

LEGISLATIVE BILL 71

Approved by the Governor March 07, 2019

Introduced by Hansen, M., 26.

A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803, Reissue Revised Statutes of Nebraska; to eliminate a civil cause of action for damages from shoplifting; to harmonize provisions; to repeal the original section; and to outright repeal section 25-21,194, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

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 Original section 25-2803, Reissue Revised Statutes of Nebraska, is repealed.

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 The following section is outright repealed: Section 25-21,194, Reissue Revised Statutes of Nebraska.