

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1128

Introduced by Vargas, 7.

Read first time January 22, 2020

Committee:

- 1 A BILL FOR AN ACT relating to workers' compensation; to amend section
- 2 48-148, Reissue Revised Statutes of Nebraska; to provide an
- 3 exception for a claim based on bad faith; to provide a limitation of
- 4 action; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-148, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-148 (1) If any employee, or his or her dependents in case of
4 death, of any employer subject to the Nebraska Workers' Compensation Act
5 files any claim with, or accepts any payment from such employer, or from
6 any insurance company carrying such risk, on account of personal injury,
7 or makes any agreement, or submits any question to the Nebraska Workers'
8 Compensation Court under such act, such action shall constitute a release
9 to such employer of all claims or demands at law, if any, arising from
10 such injury.

11 (2) This section does not apply to a claim against a workers'
12 compensation insurer or its agents for bad faith denial of workers'
13 compensation benefits. An injured employee has a claim for bad faith
14 denial of workers' compensation benefits if the insurer or its agent
15 denied benefits or authorization of benefits without a reasonable basis
16 at the time of the denial, and the insurer or its agent knew or should
17 have known there was no reasonable basis for denial, or if the insurer
18 engages in any acts or practices described in subsection (2) of section
19 48-146.02.

20 (3) Any claim of bad faith denial of workers' compensation benefits
21 pursuant to subsection (2) of this section may be brought in a civil
22 action in any court of competent jurisdiction within five years after the
23 cause of action accrues.

24 Sec. 2. Original section 48-148, Reissue Revised Statutes of
25 Nebraska, is repealed.