

LEGISLATIVE BILL 560

Approved by the Governor May 9, 1975

Introduced by Banking, Commerce and Insurance Committee,
Murphy, 17, Chmn.; Stoney, 4; Duis, 39;
Wiltse, 1; Hasebrook, 18

AN ACT to amend section 25-1222.01, Revised Statutes Supplement, 1974, relating to civil procedure; to provide that certain payments made to an injured person shall not be an admission of liability; and to repeal the original section. Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-1222.01, Revised Statutes Supplement, 1974, be amended to read as follows:

25-1222.01. No advance payments or partial payment of damages made by an insurance company or other person, firm, trust, or corporation as an accommodation to an injured person or on his behalf to others or to the heirs at law or dependents of a deceased person made under any liability insurance policy, or other voluntary payments made because of an injury, death claim, property loss, or potential claim against any insured or other person, firm, trust, or corporation thereunder shall be construed as an admission of liability by the insured or other person, firm, trust, or corporation, or the insurer's payer's recognition of such liability, with respect to such injured or deceased person or with respect to any other claim arising from the same accident or event. Any such payments shall constitute a credit and be deductible from any final settlement made or judgment rendered with respect to such injured or deceased person. In the event of a trial involving such a claim, the fact that such payments have been made shall not be admissible in evidence or brought to the attention of the jury, and the matter of any credit to be deducted from a judgment shall be determined by the court in a separate hearing or upon the stipulation of the parties.

Sec. 2. That original section 25-1222.01, Revised Statutes Supplement, 1974, is repealed.