

AMENDMENTS TO LB 514

Introduced by Christensen

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 44-359, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           44-359 (1) In all cases when the beneficiary or other  
6 person entitled thereto brings an action upon any type of  
7 insurance policy, except workers' compensation insurance, or upon  
8 any certificate issued by a fraternal benefit society, against  
9 any company, person, or association doing business in this state,  
10 the court, upon rendering judgment against such company, person,  
11 or association, shall allow the plaintiff a reasonable sum as ~~an~~  
12 ~~attorney's fee~~ attorney's fees in addition to the amount of his or  
13 her recovery, to be taxed as part of the costs. If such cause is  
14 appealed, the appellate court shall likewise allow a reasonable sum  
15 as ~~an attorney's fee~~ attorney's fees for the appellate proceedings,  
16 except that if the plaintiff fails to obtain judgment for more  
17 than may have been offered by such company, person, or association  
18 in accordance with section 25-901, then the plaintiff shall not  
19 recover the attorney's fee fees provided by this section.

20           (2) If a plaintiff's recovery awarded under subsection  
21 (1) of this section was unreasonably delayed or denied, the court  
22 may allow an additional recovery amount for compensatory or actual  
23 damages sustained due to such delay or denial of up to one times

1 the recovery and reasonable attorney's fees as liquidated damages.

2 This subsection applies only to property and casualty insurance.

3           Sec. 2. If any section in this act or any part of any  
4 section is declared invalid or unconstitutional, the declaration  
5 shall not affect the validity or constitutionality of the remaining  
6 portions.

7           Sec. 3. Original section 44-359, Reissue Revised Statutes  
8 of Nebraska, is repealed.