

AMENDMENTS TO LB1100

(Amendments to Standing Committee amendments, AM2688)

Introduced by Bosn, 25.

1 1. Insert the following new sections:

2 **Sec. 11.** Sections 11 to 17 of this act shall be known and may be  
3 cited as the Asbestos Trust Claims Transparency Act.

4 **Sec. 12.** For purposes of the Asbestos Trust Claims Transparency  
5 Act:

6 (1) Asbestos action means a civil action arising out of, based on,  
7 or related to the health effects of exposure to asbestos and any  
8 derivative claim made by or on behalf of a person exposed to asbestos or  
9 a representative, spouse, parent, child, or other relative of such  
10 person;

11 (2) Asbestos trust means a government-approved or court-approved  
12 trust, qualified settlement fund, compensation fund, or claims facility  
13 that is:

14 (a) Created as a result of an administrative or legal action, a  
15 court-approved bankruptcy, or pursuant to 11 U.S.C. 524(g) or 11 U.S.C.  
16 1121(a) or other applicable provision of law; and

17 (b) Intended to provide compensation for claims arising out of,  
18 based on, or related to the health effects of exposure to asbestos;

19 (3) Trust claim materials means a final executed proof of claim and  
20 documents or information submitted to or received from an asbestos trust,  
21 including:

22 (a) Claim forms and supplementary materials, proofs of claim,  
23 affidavits, depositions, medical and health records, trial testimony,  
24 work history, and exposure allegations; and

25 (b) Documents that reflect the status of a claim against an asbestos  
26 trust and, if the trust claim has been resolved, documents relating to

1 the resolution of the trust claim; and

2 (4) Trust governance documents means documents that relate to  
3 eligibility and payment levels for an asbestos trust, including claims  
4 payment matrices, trust distribution procedures, or plans for  
5 reorganization.

6 **Sec. 13.** (1) Within thirty days after filing an asbestos action,  
7 the claimant shall submit all available asbestos trust claims, produce  
8 all trust claims materials, and file and provide all parties with an  
9 affidavit indicating that all asbestos trust claims that can be made by  
10 the claimant have been filed and that all trust claims materials produced  
11 by the claimant are true and complete. A deferral or placeholder claim  
12 that is missing necessary documentation for the asbestos trust to pay the  
13 claim does not meet the requirements of this section. The claimant shall  
14 produce all trust claims filed by a person other than the claimant if the  
15 asbestos action is based on exposure to asbestos through that person and  
16 the materials are available to the claimant or claimant's counsel.

17 (2) A claimant shall supplement the information and materials  
18 required under subsection (1) of this section after supplementing an  
19 asbestos trust claim, receiving additional information or materials  
20 related to an asbestos trust claim, or filing an additional trust claim.

21 **Sec. 14.** (1) Not less than sixty days before trial of an asbestos  
22 action, if a defendant believes the claimant has not filed all asbestos  
23 trust claims as required by section 13 of this act, the defendant shall  
24 meet and confer with the claimant's counsel, or with the claimant if the  
25 claimant is not represented by counsel, to discuss why the defendant  
26 believes the claimant is eligible to file an additional trust claim.  
27 Thereafter, the defendant may move the court for an order to require the  
28 claimant to file the additional trust claims the defendant believes the  
29 claimant is eligible to file. The defendant shall produce or describe the  
30 documentation it possesses or is aware of in support of the motion.

31 (2) If the court determines there is a sufficient basis for the

1 claimant to file an asbestos trust claim identified by the defendant, the  
2 court shall order the claimant to file the asbestos trust claim, produce  
3 all related trust claim materials, and produce an affidavit stating that  
4 all such materials are true and complete. The court shall not set the  
5 asbestos action for trial earlier than ninety days after the claimant  
6 complies with this section.

7 **Sec. 15.** (1) Trust claim materials and trust governance documents  
8 are admissible as evidence in an asbestos action and are presumed to be  
9 relevant and authentic. No claims of privilege apply to trust claim  
10 materials or trust governance documents.

