

## LEGISLATIVE BILL 741

Approved by the Governor June 3, 1997

Introduced by Landis, 46

AN ACT relating to uninsured and underinsured motorist coverage; to amend section 44-6409, Revised Statutes Supplement, 1996; to change provisions relating to reduction of liability limits; and to repeal the original section.

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

Section 1. Section 44-6409, Revised Statutes Supplement, 1996, is amended to read:

44-6409. (1) The maximum liability of the insurer under the uninsured motorist coverage or the underinsured motorist coverage shall be the amount of damages for bodily injury, sickness, disease, or death sustained by the insured less the amount paid to the insured by or for any person or organization which may be held legally liable for the bodily injury, sickness, disease, or death, but in no event shall the maximum liability of the insurer under either such coverage be more than the limits of the coverage provided.

(2) The limits of liability of uninsured motorist coverage and underinsured motorist coverage shall not be reduced by the amount of benefits paid under any first party medical payments coverage portion of the policy. The uninsured motorist coverage and underinsured motorist coverage shall be excess over, and shall not pay again, any medical expenses already paid under the first party medical payments coverage portion of the policy.

Sec. 2. Original section 44-6409, Revised Statutes Supplement, 1996, is repealed.