

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 522

Introduced by Aguilar, 35

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section
2 25-1801, Reissue Revised Statutes of Nebraska; to change
3 provisions relating to costs and attorney's fees; and to
4 repeal the original section.

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

1 Section 1. Section 25-1801, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-1801 Any person, partnership, limited liability
4 company, association, or corporation in this state having a
5 claim which amounts to ~~two~~ five thousand dollars or less against
6 any person, partnership, limited liability company, association,
7 or corporation doing business in this state for (1) services
8 rendered, (2) labor done, (3) material furnished, (4) overcharges
9 made and collected, (5) lost or damaged personal property, (6)
10 damage resulting from delay in transmission or transportation, (7)
11 livestock killed or injured in transit, or (8) charges covering
12 articles and service affecting the life and well-being of the
13 debtor which are adjudged by the court to be necessities of life
14 may present the same to such person, partnership, limited liability
15 company, association, or corporation, or to any agent thereof,
16 for payment in any county where suit may be instituted for the
17 collection of the same. If, at the expiration of ninety days
18 after the presentation of such claim, the same has not been paid
19 or satisfied, he, she, or it may institute suit thereon in the
20 proper court. If he, she, or it establishes the claim and secures
21 judgment thereon or the plaintiff and defendant settle the matter
22 prior to disposition, he, she, or it shall be entitled to recover
23 the full amount of such judgment or settlement and all costs of
24 suit thereon, and, in addition thereto, interest on the amount
25 of the claim at the rate of six percent per annum from the date

1 of presentation thereof, and, if he, she, or it has an attorney
2 employed in the case, an amount for attorney's fees as provided
3 in this section. If the cause is taken to an appellate court
4 and plaintiff shall recover judgment thereon, the appellate court
5 shall tax as costs in the action, to be paid to the plaintiff,
6 an additional amount for attorney's fees in such appellate court
7 as provided in this section, except that if the party in interest
8 fails to recover a judgment in excess of the amount that may
9 have been tendered by any person, partnership, limited liability
10 company, association, or corporation liable under this section,
11 then such party in interest shall not recover the attorney's fees
12 provided by this section. Attorney's fees shall be assessed by the
13 court in a reasonable amount but shall in no event be less than
14 ~~ten~~ twenty dollars when the judgment is fifty dollars or less and
15 when the judgment is over fifty dollars up to ~~two~~ five thousand
16 dollars the attorney's fee shall be ~~ten~~ twenty dollars plus ~~ten~~
17 twenty percent of the judgment in excess of fifty dollars.

18 Sec. 2. Original section 25-1801, Reissue Revised
19 Statutes of Nebraska, is repealed.