11 (2) Notwithstanding subsection (1) of this section, a jury shall not  
12 be informed of the specific amount of consideration paid by an asbestos  
13 trust to a claimant in settlement of a claim.

14 (3) A defendant in an asbestos action may seek discovery from an  
15 asbestos trust. The claimant may not claim privilege or confidentiality  
16 to bar discovery and shall provide consent or other expression of  
17 permission that may be required by the asbestos trust to release  
18 information and materials sought by a defendant.

19 **Sec. 16.** In an asbestos action in which damages are awarded and  
20 setoffs are permitted under applicable law, a defendant is entitled to a  
21 setoff in the amount the claimant has received from an asbestos trust  
22 and, for trust claims not yet paid as of the date of entry of judgment,  
23 the amount the claimant will receive as specified in the applicable trust  
24 governance documents. If multiple defendants are found liable for  
25 damages, the court shall distribute the amount of setoff proportionally  
26 between the defendants, according to the liability of each defendant.

27 **Sec. 17.** The Asbestos Trust Claims Transparency Act applies to  
28 asbestos actions filed on or after the operative date of this act.

29 **Sec. 18.** Sections 18 to 26 of this act shall be known and may be  
30 cited as the Asbestos Claims Priorities and Over-Naming Reform Act.

31 **Sec. 19.** For purposes of the Asbestos Claims Priorities and Over-

1 Naming Reform Act:

2 (1) AMA Guides means the sixth edition of the American Medical  
3 Association's Guides to the Evaluation of Permanent Impairment;

4 (2) Asbestos action means a civil action arising out of, based on,  
5 or related to the health effects of exposure to asbestos and any  
6 derivative claim made by or on behalf of a person exposed to asbestos or  
7 a representative, spouse, parent, child, or other relative of such  
8 person;

9 (3) Asbestosis means bilateral diffuse interstitial fibrosis of the  
10 lungs caused by inhalation of asbestos fibers;

11 (4) Board-certified in internal medicine means a licensed physician  
12 who is certified by the American Board of Internal Medicine or the  
13 American Osteopathic Board of Internal Medicine;

14 (5) Board-certified in occupational medicine means a licensed  
15 physician who is certified in the specialty of occupational medicine by  
16 the American Board of Preventive Medicine or the specialty of  
17 occupational/environmental medicine by the American Osteopathic Board of  
18 Preventive Medicine;

19 (6) Board-certified in pathology means a licensed physician who  
20 holds primary certification in anatomic pathology or clinical pathology  
21 from the American Board of Pathology or the American Osteopathic Board of  
22 Pathology and whose professional practice is principally in the field of  
23 pathology and involves regular evaluation of pathology materials obtained  
24 from surgical or postmortem specimens;

25 (7) Board-certified in pulmonary medicine means a licensed physician  
26 who is certified in the specialty of pulmonary medicine by the American  
27 Board of Internal Medicine or the American Osteopathic Board of Internal  
28 Medicine;

29 (8) Certified B Reader means a physician who is certified as a B  
30 Reader by the National Institute for Occupational Safety and Health;

31 (9) Chest X-ray means a chest film taken in accordance with

1 applicable state and federal regulatory standards and taken in the  
2 posterior-anterior view;

3 (10) FEV1 means the maximal volume of air expelled in one second  
4 during performance of spirometry;

5 (11) FEV1/FVC means the ratio that is calculated from FEV1 divided  
6 by FVC;

7 (12) FVC means the maximal volume of air expired with maximum effort  
8 from a position of full inspiration;

9 (13) ILO system means the radiological ratings and system for the  
10 classification of chest X-rays provided in the International Labour  
11 Organization's Guidelines for the Use of ILO International Classification  
12 of Radiographs of Pneumoconioses (2011);

13 (14) Official technical statements of the American Thoracic Society  
14 means the official technical statements from the American Thoracic  
15 Society, including Standardization of Spirometry (2019), Standardization  
16 of the Measurement of Lung Volumes (2005), Standards for Single-breath  
17 Carbon Monoxide Uptake in the Lung (2017), and Interpretive Strategies  
18 for Routine Lung Function Tests (2021);

