
ASSEMBLY BILL NO. 119—COMMITTEE ON JUDICIARY

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning waiver of sovereign immunity. (BDR 3-514)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to sovereign immunity; removing the limitation on certain damages that may be awarded to a person in a tort action against the State of Nevada or any of its political subdivisions for an act or omission of certain officers or employees thereof or of an immune contractor or state legislator; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 41.035 is hereby amended to read as follows:
2 41.035 1. An award for damages in an action sounding in tort
3 brought under NRS 41.031 or against a present or former officer or
4 employee of the state or any political subdivision, immune contractor or
5 state legislator arising out of an act or omission within the scope of his
6 public duties or employment may not ~~[exceed the sum of \$50,000,~~
7 ~~exclusive of interest computed from the date of judgment, to or for the~~
8 ~~benefit of any claimant. An award may not]~~ include any amount as
9 exemplary or punitive damages.
10 2. The limitations of subsection 1 upon the ~~[amount and]~~ nature of
11 damages which may be awarded apply also to any action sounding in tort
12 and arising from any recreational activity or recreational use of land or
13 water which is brought against:
14 (a) Any public or quasi-municipal corporation organized under the laws
15 of this state.
16 (b) Any person with respect to any land or water leased or otherwise
17 made available by that person to any public agency.

1 (c) Any Indian tribe, band or community whether or not a fee is charged
2 for such activity or use. The provisions of this paragraph do not impair or
3 modify any immunity from liability or action existing on February 26,
4 1968, or arising after February 26, 1968, in favor of any Indian tribe, band
5 or community.

6 The legislature declares that the purpose of this subsection is to effectuate
7 the public policy of the State of Nevada by encouraging the recreational
8 use of land, lakes, reservoirs and other water owned or controlled by any
9 public or quasi-municipal agency or corporation of this state, wherever
10 such land or water may be situated.

11 **Sec. 2.** NRS 396.433 is hereby amended to read as follows:

12 396.433 1. The board of regents may budget for and purchase
13 fidelity insurance and insurance against:

14 (a) Any liability arising under NRS 41.031.

15 (b) Tort liability on the part of any of its employees resulting from an
16 act or omission in the scope of his employment.

17 (c) The expense of defending a claim against itself whether or not
18 liability exists on such claim.

19 2. Such insurance ~~{shall be limited in amount according to the~~
20 ~~limitation of liability imposed by NRS 41.035 and shall}~~ **must** be
21 purchased from companies authorized to do business in the State of
22 Nevada.

23 3. Each contract of insurance shall be free of any condition of
24 contingent liability and shall contain a clause which provides that no
25 assessment may be levied against the insured over and above the premium
26 fixed by such contract.

27 **Sec. 3.** The amendatory provisions of section 1 of this act do not
28 apply to an action filed before October 1, 1999.