

LEGISLATIVE BILL 28

Approved by the Governor February 26, 1992

Introduced by Bernard-Stevens, 42

AN ACT relating to liability; to amend section 28-1417, Reissue Revised Statutes of Nebraska, 1943; to require political subdivisions to defend and pay judgments in behalf of firefighters and emergency medical services providers; to harmonize provisions; and to repeal the original section.

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

Section 1. That section 28-1417, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~28-1417.~~ If any legal action shall be brought against any municipal police officer, ~~or~~ constable, ~~or~~ county sheriff, ~~or~~ deputy sheriff, ~~firefighter,~~ ~~emergency medical services provider,~~ or any other elected or appointed official of any political subdivision, who is an employee as defined in section 48-115, whether such person is a volunteer or partly paid or fully paid, based upon the negligent error or omission of such ~~official~~ person while in the performance of his ~~or her~~ lawful duties, the ~~municipality or county political subdivision~~ which employs, appoints, or otherwise designates such ~~official~~ person an employee as defined in section 48-115 shall defend such ~~official~~ him or her against such action, and if final judgment is rendered against such ~~official~~ then ~~person,~~ such ~~municipality or county political subdivision~~ shall pay such judgment in his ~~or her~~ behalf and shall have no right to restitution from such ~~official~~ person. Any ~~municipality, county, or other~~

A political subdivision shall have the right to purchase insurance to indemnify itself in advance against the possibility of such loss under the provisions of this section, and the insurance company shall have no right of subrogation against the ~~official~~ person. This section shall not be construed so as to permit a ~~municipality or a county political subdivision~~ to pay for a judgment obtained against an ~~individual~~ a ~~person~~ as a result of illegal acts committed by such ~~individual~~ person.

Sec. 2. That original section 28-1417,