

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 71**

Introduced by Hansen, M., 26.

Read first time January 10, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to shoplifting; to amend section 25-2803,  
2 Reissue Revised Statutes of Nebraska; to eliminate a civil cause of  
3 action for damages from shoplifting; to harmonize provisions; to  
4 repeal the original section; and to outright repeal section  
5 25-21,194, Reissue Revised Statutes of Nebraska.  
6 Be it enacted by the people of the State of Nebraska,

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

3 25-2803 (1) Parties in the Small Claims Court may be individuals,  
4 partnerships, limited liability companies, corporations, unions,  
5 associations, or any other kind of organization or entity.

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

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

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

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

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

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

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29 Nebraska, is repealed.

30 Sec. 3. The following section is outright repealed: Section  
31 25-21,194, Reissue Revised Statutes of Nebraska.