

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 304

Introduced by Council, 11; Cook, 13.

Read first time January 15, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims
2 Act; 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
10 for a period of six months from the date of mailing of notice to
11 the claimant by the governing body as to the final disposition of
12 the 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
19 be 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.

1 (3) If a claim is made or a suit is begun under the act
2 and a determination is made by the political subdivision or by the
3 court that the claim or suit is not permitted under the act for
4 any other reason than lapse of time, the time to make a claim or
5 to begin a suit under any other applicable law of this state shall
6 be extended for a period of six months from the date of the court
7 order making such determination or the date of mailing of notice to
8 the claimant of such determination by the political subdivision if
9 the time to make the claim or begin the suit under such other law
10 would otherwise expire before the end of such period.

11 (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 Political Subdivisions Tort Claims Act an additional ninety days
15 following the issuance of the opinion by the medical review panel
16 if the time to begin suit under the Political Subdivisions Tort
17 Claims Act would otherwise expire before the end of such ninety-day
18 period.

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

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

24 13-920 (1) No suit shall be commenced against any
25 employee of a political subdivision for money on account of

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

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

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

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