

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 416

Introduced by Dungan, 26.

Read first time January 17, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil procedure; to amend section
2 25-21,185.11, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to the effect of releases, covenants not to sue,
4 or similar agreements on joint and several liability; and to repeal
5 the original section.
6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 25-21,185.11, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-21,185.11 (1) A release, covenant not to sue, or similar
4 agreement entered into by a claimant and a person liable shall discharge
5 that person from all liability to the claimant but shall not discharge
6 any other persons liable upon the same claim ~~unless it so provides~~. The
7 claim of the claimant against other persons liable shall be reduced by
8 the amount of the released person's share of the obligation as determined
9 by the trier of fact.

10 (2) A release, covenant not to sue, or similar agreement entered
11 into by a claimant and a person liable shall preclude that person from
12 being made a party or, if an action is pending, shall be a basis for that
13 person's dismissal, but the person's negligence, if any, shall be
14 considered in accordance with section 25-21,185.09.

15 (3) A release, covenant not to sue, or similar agreement entered
16 into by a claimant and one or more persons liable shall not abrogate the
17 joint and several liability of any other person or persons liable upon
18 the same claim.

19 **Sec. 2.** Original section 25-21,185.11, Reissue Revised Statutes of
20 Nebraska, is repealed.