19 (15) Pathological evidence of asbestosis means a statement by a  
20 board-certified pathologist that more than one representative section of  
21 lung tissue uninvolved with any other disease process demonstrates a  
22 pattern of peribronchiolar or parenchymal scarring in the presence of  
23 characteristic asbestos bodies and there is no other more likely  
24 explanation for the presence of the fibrosis;

25 (16) Plethysmography means the test for determining lung volume in  
26 which the exposed person is enclosed in a chamber equipped to measure  
27 pressure, flow, or volume change;

28 (17) Predicted lower limit of normal means the fifth percentile of  
29 healthy populations based on age, height, and gender as referenced in the  
30 AMA Guides;

31 (18) Pulmonary function test means spirometry, lung volume testing,

1 and diffusion capacity testing, including appropriate measurements,  
2 quality control data, and graphs, performed in accordance with the  
3 methods of calibration and techniques provided in the AMA Guides and the  
4 official technical statements of the American Thoracic Society;

5 (19) Qualified physician means a licensed physician who is board-  
6 certified in internal medicine, occupational medicine, pathology, or  
7 pulmonary medicine, as appropriate to the diagnostic specialty in  
8 question, and who:

9 (a) Conducted a physical examination of the exposed person and took  
10 a detailed occupational, exposure, medical, smoking, and social history  
11 or, if the exposed person is deceased, reviewed the pathology material  
12 and took a detailed history from the person most knowledgeable about the  
13 information forming the basis of the asbestos action;

14 (b) Treated the exposed person, and had a doctor-patient  
15 relationship with the exposed person at the time of the physical  
16 examination, or in the case of a board-certified pathologist, examined  
17 tissue samples or pathological slides of the exposed person;

18 (c) Has not relied on any examinations, tests, radiographs, reports,  
19 or opinions of any doctor, clinic, laboratory, or testing company that  
20 performed an examination, test, radiograph, or screening of the exposed  
21 person in violation of a law, regulation, licensing requirement, or  
22 medical code of practice of the state in which the examination, test, or  
23 screening was conducted; and

24 (d) Prepared or directly supervised the preparation and final review  
25 of a medical report under the Asbestos Claims Priorities and Over-Naming  
26 Reform Act;

27 (20) Radiological evidence of asbestosis means a quality 1 or 2  
28 chest X-ray under the ILO system showing bilateral small, irregular  
29 opacities (s, t, or u) occurring primarily in the lower lung zones graded  
30 by a certified B Reader as at least 1/1 on the ILO system;

31 (21) Radiological evidence of diffuse bilateral pleural thickening

1 means a quality 1 or 2 chest X-ray under the ILO system showing diffuse  
2 bilateral pleural thickening of at least b2 on the ILO system and  
3 blunting of at least one costophrenic angle as classified by a certified  
4 B Reader;

5 (22) Spirometry means a test of air capacity of the lung through a  
6 spirometer to measure the volume of air inspired and expired;

7 (23) Supporting test results means a report by a certified B Reader,  
8 X-ray examinations, diagnostic imaging of the chest, pathology reports,  
9 pulmonary function tests, and any other tests reviewed by the diagnosing  
10 physician or a qualified physician in reaching the physician's  
11 conclusions;

12 (24) Timed gas dilution means a method for measuring total lung  
13 capacity in which the subject breathes into a spirometer containing a  
14 known concentration of an inert and insoluble gas for a specific time,  
15 and the concentration of that inert and insoluble gas in the lung is  
16 compared to the concentration of that type of gas in the spirometer; and

17 (25) Total lung capacity means the volume of gas contained in the  
18 lungs at the end of a maximal inspiration.

