

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 197

Introduced By: Schimek, 27
Read first time: January 9, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Political Subdivisions Tort Claims
2 Act; to amend sections 13-919 and 13-920, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to the
4 limitation of actions for certain political subdivisions;
5 and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-919, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 13-919. (1) Every claim against a political subdivision
4 permitted under the Political Subdivisions Tort Claims Act shall be
5 forever barred unless within one year after such claim accrued the
6 claim is made in writing to the governing body. Except as otherwise
7 provided in this section, all suits permitted by the act shall be
8 forever barred unless begun within two years after such claim accrued.
9 The time to begin a suit shall be extended for a period of six months
10 from the date of mailing of notice to the claimant by the governing
11 body as to the final disposition of the claim or from the date of
12 withdrawal of the claim from the governing body under section 13-906
13 if the time to begin suit would otherwise expire before the end of
14 such period.

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

25 (3) If a claim is made or a suit is begun under the act and
26 a determination is made by the political subdivision or by the court
27 that the claim or suit is not permitted under the act for any other

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

8 (4) If a claim is brought under the Nebraska
 9 Hospital-Medical Liability Act, the filing of a request for review
 10 under section 44-2840 shall extend the time to begin suit under the
 11 Political Subdivisions Tort Claims Act an additional ninety days
 12 following the issuance of the opinion by the medical review panel if
 13 the time to begin suit under the Political Subdivisions Tort Claims
 14 Act would otherwise expire before the end of such ninety-day period.

15 (5) If a political subdivision is transacting business
 16 under a name other than the true name of the political subdivision and
 17 has not registered a trade name as required by sections 87-208 to
 18 87-220, the time periods specified in this section shall commence
 19 upon the registration of the trade name.

20 ~~(5)~~ (6) This section and ~~section~~ sections 13-920 and
 21 25-213 shall be the only statutes of limitations applicable to tort
 22 claims as defined in the act.

23 Sec. 2. Section 13-920, Reissue Revised Statutes of
 24 Nebraska, is amended to read:

25 13-920. (1) No suit shall be commenced against any employee
 26 of a political subdivision for money on account of damage to or loss
 27 of property or personal injury to or the death of any person caused by

1 any negligent or wrongful act or omission of the employee while acting
2 in the scope of his or her office or employment occurring after May
3 13, 1987, unless a claim has been submitted in writing to the
4 governing body of the political subdivision within one year after such
5 claim accrued in accordance with section 13-905.

6 (2) No suit shall be permitted on a claim filed pursuant to
7 this section unless the governing body of the political subdivision
8 has made final disposition of the claim, except that if the governing
9 body does not make final disposition of the claim within six months
10 after the claim is filed, the claimant may, by notice in writing,
11 withdraw the claim from consideration of the governing body and begin
12 suit.

13 (3) Except as provided in section 13-919, any suit commenced
14 on any claim filed pursuant to this section shall be forever barred
15 unless begun within two years after the claim accrued. The time to
16 begin suit under this section shall be extended for a period of six
17 months (a) from the date of mailing of notice to the claimant by the
18 governing body as to the final disposition of the claim or (b) from
19 the date of withdrawal of the claim from the governing body under this
20 section, if the time to begin suit would otherwise expire before the
21 end of such period.

22 (4) If the political subdivision employing such employee is
23 transacting business under a name other than the true name of the
24 political subdivision and has not registered a trade name as required
25 by sections 87-208 to 87-220, the time periods specified in this
26 section shall commence upon the registration of the trade name.

27 Sec. 3. Original sections 13-919 and 13-920, Reissue Revised

1 Statutes of Nebraska, are repealed.