

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1021**

Introduced by Schilz, 47.

Read first time January 17, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to civil procedure; to amend section 25-21,274,  
2 Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to actions involving motor vehicle  
4 collisions with domestic animals; and to repeal the  
5 original section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 25-21,274, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   25-21,274 (1) In any civil action brought by the owner,  
4 operator, or occupant of a motor vehicle or by his or her personal  
5 representative or assignee or by the owner of the livestock for  
6 damages resulting from collision of a motor vehicle with any domestic  
7 animal or animals on a public highway, the following shall apply:

8                   (a) The plaintiff's burden of proving his or her case  
9 shall not shift at any time to the defendant;

10                   (b) The fact of escaped livestock without evidence of  
11 specific acts of negligence by the defendant is not, ~~by itself,~~  
12 sufficient to raise an inference of negligence against the defendant;  
13 and

14                   (c) The standard of care shall be according to principles  
15 of ordinary negligence and shall not be strict or absolute liability.

16                   (2) For purposes of this section, highway and motor  
17 vehicle have the same meaning as in section 39-101.

18                   Sec. 2. Original section 25-21,274, Reissue Revised  
19 Statutes of Nebraska, is repealed.