

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 451

Introduced by Hansen, 26.

Read first time January 20, 2015

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and
2 44-6411, Reissue Revised Statutes of Nebraska; to change and
3 eliminate provisions relating to stacking of coverage; and to repeal
4 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 Nebraska, is
2 amended to read:

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

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

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

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

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

30 (1 a) A policy covering a motor vehicle occupied by the injured
31 person at the time of the accident;

1 (2 ~~h~~) A policy covering a motor vehicle which causes bodily injury,
2 sickness, disease, or death of the insured while a pedestrian; and

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

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