

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 693

Introduced by Morfeld, 46.

Read first time January 06, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Political Subdivisions Tort Claims Act;
- 2 to amend sections 13-919 and 13-920, Reissue Revised Statutes of
- 3 Nebraska; to change limitation of action provisions; and to repeal
- 4 the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-919, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 13-919 (1) Every claim against a political subdivision permitted
4 under the Political Subdivisions Tort Claims Act shall be forever barred
5 unless within two years ~~one year~~ after such claim accrued the claim is
6 made in writing to the governing body. Except as otherwise provided in
7 this section, all suits permitted by the act shall be forever barred
8 unless begun within two years after such claim accrued. The time to begin
9 a suit shall be extended for a period of six months from the date of
10 mailing of notice to the claimant by the governing body as to the final
11 disposition of the claim or from the date of withdrawal of the claim from
12 the governing body under section 13-906 if the time to begin suit would
13 otherwise expire before the end of such period.

14 (2) If a claim is made or filed under any other law of this state
15 and a determination is made by a political subdivision or court that the
16 act provides the exclusive remedy for the claim, the time to make a claim
17 and to begin suit under the act shall be extended for a period of six
18 months from the date of the court order making such determination or the
19 date of mailing of notice to the claimant of such determination by the
20 political subdivision if the time to make the claim and to begin suit
21 under the act would otherwise expire before the end of such period. The
22 time to begin suit may be further extended as provided in subsection (1)
23 of this section.

24 (3) If a claim is made or a suit is begun under the act and a
25 determination is made by the political subdivision or by the court that
26 the claim or suit is not permitted under the act for any other reason
27 than lapse of time, the time to make a claim or to begin a suit under any
28 other applicable law of this state shall be extended for a period of six
29 months from the date of the court order making such determination or the
30 date of mailing of notice to the claimant of such determination by the
31 political subdivision if the time to make the claim or begin the suit

1 under such other law would otherwise expire before the end of such
2 period.

3 (4) If a claim is brought under the Nebraska Hospital-Medical
4 Liability Act, the filing of a request for review under section 44-2840
5 shall extend the time to begin suit under the Political Subdivisions Tort
6 Claims Act an additional ninety days following the issuance of the
7 opinion by the medical review panel if the time to begin suit under the
8 Political Subdivisions Tort Claims Act would otherwise expire before the
9 end of such ninety-day period.

10 (5) This section and section 25-213 shall be the only statutes of
11 limitations applicable to tort claims as defined in the act.

12 Sec. 2. Section 13-920, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 13-920 (1) No suit shall be commenced against any employee of a
15 political subdivision for money on account of damage to or loss of
16 property or personal injury to or the death of any person caused by any
17 negligent or wrongful act or omission of the employee while acting in the
18 scope of his or her office or employment occurring after May 13, 1987,
19 unless a claim has been submitted in writing to the governing body of the
20 political subdivision within two years ~~one year~~ after such claim accrued
21 in accordance with section 13-905.

22 (2) No suit shall be permitted on a claim filed pursuant to this
23 section unless the governing body of the political subdivision has made
24 final disposition of the claim, except that if the governing body does
25 not make final disposition of the claim within six months after the claim
26 is filed, the claimant may, by notice in writing, withdraw the claim from
27 consideration of the governing body and begin suit.

28 (3) Except as provided in section 13-919, any suit commenced on any
29 claim filed pursuant to this section shall be forever barred unless begun
30 within two years after the claim accrued. The time to begin suit under
31 this section shall be extended for a period of six months (a) from the

1 date of mailing of notice to the claimant by the governing body as to the
2 final disposition of the claim or (b) from the date of withdrawal of the
3 claim from the governing body under this section, if the time to begin
4 suit would otherwise expire before the end of such period.

5 Sec. 3. Original sections 13-919 and 13-920, Reissue Revised
6 Statutes of Nebraska, are repealed.