

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 271

Introduced by Morfeld, 46.

Read first time January 15, 2019

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section
- 2 25-21,185.11, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to the effect of releases, covenants not to sue,
- 4 or similar agreements on joint and several liability; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 25-21,185.11, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 25-21,185.11 (1) A release, covenant not to sue, or similar
4 agreement entered into by a claimant and a person liable shall discharge
5 that person from all liability to the claimant but shall not discharge
6 any other persons liable upon the same claim ~~unless it so provides~~. The
7 claim of the claimant against other persons liable shall be reduced by
8 the amount of the released person's share of the obligation as determined
9 by the trier of fact.

10 (2) A release, covenant not to sue, or similar agreement entered
11 into by a claimant and a person liable shall preclude that person from
12 being made a party or, if an action is pending, shall be a basis for that
13 person's dismissal, but the person's negligence, if any, shall be
14 considered in accordance with section 25-21,185.09.

15 (3) A release, covenant not to sue, or similar agreement entered
16 into by a claimant and one or more persons liable shall not abrogate the
17 joint and several liability of any other person or persons liable upon
18 the same claim.

19 Sec. 2. Original section 25-21,185.11, Reissue Revised Statutes of
20 Nebraska, is repealed.