

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 890**

Introduced by Brasch, 16.

Read first time January 11, 2016

Committee:

- 1 A BILL FOR AN ACT relating to civil procedure; to amend section
- 2 25-21,274, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to actions involving motor vehicle collisions
- 4 with domestic animals; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 25-21,274, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           25-21,274 (1) In any civil action brought by the owner, operator, or  
4 occupant of a motor vehicle or by his or her personal representative or  
5 assignee or by the owner of the livestock for damages resulting from  
6 collision of a motor vehicle with any domestic animal or animals on a  
7 public highway, the following shall apply:

8           (a) The plaintiff's burden of proving his or her case shall not  
9 shift at any time to the defendant;

10           (b) The fact of escaped livestock is not, without evidence of  
11 specific acts of negligence by the defendant ~~by itself~~, sufficient to  
12 raise an inference of negligence against the defendant; and

13           (c) The standard of care shall be according to principles of  
14 ordinary negligence and shall not be strict or absolute liability.

15           (2) For purposes of this section, highway and motor vehicle have the  
16 same meaning as in section 39-101.

17           Sec. 2. Original section 25-21,274, Reissue Revised Statutes of  
18 Nebraska, is repealed.