

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 79

Introduced by Hallstrom, 1; Bosn, 25; Storer, 43; Strommen, 47.

Read first time January 09, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil actions; to provide for dismissal of
- 2 certain civil actions involving commercial motor vehicles.
- 3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) On motion of a defendant in a civil action involving
2 a commercial motor vehicle requiring a commercial driver's license, the
3 trial court shall dismiss from the civil action any claim of the
4 defendant's direct negligence if the defendant stipulates that at the
5 time of the event that caused the damages that are the subject of the
6 civil action all of the following are true:

7 (a) The person whose negligence is alleged to have caused the
8 damages was the defendant's employee or independent contractor; and

9 (b) The person whose negligence is alleged to have caused the
10 damages was acting within the course and scope of employment with the
11 defendant or acting as an independent contractor of the defendant.

12 (2) If a defendant makes the stipulations described in subsection
13 (1) of this section with respect to an employee or independent contractor
14 and the employee's or independent contractor's negligence is found to
15 have caused or contributed to causing the damages, the defendant's
16 liability in the civil action shall be adjudged solely on the basis of
17 the legal doctrine known as respondeat superior.

18 (3) For purposes of this section, commercial motor vehicle has the
19 same meaning as in section 60-316.