March 11, 1982

LB 547

Under this law within the limits of liability, there is the possibility of recovery, but over here back in the bill a ways, there is Section 14. Section 14 says there shall be no liability on the part of the proprietor for loss unless within 72 hours following the loss it is reported in writing to such proprietor. Let's say they are negligent, the safe is left open, somebody steals my rings. Well, in the first place, I may not be aware of the 72 hour notice, written notice provision which is going to cut off liability, even though it is printed in the room along with six other long sections of this bill, I think that you can see that the average person might not pick that up. Not very many of them are going to be lawyers, but if they fail to file that written notice of loss within 72 hours, they are cut off even though the motel was negligent. Now that is one possibility. The second possibility, it says that it has to be filed 72 hours following the loss. Now what if I am in a rooming house or a boarding house for a week, I am a traveling salesman, I go off for a few days, I am back in five days. I discover my rings are missing through negligence of the motel. I file my notice. It is too late because it hasn't been filed within three days of the loss. It happened that the loss occurred the first day I left. Ι don't even get back for five days but it is too late. Liability is cut off because of the 72 hour notice rule. Senator Higgins, I would ask you, I don't know honestly, but I don't think any insurance company has a 72 hour notice cut off. I think that is perfectly ridiculous. Usually it is in terms of years, is that not correct?

SENATOR HIGGINS: That is incorrect, Senator.

SENATOR BEUTLER: What is the notice in claim rule?

SENATOR HIGGINS: Depending on what kind of a policy it is, it can be as little as 30 days.

SENATOR BEUTLER: 30 days anyway but I would think (interruption).

SENATOR HIGGINS: If you had rings like you are talking about, you know, you have probably got them insured so you wouldn't put them in the motel safe anyway.

SENATOR BEUTLER: Okay, 30 days is a lot longer than 72 hours but on most policies I assure you it is not cut off on 30 days either. So what I am seeking to strike is this Section 14 which provides for the 72 hour liability cutoff for failure to give written notice of the loss. Remember that this doesn't say anything about the motel having knowledge of the loss. They may have knowledge of the loss, but if you fail to give them the written notice, they are still not liable even