19 **Sec. 20.** (1) Within sixty days after filing an asbestos action, the  
20 claimant shall file and provide all parties with an affidavit specifying  
21 the evidence that provides the basis for each claim against each  
22 defendant. The affidavit shall include the following with specificity:

23 (a) The name, address, date of birth, marital status, occupation,  
24 smoking history, current and past worksites, and current and past  
25 employers of the exposed person and any person through whom the exposed  
26 person alleges exposure to asbestos;

27 (b) The name and address of each person who is knowledgeable about  
28 each exposure and the exposed person's relationship to the person;

29 (c) The manufacturer and seller of each asbestos-containing product  
30 to which the exposed person was exposed or the other person was exposed  
31 if exposure was through another person;

1        (d) The sites and location at the sites that establish the direct  
2 connection between the exposed person, or the other person if exposure  
3 was through another person, and each defendant;

4        (e) The beginning and ending dates of each exposure, the manner of  
5 each exposure, the frequency and length of each exposure, and the  
6 proximity of the asbestos-containing product or its use to the exposed  
7 person and each person through whom the exposed person alleges exposure  
8 to asbestos;

9        (f) The asbestos-related disease that is alleged; and

10       (g) Any supporting documentation relating to the information  
11 required under this section.

12       (2) A claimant has a continuing duty to supplement the information  
13 required to be disclosed in subsection (1) of this section.

14       (3) Discovery shall not commence against a defendant in an asbestos  
15 action until the defendant's product or premises is specifically  
16 identified in the disclosures required by subsection (1) of this section.

17       (4) The court, on motion by a defendant, shall dismiss an asbestos  
18 action without prejudice (a) as to any defendant whose product or  
19 premises is not specifically identified in the disclosures required by  
20 subsection (1) of this section or (b) as to the moving defendant or as to  
21 all defendants, as applicable, if the claimant fails to comply with this  
22 section.

23       **Sec. 21.** (1) In addition to the affidavit required by section 20 of  
24 this act, within thirty days after filing an asbestos action related to a  
25 nonmalignant asbestos-related condition, the claimant shall file and  
26 provide all parties with a detailed narrative medical report signed by a  
27 qualified physician and accompanied by supporting test results  
28 constituting prima facie evidence the exposed person has a physical  
29 impairment for which exposure to asbestos was a substantial contributing  
30 factor.

31       (2) A defendant shall have a reasonable opportunity to challenge the

1 adequacy of the prima facie evidence. The court shall dismiss the  
2 asbestos action without prejudice if the claimant fails to comply with  
3 the requirements of the Asbestos Claims Priorities and Over-Naming Reform  
4 Act or fails to make the prima facie showing required by the act.

5 **Sec. 22.** To make the prima facie showing required by section 21 of  
6 this act in an asbestos action related to a nonmalignant asbestos-related  
7 condition, the detailed narrative medical report signed by a qualified  
8 physician with supporting test results shall include the following:

9 (1) Radiological or pathological evidence of asbestosis or  
10 radiological evidence of diffuse bilateral pleural thickening or a high-  
11 resolution computed tomography scan showing evidence of asbestosis or  
12 diffuse pleural thickening;

13 (2) A detailed occupational and exposure history from the exposed  
14 person or, if that person is deceased, from the person most knowledgeable  
15 about the exposures that form the basis of the action, including the  
16 exposed person's places of employment and exposures to airborne  
17 contaminants and whether each place of employment involved exposures to  
18 airborne contaminants, including asbestos fibers or other disease-causing  
19 dusts, that may cause pulmonary impairment, and the nature, duration, and  
20 level of any exposure;

21 (3) A detailed medical, social, and smoking history from the exposed  
22 person or, if that person is deceased, from the person most  
23 knowledgeable, including a thorough review of the past and present  
24 medical problems of the exposed person;

25 (4) Evidence verifying that at least fifteen years have elapsed  
26 between the exposed person's date of first exposure to asbestos and the  
27 date of diagnosis;

28 (5) Evidence that the exposed person has, or the deceased person  
29 had, a permanent respiratory impairment rating of at least Class 2 as  
30 defined by and evaluated in accordance with the AMA Guides;

