

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1143**

Introduced by Cornett, 45.

Read first time January 19, 2012

Committee: Banking, Commerce and Insurance

A BILL

- 1 FOR AN ACT relating to insurance; to amend sections 44-6410 and
- 2 44-6411, Reissue Revised Statutes of Nebraska; to change
- 3 and eliminate provisions relating to stacking of
- 4 coverage; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 44-6410, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           44-6410 ~~Regardless of the number of vehicles involved,~~  
4 ~~persons covered, claims made, vehicles or premiums shown on the~~  
5 ~~policy, or premiums paid, No policy of insurance issued or renewed in~~  
6 this state after the effective date of this act shall include a  
7 provision prohibiting the limits of liability for uninsured or  
8 underinsured motorist coverage for two or more motor vehicles insured  
9 under the same policy or separate policies ~~shall not be from being~~  
10 added together, combined, or stacked to determine the limit of  
11 insurance coverage available to an injured person for any one  
12 accident. ~~except as provided in section 44-6411.~~

13           Sec. 2. Section 44-6411, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           44-6411 (1) ~~In the event an insured is entitled to~~  
16 ~~uninsured or underinsured motorist coverage under more than one~~  
17 ~~policy of motor vehicle liability insurance, the maximum amount an~~  
18 ~~insured may recover shall not exceed the highest limit of any one~~  
19 ~~such policy.~~

20           (2) ~~In the event of bodily injury, sickness, disease, or~~  
21 ~~death of an insured while occupying a motor vehicle not owned by the~~  
22 ~~insured, payment shall be made in the following order of priority,~~  
23 ~~subject to the limitations in subsection (1) of this section: (a) The~~  
24 ~~uninsured or underinsured motorist coverage on the occupied motor~~  
25 ~~vehicle is primary; and (b) if such primary coverage is exhausted,~~

1 ~~other uninsured or underinsured motorist coverage available to the~~  
2 ~~insured is excess.~~

3 ~~(3) When multiple policies apply, In the event an injured~~  
4 ~~person is entitled to coverage under more than one policy, payment~~  
5 shall be made in the following order of priority, subject to the  
6 limit of liability for each applicable policy:

7 ~~(a)~~~~(1)~~ A policy covering a motor vehicle occupied by the  
8 injured person at the time of the accident;

9 ~~(b)~~~~(2)~~ A policy covering a motor vehicle which causes  
10 bodily injury, sickness, disease, or death of the insured while a  
11 pedestrian; and

12 ~~(c)~~~~(3)~~ A policy covering a motor vehicle not involved in  
13 the accident with respect to which the injured person is an insured.

14 Sec. 3. Original sections 44-6410 and 44-6411, Reissue  
15 Revised Statutes of Nebraska, are repealed.