

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 710**

FINAL READING

Introduced by Baker, 30.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to civil lawsuits; to amend section 25-1801,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to costs, interest, and attorney's fees; to define a term; to
- 4 provide an exception; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-1801, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 25-1801 (1) On any lawsuit of Any person, partnership, limited  
4 liability company, association, or corporation in this state having a  
5 claim which amounts to four thousand dollars or less, regardless of  
6 whether the claims are liquidated or assigned, the plaintiff may recover  
7 costs, interest, and attorney's fees in connection with each claim as  
8 provided in this section against any person, partnership, limited  
9 liability company, association, or corporation doing business in this  
10 state for (1) services rendered, (2) labor done, (3) material furnished,  
11 (4) overcharges made and collected, (5) lost or damaged personal  
12 property, (6) damage resulting from delay in transmission or  
13 transportation, (7) livestock killed or injured in transit, or (8)  
14 charges covering articles and service affecting the life and well-being  
15 of the debtor which are adjudged by the court to be necessities of life  
16 may present the same to such person, partnership, limited liability  
17 company, association, or corporation, or to any agent thereof, for  
18 payment in any county where suit may be instituted for the collection of  
19 the same. If, at the expiration of ninety days after each the  
20 presentation of such claim accrued, the claim or claims have same has not  
21 been paid or satisfied, the plaintiff he, she, or it may institute suit  
22 file a lawsuit for payment of the claim or claims thereon in the proper  
23 court. If full payment of each claim is made to the plaintiff by or on  
24 behalf of the defendant after the filing of the suit lawsuit, but before  
25 judgment is taken, except as otherwise agreed in writing by the  
26 plaintiff, the plaintiff shall be entitled to receive the costs of suit  
27 the lawsuit whether by voluntary payment or judgment. If the plaintiff  
28 he, she, or it establishes the claim and secures a judgment thereon, the  
29 plaintiff he, she, or it shall be entitled to recover;

30 (a) The the full amount of such judgment and all costs of the  
31 lawsuit suit thereon;

1        ~~(b) Interest , and, in addition thereto, interest on the amount of~~  
2 ~~the claim~~ at the rate of six percent per annum. Such interest shall apply  
3 to the amount of the total claim beginning thirty days after ~~from~~ the  
4 date each claim accrued, regardless of assignment, until paid in full; of  
5 ~~presentation thereof, and~~

6        (c) If the plaintiff , if he, she, or it has an attorney retained,  
7 employed, or otherwise working in connection with the case, an amount for  
8 attorney's fees as provided in this section.

9        (2) If the cause is taken to an appellate court and the plaintiff  
10 recovers a shall recover judgment thereon, the appellate court shall tax  
11 as costs in the action, to be paid to the plaintiff, an additional amount  
12 for attorney's fees in such appellate court as provided in this section,  
13 except that if the ~~party in interest~~ plaintiff fails to recover a  
14 judgment in excess of the amount that may have been tendered by the  
15 defendant ~~any person, partnership, limited liability company,~~  
16 ~~association, or corporation liable under this section,~~ then the plaintiff  
17 ~~such party in interest~~ shall not recover the attorney's fees provided by  
18 this section.

19        (3) Attorney's fees shall be assessed by the court in a reasonable  
20 amount, but shall in no event be less than ten dollars when the judgment  
21 is fifty dollars or less, and when the judgment is over fifty dollars up  
22 to four thousand dollars, the attorney's fee shall be ten dollars plus  
23 ten percent of the judgment in excess of fifty dollars.

24        (4) For purposes of this section, the date that each claim accrued  
25 means the date the services, goods, materials, labor, or money were  
26 provided, or the date the charges were incurred by the debtor, unless  
27 some different time period is expressly set forth in a written agreement  
28 between the parties.

29        (5) This section shall apply to original creditors as well as their  
30 assignees and successors.

31        (6) This section does not apply to a cause of action alleging

1 personal injury, regardless of the legal theory asserted.

2       Sec. 2.   Original section 25-1801, Reissue Revised Statutes of  
3 Nebraska, is repealed.