

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 423

Introduced by DeBoer, 10.

Read first time January 13, 2023

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to insurance; to amend sections 44-6410 and
2 44-6411, Reissue Revised Statutes of Nebraska; to provide for
3 umbrella and excess insurance coverage to be stacked with uninsured
4 and underinsured motorist coverage; and to repeal the original
5 sections.

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

1 Section 1. Section 44-6410, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-6410 (1) Regardless of the number of vehicles involved, persons
4 covered, claims made, vehicles or premiums shown on the policy, or
5 premiums paid, the limits of liability for uninsured or underinsured
6 motorist coverage for two or more motor vehicles insured under the same
7 policy or separate policies shall not be added together, combined, or
8 stacked to determine the limit of insurance coverage available to an
9 injured person for any one accident except as provided in section 44-6411
10 and subsection (2) of this section.

11 (2) This section shall not apply to any umbrella insurance policy or
12 excess insurance policy. Such policies shall be added together, combined,
13 or stacked to determine the limit of insurance coverage available to an
14 injured person for any one accident.

15 Sec. 2. Section 44-6411, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 44-6411 (1) Except as provided in subsection (2) of this section, in
18 ~~in~~ the event an insured is entitled to uninsured or underinsured motorist
19 coverage under more than one policy of motor vehicle liability insurance,
20 the maximum amount an insured may recover shall not exceed the highest
21 limit of any one such policy.

22 (2) This section shall not apply to any umbrella insurance policy or
23 excess insurance policy. Such policies shall be added together, combined,
24 or stacked to determine the limit of insurance coverage available to an
25 injured person for any one accident.

26 (3) ~~(2)~~ In the event of bodily injury, sickness, disease, or death
27 of an insured while occupying a motor vehicle not owned by the insured,
28 payment shall be made in the following order of priority, subject to the
29 limitations in subsection (1) of this section: (a) The uninsured or
30 underinsured motorist coverage on the occupied motor vehicle is primary;
31 and (b) if such primary coverage is exhausted, other uninsured or

1 underinsured motorist coverage available to the insured is excess.

2 (4) ~~(3)~~ When multiple policies apply, payment shall be made in the
3 following order of priority, subject to the limit of liability for each
4 applicable policy:

5 (a) A policy covering a motor vehicle occupied by the injured person
6 at the time of the accident;

7 (b) A policy covering a motor vehicle which causes bodily injury,
8 sickness, disease, or death of the insured while a pedestrian; and

9 (c) A policy covering a motor vehicle not involved in the accident
10 with respect to which the injured person is an insured.

11 Sec. 3. Original sections 44-6410 and 44-6411, Reissue Revised
12 Statutes of Nebraska, are repealed.