



Hundredth Legislature - Second Session - 2008
Introducer's Statement of Intent
LB 1015

Chairperson: Brad Ashford
Committee: Judiciary
Date of Hearing: February 22, 2008

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 1015 would change the statutes that apply comparative fault to cases brought under section 48-118 and in actions in which at least one responsible party has been granted immunity from civil liability pursuant to state statute.

Under current law, if an action is brought pursuant to section 48-118 to recover from a third party tortfeasor, the negligence of the employer, the employee and the tortfeasor are compared by the finder of fact. This occurs even though the Nebraska Workers' Compensation act provides that the exclusive remedy against an employer is under the Act. Thus the employer may have a percentage of negligence assigned even though an action can be brought against the employer. A similar situation would occur when a party who has been granted civil immunity is negligent.

LB 1015 would remove the employer's negligence, or the party who has received statutory protection from liability, from the assignment of negligence under comparative faults statutes.

Principal Introducer: _____
Senator Danielle Nantkes