

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 980

Introduced by Bosn, 25.

Read first time January 12, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant
2 Act; to amend sections 76-1415, 76-1442, and 76-1446, Reissue
3 Revised Statutes of Nebraska; to provide for waivers of the right to
4 a jury trial in actions for possession; to change provisions
5 relating to summonses in such actions; to provide for summary
6 judgment, expedited proceedings, and awards of court costs and
7 attorney's fees in such actions; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 76-1415, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 76-1415 (1) No rental agreement may provide that the tenant:

4 (a) Agrees to waive or to forego rights or remedies under the
5 Uniform Residential Landlord and Tenant Act, except that parties may
6 agree to waive the right to a jury trial in an action for possession;

7 (b) Authorizes any person to confess judgment on a claim arising out
8 of the rental agreement;

9 (c) Agrees to pay the landlord's or tenant's attorney's fees; or

10 (d) Agrees to the exculpation or limitation of any liability of the
11 landlord arising due to active and actionable negligence of the landlord
12 or to indemnify the landlord for that liability arising due to active and
13 actionable negligence or the costs connected therewith.

14 (2) A provision prohibited by subsection (1) of this section
15 included in a rental agreement is unenforceable. If a landlord
16 deliberately uses a rental agreement containing provisions known by him
17 or her to be prohibited, the tenant may recover actual damages sustained
18 by him or her and reasonable attorney's fees.

19 **Sec. 2.** Section 76-1442, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-1442 (1) The summons shall be issued and directed, with a copy of
22 the complaint attached thereto, and shall state:

23 (a) The ~~the~~ cause of the complaint, the time and place of trial of
24 the action for possession, and the answer day for other causes of
25 action; ~~;~~

26 (b) Notice ~~and notice~~ that if the defendant fails to appear,
27 judgment shall be entered against him or her; ~~;~~

28 (c) Notice that the defendant has the right to demand a jury trial
29 if the defendant has not waived such right in the rental agreement; and

30 (d) Notice that if the trial is by jury, the prevailing party may
31 recover court costs and reasonable attorney's fees.

1 (2) The summons may be served and returned as in other cases or by
2 any person, except that the summons shall be served within three days,
3 excluding nonjudicial days, from the date of issuance and shall be
4 returnable within five days, excluding nonjudicial days, from the date of
5 issuance. The person making the service shall file with the court an
6 affidavit stating with particularity the manner in which he or she made
7 the service. If diligent efforts have been made to serve the summons in
8 the manner provided in sections 25-505.01 to 25-516.01 but such efforts
9 were unsuccessful, the summons may be served in the manner provided in
10 section 76-1442.01.

11 **Sec. 3.** Section 76-1446, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 76-1446 (1) The proceedings for an action for possession shall be in
14 all respects as in other cases, except that:

15 (a) If the action will be tried by the court without a jury, the
16 trial shall be held not less than ten nor more than fourteen days after
17 the issuance of the summons; or

18 (b) If the action will be tried by a jury, the trial shall be
19 scheduled by the court as soon as is practicable for the proper
20 administration of justice. If the defendant requests a continuance of a
21 jury trial beyond the initial trial date as determined by the court, the
22 court may require the defendant to deposit with the clerk of the court
23 such rental payments as accrue during the pendency of the suit.

24 (2)(a) Either party may move for summary judgment, identifying each
25 claim or defense, or the part of each claim or defense, on which summary
26 judgment is sought. The court shall grant summary judgment if the movant
27 shows that there is no genuine dispute as to any material fact and the
28 movant is entitled to judgment as a matter of law.

29 (b) A party may file a motion for summary judgment at any time,
30 including upon filing the complaint or answer. The motion for summary
31 judgment shall include any documentation described in subdivision (2)(c)

1 of this section showing that there is no genuine dispute as to any
2 material fact.

3 (c) A party asserting that a fact cannot be or is genuinely disputed
4 must support the assertion by:

5 (i) Citing to particular parts of materials in the record, including
6 depositions, documents, electronically stored information, affidavits or
7 declarations, stipulations (including those made for purposes of the
8 motion only), admissions, interrogatory answers, or other materials; or

9 (ii) Showing that the materials cited do not establish the absence
10 or presence of a genuine dispute, or that an adverse party cannot produce
11 admissible evidence to support the fact.

12 (d) If a party fails to properly support an assertion of fact or
13 fails to properly address another party's assertion of fact, the court
14 may:

15 (i) Give an opportunity to properly support or address the fact;

16 (ii) Consider the fact undisputed for purposes of the motion;

17 (iii) Grant summary judgment if the motion and supporting materials
18 show that the movant is entitled to it; or

19 (iv) Issue any other appropriate order.

20 (e) If satisfied that an affidavit or declaration under this
21 subsection is submitted in bad faith or solely for delay, the court,
22 after notice and a reasonable time to respond, may order the submitting
23 party to pay the other party the court costs and reasonable attorney's
24 fees incurred as a result. An offending party or attorney may also be
25 held in contempt or subjected to other appropriate sanctions.

26 (3) A court may, after giving notice and a reasonable time to
27 respond, consider summary judgment on its own after identifying for the
28 parties material facts that may not be genuinely in dispute.

29 ~~(4) Trial of the action for possession shall be held not less than~~
30 ~~ten nor more than fourteen days after the issuance of the summons. The~~
31 ~~action shall be tried by the court without a jury. If the plaintiff~~

1 serves the summons in the manner provided in section 76-1442.01, the
2 action shall proceed as other actions for possession except that a money
3 judgment shall not be granted for the plaintiff.

4 (5) If judgment is rendered against the defendant for the
5 restitution of the premises, the court (a) shall declare the forfeiture
6 of the rental agreement , and (b) shall, at the request of the plaintiff
7 or his or her attorney, issue a writ of restitution, directing the
8 constable or sheriff to restore possession of the premises to the
9 plaintiff on a specified date not more than ten days after issuance of
10 the writ of restitution.

11 (6) The plaintiff shall comply with the Disposition of Personal
12 Property Landlord and Tenant Act and subsection (5) of section 76-1414 in
13 the removal of personal property remaining on the premises at the time
14 possession of the premises is restored.

15 (7) In an action tried by a jury, the court may award the prevailing
16 party court costs and reasonable attorney's fees.

17 **Sec. 4.** Original sections 76-1415, 76-1442, and 76-1446, Reissue
18 Revised Statutes of Nebraska, are repealed.