



Nebraska's Historic Tort Modernization Effort!

The 2025 State Top Industry Issues Report for Nebraska, published by the American Transportation Research Institute (ATRI), ranks lawsuit abuse reform as the second most critical issue, closely followed by insurance cost and availability in third. These challenges are deeply connected, as rising litigation risks drive up costs for Nebraska motor carriers, businesses, and consumers. Even in Nebraska there is growing appetite for excessive damage awards. The costs associated with those awards are being born by all Nebraskans in the form of higher prices on everything we buy, as well as higher insurance costs.

Key Issues Identified



Unreasonable Non-Economic Damage Awards – Unlike medical malpractice cases, there is no cap on non-economic damages in lawsuits against the transportation industry, making trucking companies vulnerable to excessive verdicts.



Manipulative Litigation Tactics – Plaintiffs' attorneys increasingly exploit juror biases by targeting business practices unrelated to the accident, shifting focus from fair compensation to punitive financial penalties.



Third-Party Litigation Financing – Investors fund lawsuits in exchange for a portion of settlements, turning legal claims into profit-driven ventures rather than a means of compensating victims.



Inflated Medical Expenses – Some physicians overstate medical costs to maximize settlements, distorting fair damage assessments.



Extended Statute of Limitations – Nebraska's four-year statute for personal injury claims is longer than in 45 other states, creating prolonged legal uncertainty.



Seat Belt Accountability – Under Nebraska's "seat belt gag rule," plaintiffs' damages can only be reduced by 5% for failing to wear a seat belt, limiting accountability for personal safety decisions.

2025 TOP ISSUES NEBRASKA

1	Economy
2	Lawsuit Abuse Reform
3	Insurance Cost / Availability
4	English Language Proficiency (ELP) for Drivers
5	Cargo Theft
6	Artificial Intelligence (AI) in Trucking
7	Truck Parking
8	Compliance, Safety, Accountability (CSA)
9	Driver Retention
10	Driver Distraction

Source: ATRI



Legislative Solutions

The Nebraska Trucking Association (NTA) and its coalition partners have worked proactively with state legislators to introduce four bills addressing these concerns which have now been amended into LB1100:

LB205 (NOW LB1100)

Sets standards for admissible medical expense evidence and implements \$5-million cap on non-economic damages in CMV-related lawsuits with future automatic inflation-based increases.

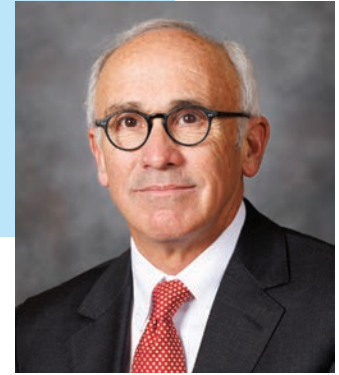


Introduced by:

Sen. Carolyn Bosn, Dist. 25
Room 1103
(402) 471-2731
cbosn@leg.ne.gov

LB199 (NOW LB1100)

Reduces the statute of limitations for personal injury claims to three years and mandates disclosure of litigation financing when requested.



Introduced by:

Sen. Tony Sorrentino, Dist. 39
Room 1522
(402) 471-2885
tsorrentino@leg.ne.gov

LB132 (NOW LB1100)

Repeals the seat belt gag rule, allowing proper consideration of seat belt use in negligence cases, limited to no more than a 25% reduction in claims.



Introduced by:

Sen. Kathleen Kauth, Dist. 31
Room 2010
(402) 471-2327
kkauth@leg.ne.gov

LB79 (DEFERRED FOR LATER CONSIDERATION)

Simplifies trials by prohibiting duplicative claims of direct negligence if a company accepts responsibility for its driver.



Introduced by:

Sen. Bob Hallstrom, Dist. 01
Room 1404
(402) 471-2733
bhallstrom@leg.ne.gov

LB1100 includes an amended version of LB340*, introduced by Sen. Hallstrom. Named "The Asbestos Trust Claims Transparency Act and the Asbestos Claims Priorities and Over-naming Reform Act," nothing in this legislation prevents a plaintiff from pursuing and obtaining the payment they deserve for asbestos-related injuries they suffer. Nothing in this bill shields a guilty party from liability or prevents a plaintiff from recovering the full extent of the damage they have suffered.

This legislation will help level the playing field for those businesses being sued who are not directly liable for the plaintiff's injuries.

In addition, LB1100 includes an amended version of LB831* which provides that in an ethylene exposure action against a health care business, a plaintiff shall prove several items by clear and convincing evidence, including that the conduct was not in substantial compliance with relevant federal laws and regulations and that such conduct amounted to gross negligence

or willful misconduct. LB 831 also requires a plaintiff to plead with particularity each element of the plaintiff's claim and each alleged act or omission constituting gross negligence or willful misconduct.

**LB340 and LB831 are not part of the legislative initiative by the NTA during the current legislative session.*