

LEGISLATIVE BILL 949

Approved by the Governor March 22, 1974

Introduced by Waldron, 42

AN ACT to amend sections 23-2416 and 81-8,227, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1972, relating to statute of limitations; to extend the statute of limitations for infants and persons insane or imprisoned as provided; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-2416, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2416. (1) Every claim against a political subdivision permitted under this act shall be forever barred, unless within one year after such claim accrued, the claim is made in writing to the governing body. Except as otherwise provided in this section, all suits permitted by this act shall be forever barred unless begun within two years after such claim accrued. The time to begin a suit under this act shall be extended for a period of six months from the date of mailing of notice to the claimant by the governing body as to the final disposition of the claim or from the date of withdrawal of the claim from the governing body under section 23-2405, if the time to begin suit would otherwise expire before the end of such period.

(2) If a claim is made or filed under any other law of this state and a determination is made by a political subdivision or court that this act provides the exclusive remedy for the claim, the time to make a claim and to begin suit under this act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by the political subdivision, if the time to make the claim and to begin suit under this act would otherwise expire before the end of such period. The time to begin suit under this act may be further extended as provided in subsection (1) of this section.

(3) If a claim is made or a suit is begun under this act, and if a determination is made by the political subdivision or by the court that the claim or suit is not permitted under this act for any other reason than lapse

of time, the time to make a claim or to begin a suit under any other applicable law of this state shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by the political subdivision, if the time to make the claim or begin the suit under such other law would otherwise expire before the end of such period.

(4) This section and section 25-213 shall be the only statute statutes of limitations applicable to tort claims as defined in this act.

Sec. 2. That section 25-213, Revised Statutes Supplement, 1972, be amended to read as follows:

25-213. Except as provided in sections 76-288 to 76-298, if a person entitled to bring any action mentioned in this chapter, Chapter 23, article 24, and sections 81-8,209 to 81-8,239, except for a penalty or forfeiture, or for the recovery of the title or possession of lands, tenements or hereditaments, or for the foreclosure of mortgages thereon, be, at the time the cause of action accrued, within the age of twenty years, insane or imprisoned, every such person shall be entitled to bring such action within the respective times limited by this chapter after such disability shall be removed, and for the recovery of the title or possession of lands, tenements or hereditaments, or for the foreclosure of mortgages thereon, every such person shall be entitled to bring such action within twenty years from the accrual thereof, but in no case longer than ten years, after the termination of such disability. Absence from the state, death or other disability shall not operate to extend the period within which actions in rem shall be commenced by and against a nonresident or his representative.

Sec. 3. That section 81-8,227, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,227. (1) Every tort claim permitted under this act shall be forever barred unless within two years after such claim accrued the claim is made in writing to the State Claims Board in the manner provided by this act. The time to begin suit under this act shall be extended for a period of six months from the date of mailing of notice to the claimant by the board as to the final disposition of the claim, or from the date of withdrawal of the claim from the board under section 81-8,213, if the time to begin suit would otherwise expire before the end of such period.

(2) If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that this act provides the exclusive remedy for the claim, the time to make a claim and begin suit under this act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency, if the time to make the claim and to begin suit under this act would otherwise expire before the end of such period. The time to begin a suit under this act may be further extended as provided in subsection (1) of this section.

(3) This section ~~and section 25-213~~ shall constitute the only ~~statute statutes~~ of limitations applicable to this act.

Sec. 4. That original sections 23-2016 and 81-8,227, Reissue Revised Statutes of Nebraska, 1943, and section 25-213, Revised Statutes Supplement, 1972, are repealed.