31 (6) Evidence that asbestosis or diffuse bilateral pleural

1 thickening, rather than chronic obstructive pulmonary disease, is a  
2 substantial contributing factor to the exposed person's physical  
3 impairment, based on a determination the exposed person has any of the  
4 following:

5 (a) FVC below the predicted lower limit of normal and FEV1/FVC ratio  
6 (using actual values) equal to or above the predicted lower limit of  
7 normal;

8 (b) Total lung capacity, by plethysmography or timed gas dilution,  
9 below the predicted lower limit of normal; or

10 (c) A chest X-ray showing bilateral small, irregular opacities (s,  
11 t, or u) graded by a certified B Reader as at least 2/1 on the ILO  
12 system; and

13 (7) A statement from the qualified physician that exposure to  
14 asbestos was a substantial contributing factor to the exposed person's  
15 physical impairment and that such physical impairment was likely not the  
16 result of other causes. A statement from the qualified physician that the  
17 exposed person's physical impairment is "consistent with exposure to  
18 asbestos" or "compatible with exposure to asbestos", or words to that  
19 effect, shall not satisfy this section.

20 **Sec. 23.** (1) Evidence relating to the prima facie showings required  
21 under the Asbestos Claims Priorities and Over-Naming Reform Act does not  
22 create a presumption the exposed person has an asbestos-related  
23 impairment and is not conclusive as to the liability of any defendant.

24 (2) Evidence shall not be offered at trial and the jury shall not be  
25 informed of:

26 (a) The grant or denial of a motion to dismiss an asbestos action  
27 under the act; or

28 (b) The provisions of the act with respect to what constitutes a  
29 prima facie showing of asbestos impairment.

30 (3) Evidence relating to physical impairment offered in an asbestos  
31 action:

1        (a) Must comply with the quality controls, equipment requirements,  
2 methods of calibration, and techniques set forth in the AMA Guides and  
3 official technical statements of the American Thoracic Society;

4        (b) Shall not be based on testing or examinations that violate a  
5 law, regulation, licensing requirement, or medical code of practice of  
6 this state or of the state in which the examination or test was  
7 conducted; and

8        (c) Shall not be obtained under the condition the exposed person  
9 retains the services of an attorney or law firm.

10        **Sec. 24.** Until a court enters an order determining that the exposed  
11 person has established prima facie evidence of impairment, an asbestos  
12 action is not subject to discovery, except discovery related to  
13 establishing or challenging the prima facie evidence.

14        **Sec. 25.** A court may consolidate for trial any number and type of  
15 asbestos actions with the consent of all parties. In the absence of such  
16 consent, the court may consolidate for trial only asbestos actions  
17 relating to the exposed person and members of that person's household.

18        **Sec. 26.** The Asbestos Claims Priorities and Over-Naming Reform Act  
19 applies to asbestos actions filed on or after the operative date of this  
20 act.

21        **Sec. 27.** (1) An action for personal injury can only be brought  
22 within three years.

23        (2) This section shall only apply to causes of action accruing on or  
24 after the operative date of this act.

25        **Sec. 28.** Section 25-224, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27        25-224 (1) All product liability actions, except one governed by  
28 subsection (5) of this section, shall be commenced within four years next  
29 after the date on which the death, injury, or damage complained of  
30 occurs.

31        (2)(a) Notwithstanding subsection (1) of this section or any other

1 statutory provision to the contrary, any product liability action, except  
2 one governed by section 2-725, Uniform Commercial Code or by subsection  
3 (5) of this section, shall be commenced as follows:

4 (i) For products manufactured in Nebraska, within ten years after  
5 the date the product which allegedly caused the personal injury, death,  
6 or damage was first sold or leased for use or consumption; or

7 (ii) For products manufactured outside Nebraska, within the time  
8 allowed by the applicable statute of repose, if any, of the state or  
9 country where the product was manufactured, but in no event less than ten  
10 years. If the state or country where the product was manufactured does  
11 not have an applicable statute of repose, then the only limitation upon  
12 the commencement of an action for product liability shall be as set forth  
13 in subsection (1) of this section.

