

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 878

Introduced by Seiler, 33.

Read first time January 14, 2014

Committee:

A BILL

1 FOR AN ACT relating to decedents' estates; to amend section 30-810,
2 Reissue Revised Statutes of Nebraska; to change
3 provisions relating to wrongful death actions; and to
4 repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 30-810, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 30-810 (1) Every such action, as described in section
4 30-809, shall be commenced within two years after the death of such
5 person. It shall be brought by and in the name of the person's
6 personal representative for the exclusive benefit of the widow or
7 widower, ~~and~~ next of kin, and actually dependent persons. The verdict
8 or judgment should be for the amount of damages which the persons in
9 whose behalf the action is brought have sustained. The avails thereof
10 shall be paid to and distributed among the widow or widower, ~~and~~ next
11 of kin, and actually dependent persons in the proportion that the
12 pecuniary loss suffered by each bears to the total pecuniary loss
13 suffered by all such persons. A personal representative shall not
14 compromise or settle a claim for damages hereunder until the court by
15 which he or she was appointed shall first have consented to and
16 approved the terms thereof. The amount so received in settlement or
17 recovered by judgment shall be reported to and, if so ordered, paid
18 into such court for distribution, subject to the order of such court,
19 to the persons entitled thereto after a hearing thereon and after
20 notice of such hearing and of the time and place thereof has been
21 given to all persons interested by publication three successive weeks
22 in a legal newspaper published within the county or, if no legal
23 newspaper is published within the county, then in a legal newspaper
24 published in an adjoining county, except that the court for good
25 cause shown may provide for a different method or time of giving

1 notice and a person, including a guardian ad litem, conservator, or
2 other fiduciary, may waive notice or any other requirement for the
3 mailing or receipt of instruments by a writing signed by him or her
4 and filed in the proceeding. Such amount shall not be subject to any
5 claims against the estate of such decedent. When the amount of such
6 settlement or judgment is ordered to be paid into the court and is
7 five thousand dollars or more, the county court shall forthwith upon
8 such settlement or payment of such judgment place such amount in
9 interest-bearing certificates of deposit or a savings account in a
10 banking institution pending the entry of an order of distribution by
11 the court, and such interest that may accumulate pending the entry of
12 such order shall be distributed in the same proportions as the
13 settlement or judgment. The hearing to approve the terms of the
14 compromise or settlement and the hearing for distribution of the
15 amount so received in settlement or recovered by judgment may be
16 combined into one hearing.

17 (2) For purposes of this section, actually dependent
18 means dependent in fact upon the decedent and refers only to a person
19 who received more than one-half of his or her support from the
20 decedent.

21 Sec. 2. Original section 30-810, Reissue Revised Statutes
22 of Nebraska, is repealed.