

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 71

FINAL READING

Introduced by Hansen, M., 26.

Read first time January 10, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803,
2 Reissue Revised Statutes of Nebraska; to eliminate a civil cause of
3 action for damages from shoplifting; to harmonize provisions; to
4 repeal the original section; and to outright repeal section
5 25-21,194, Reissue Revised Statutes of Nebraska.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-2803, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-2803 (1) Parties in the Small Claims Court may be individuals,
4 partnerships, limited liability companies, corporations, unions,
5 associations, or any other kind of organization or entity.

6 (2) No party shall be represented by an attorney in the Small Claims
7 Court except as provided in sections 25-2804 and 25-2805.

8 (3) An individual shall represent himself or herself in the Small
9 Claims Court. A partnership shall be represented by a partner or one of
10 its employees. A limited liability company shall be represented by a
11 member, a manager, or one of its employees. A union shall be represented
12 by a union member or union employee. A corporation shall be represented
13 by one of its employees. An association shall be represented by one of
14 its members or by an employee of the association. Any other kind of
15 organization or entity shall be represented by one of its members or
16 employees.

17 (4) Only a party, natural or otherwise, who has been a party to the
18 transaction with the defendant for which the claim is brought may file
19 and prosecute a claim in the Small Claims Court.

20 (5) No party may file an assigned claim in the Small Claims Court.

21 (6) No party shall file more than two claims within any calendar
22 week nor more than ten claims in any calendar year in the Small Claims
23 Court. ~~This subsection shall not apply to actions brought pursuant to~~
24 ~~section 25-21,194.~~

25 (7) Notwithstanding any other provision of this section, a personal
26 representative of a decedent's estate, a guardian, or a conservator may
27 be a party in the Small Claims Court.

28 Sec. 2. Original section 25-2803, Reissue Revised Statutes of
29 Nebraska, is repealed.

30 Sec. 3. The following section is outright repealed: Section
31 25-21,194, Reissue Revised Statutes of Nebraska.