14 (b) If the changes made to this subsection by Laws 2001, LB 489, are  
15 declared invalid or unconstitutional, this subsection as it existed prior  
16 to September 1, 2001, shall be deemed in full force and effect and shall  
17 apply to all claims in which a final order has not been entered.

18 (3) The limitations contained in subsection (1), (2), or (5) of this  
19 section shall not be applicable to indemnity or contribution actions  
20 brought by a manufacturer or seller of a product against a person who is  
21 or may be liable to such manufacturer or seller for all or any portion of  
22 any judgment rendered against a manufacturer or seller.

23 (4) Notwithstanding the provisions of subsections (1) and (2) of  
24 this section, any cause of action or claim which any person may have on  
25 July 22, 1978, may be brought not later than two years following such  
26 date.

27 (5)(a) ~~(5)~~ Any action to recover damages based on injury allegedly  
28 resulting from exposure to asbestos composed of chrysotile, amosite,  
29 crocidolite, tremolite, anthrophyllite, actinolite, or any combination  
30 thereof, shall be commenced within four years after the injured person  
31 has been informed of discovery of the injury by competent medical

1 authority and that such injury was caused by exposure to asbestos as  
2 described herein, or within four years after the discovery of facts which  
3 would reasonably lead to such discovery, whichever is earlier.

4 (b) No action commenced under this subsection based on the doctrine  
5 of strict liability in tort shall be commenced or maintained against any  
6 seller of a product which is alleged to contain or possess a defective  
7 condition unreasonably dangerous to the buyer, user, or consumer unless  
8 such seller is also the manufacturer of such product or the manufacturer  
9 of the part thereof claimed to be defective.

10 (c) Nothing in this subsection shall be construed to permit an  
11 action to be brought based on an injury described in this subsection  
12 discovered more than two years prior to August 30, 1981.

13 (d) The period of limitations for an asbestos action as defined in  
14 the Asbestos Claims Priorities and Over-Naming Reform Act for any non-  
15 malignant asbestos-related condition that is not barred as of the  
16 operative date of this act shall be tolled until the date the exposed  
17 person receives or reasonably could have received a diagnosis of  
18 asbestos-related impairment sufficient to satisfy the prima facie  
19 evidence requirements of the act or the exposed person's date of death,  
20 whichever is earlier.

21 **Sec. 29.** Section 25-3301, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 25-3301 Sections 25-3301 to 25-3309 and section 31 of this act shall  
24 be known and may be cited as the Nonrecourse Civil Litigation Act.

25 **Sec. 30.** Section 25-3302, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 25-3302 For purposes of the Nonrecourse Civil Litigation Act:

28 (1) Civil litigation funding company means a person or entity that  
29 enters into a nonrecourse civil litigation funding transaction with a  
30 consumer;

31 (2) Consumer means a person residing or domiciled in Nebraska or who

1 elects to enter into a transaction under the act, whether it be in  
2 person, over the Internet, by facsimile, or by any other electronic  
3 means, and who has a pending legal claim and is represented by an  
4 attorney at the time he or she receives the nonrecourse civil litigation  
5 funding;

6 (3) Legal claim includes means a civil claim or action or a claim  
7 presented in an administrative proceeding; and

8 (4) Nonrecourse civil litigation funding means a transaction in  
9 which a civil litigation funding company purchases and a consumer assigns  
10 the contingent right to receive an amount of the potential proceeds of  
11 the consumer's legal claim to the civil litigation funding company out of  
12 the proceeds of any realized settlement, judgment, award, or verdict the  
13 consumer may receive in the legal claim. Nonrecourse civil litigation  
14 funding includes funding provided to an attorney or law firm where the  
15 right to receive repayment is contingent in any respect on the outcome of  
16 the consumer's legal claim.

