

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 482

Introduced by Ballard, 21; Hallstrom, 1.

Read first time January 21, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-359, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 attorney's fees; to harmonize provisions; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 44-359, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-359 (1) Except as provided in subsection (2) of this section, in
4 ~~In~~ all cases when the beneficiary or other person entitled thereto brings
5 an action upon any type of insurance policy, except workers' compensation
6 insurance, or upon any certificate issued by a fraternal benefit society,
7 against any company, person, or association doing business in this state,
8 the court, upon rendering judgment against such company, person, or
9 association, shall allow the plaintiff a reasonable sum as an attorney's
10 fee in addition to the amount of the plaintiff's ~~his or her~~ recovery, to
11 be taxed as part of the costs. If such cause is appealed, the appellate
12 court shall likewise allow a reasonable sum as an attorney's fee for the
13 appellate proceedings, except that if the plaintiff fails to obtain
14 judgment for more than may have been offered by such company, person, or
15 association in accordance with section 25-901, then the plaintiff shall
16 not recover the attorney's fee provided by this section.

17 (2) Subsection (1) of this section does not apply when the
18 plaintiff's right to bring the action is based on a post-loss assignment
19 of rights or benefits arising out of a claim by a property owner for
20 damage to insured property.

21 **Sec. 2.** Original section 44-359, Reissue Revised Statutes of
22 Nebraska, is repealed.