liability
21 insurance written by an insurance carrier duly authorized to do
22 business in this state protecting other persons from damages for
23 liability on account of accidents occurring subsequent to the
24 effective date of the insurance arising out of the ownership,
25 operation, maintenance, or use of a motor vehicle (1) in the

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1 amount of twenty-five thousand dollars because of bodily injury
2 to or death of one person in any one accident, (2) subject to
3 the limit for one person, in the amount of fifty thousand dollars
4 because of bodily injury to or death of two or more persons in
5 any one accident, and (3) in the amount of twenty-five thousand
6 dollars because of injury to or destruction of property of other
7 persons in any one accident. An automobile liability policy shall
8 not exclude liability coverage under the policy solely because the
9 injured person making a claim is the named insured in the policy or
10 residing in the household with the named insured.

11 Sec. 3. Original section 44-6408, Reissue Revised
12 Statutes of Nebraska, and section 60-310, Revised Statutes
13 Cumulative Supplement, 2006, are repealed.