

LEGISLATIVE BILL 781

Approved by the Governor May 21, 2001

Introduced by Wehrbein, 2; Jones, 43; Kremer, 34; Burling, 33

AN ACT relating to livestock; to provide principles for application in civil actions relating to collisions between a motor vehicle and an animal as prescribed.

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

Section 1. (1) In any civil action brought by the owner, operator, or occupant of a motor vehicle or by his or her personal representative or assignee or by the owner of the livestock for damages resulting from collision of a motor vehicle with any domestic animal or animals on a public highway, the following shall apply:

(a) The plaintiff's burden of proving his or her case shall not shift at any time to the defendant;

(b) The fact of escaped livestock is not, by itself, sufficient to raise an inference of negligence against the defendant; and

(c) The standard of care shall be according to principles of ordinary negligence and shall not be strict or absolute liability.

(2) For purposes of this section, highway and motor vehicle have the same meaning as in section 39-101.