17 **Sec. 31.** (1) Within thirty calendar days after receipt of a written  
18 request, a consumer or the consumer's attorney shall disclose and deliver  
19 a copy of any contract for nonrecourse civil litigation funding to the  
20 following persons:

21 (a) Each party to the legal claim or each party's attorney;

22 (b) Any court, agency, or tribunal in which the legal claim is  
23 pending; and

24 (c) Any known person, including an insurer, with a preexisting  
25 contractual obligation to indemnify or defend a party to the legal claim.

26 (2) The disclosure obligation under subdivision (1)(c) of this  
27 section exists regardless of whether a civil action or an administrative  
28 proceeding has commenced.

29 (3) The disclosure obligation under subsection (1) of this section  
30 is a continuing obligation. Within thirty days after entering into a new  
31 contract for nonrecourse civil litigation funding or amending an existing

1 contract, the consumer or the consumer's attorney shall disclose and  
2 deliver any new or amended contract.

3 (4) The existence of a contract for nonrecourse civil litigation  
4 funding and all participants or parties to such contract are permissible  
5 subjects of discovery in any legal claim for which litigation funding is  
6 provided under the contract.

7 **Sec. 32.** Section 25-3309, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 25-3309 (1) The Secretary of State shall issue a certificate of  
10 registration to a civil litigation funding company who complies with  
11 subsection (2) of section 25-3307 or a renewal of registration under  
12 subsection (3) of section 25-3307.

13 (2) The Secretary of State may refuse to issue a certificate of  
14 registration if the Secretary of State determines that the character,  
15 fitness, or financial responsibility of the civil litigation funding  
16 company are such as to warrant belief that the business will not be  
17 operated honestly or fairly within the purposes of the Nonrecourse Civil  
18 Litigation Act.

19 (3) The Secretary of State may suspend, revoke, or refuse to renew a  
20 certificate of registration (a) for conduct that would have justified  
21 denial of registration under subsection (2) of section 25-3307, (b) or  
22 for violating section 25-3304, or (c) for knowingly violating section 31  
23 of this act.

24 (4) The Secretary of State may deny, suspend, revoke, or refuse to  
25 renew a certificate of registration only after proper notice and an  
26 opportunity for a hearing. The Administrative Procedure Act applies to  
27 the Nonrecourse Civil Litigation Act.

28 (5) The Secretary of State may issue a temporary certificate of  
29 registration while an application for registration or renewal of  
30 registration is pending.

31 (6) The Secretary of State shall require a civil litigation funding

1 company registered pursuant to the act to annually submit certain data,  
2 in a form prescribed by the Secretary of State that contains:

3 (a) The number of nonrecourse civil litigation fundings;

4 (b) The amount of nonrecourse civil litigation fundings;

5 (c) The number of nonrecourse civil litigation fundings required to  
6 be repaid by the consumer;

7 (d) The amount charged to the consumer, including, but not limited  
8 to, the annual percentage fee charged to the consumer and the itemized  
9 fees charged to the consumer; and

10 (e) The dollar amount and number of cases in which the realization  
11 to the civil litigation funding company was less than contracted.

12 (7) The Secretary of State shall annually prepare and electronically  
13 submit a report to the Clerk of the Legislature and to the Judiciary  
14 Committee of the Legislature on the status of nonrecourse civil  
15 litigation funding activities in the state. The report shall include  
16 aggregate information reported by registered civil litigation funding  
17 companies.

18 **Sec. 33.** Section 60-6,273, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 60-6,273 Evidence that a person was not wearing an occupant  
21 protection system or a three-point safety belt system at the time he or  
22 she was injured shall not be admissible in regard to the issue of  
23 liability or proximate cause but shall ~~may~~ be admissible as evidence  
24 concerning mitigation of damages, except that it shall not reduce  
25 recovery for damages by more than twenty-five ~~five~~ percent.

26 **Sec. 34.** The Revisor of Statutes shall assign section 27 of this  
27 act to Chapter 25, article 2.

28 **Sec. 36.** Original sections 25-224, 25-3301, 25-3302, 25-3309, and  
29 60-6,273, Reissue Revised Statutes of Nebraska, are repealed.

30 2. Renumber the remaining sections accordingly.