
ASSEMBLY BILL NO. 119—COMMITTEE ON JUDICIARY

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Directs Legislative Commission to conduct interim study concerning statutory limitation on damages that may be awarded to person in tort action against State of Nevada, its political subdivisions or certain other persons. (BDR S-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; directing the Legislative Commission to conduct an interim study concerning the statutory limitation on damages that may be awarded to a person in a tort action against the State of Nevada, its political subdivisions or certain other persons; and providing other matters properly relating thereto.

- 1 WHEREAS, The State of Nevada, by waiving its sovereign immunity,
2 allows monetary damages to be awarded to a person in a tort action against
3 the State of Nevada or any of its political subdivisions, or a present or
4 former officer or employee of the State of Nevada or any political
5 subdivision, or an immune contractor or state legislator arising out of an
6 act or omission within the scope of his public duties or employment; and
7 WHEREAS, The current statutory limit on the amount of damages that
8 may be awarded to a plaintiff in such a tort action has not been increased
9 since 1979; and
10 WHEREAS, Persons injured in this state may not be adequately
11 compensated for injuries caused to them by the State of Nevada or its
12 political subdivisions because of the current limitation on damages; and
13 WHEREAS, Before changing the statutory limit on the amount of
14 damages that may be awarded in such cases, it is also necessary to consider
15 the fiscal impact on the State of Nevada and its political subdivisions; now,
16 therefore,

1 THE PEOPLE OF THE STATE OF NEVADA,
2 REPRESENTED IN SENATE AND ASSEMBLY, DO
3 ENACT AS FOLLOWS:
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5 **Section 1.** 1. The Legislative Commission shall appoint a
6 subcommittee to conduct an interim study concerning the statutory
7 limitation on damages that may be awarded to a person in a tort action
8 against the State of Nevada or any of its political subdivisions, or a present
9 or former officer or employee of this state or any political subdivision, or
10 an immune contractor or state legislator arising out of an act or omission
11 within the scope of his public duties or employment.

12 2. In addition to legislators, the Legislative Commission shall appoint
13 an advisory committee to assist the subcommittee. The advisory committee
14 must include, without limitation:

- 15 (a) One representative from the Office of the Attorney General;
- 16 (b) One representative from the Division of Insurance of the
17 Department of Business and Industry;
- 18 (c) One representative from the League of Cities;
- 19 (d) One representative from the League of Counties;
- 20 (e) One representative from the Nevada Association of Counties;
- 21 (f) One representative from the Nevada Trial Lawyers' Association;
- 22 (g) One resident of Clark County;
- 23 (h) One resident of Washoe County; and
- 24 (i) One resident of a rural county of this state.

25 3. The study must include, without limitation, an analysis of whether it
26 is appropriate to change the current statutory limitation on damages set
27 forth in NRS 41.035 with consideration to the potential effects of changing
28 the limitation, including, without limitation, the potential fiscal impact of
29 any such change and the potential effect that such a change would have on
30 injured plaintiffs.

31 4. Any recommended legislation proposed by the subcommittee must
32 be approved by a majority of the members of the Senate and a majority of
33 the members of the Assembly appointed to the subcommittee.

34 5. The Legislative Commission shall submit a report of the results of
35 the study and any recommendations for legislation to the 71st session of
36 the Nevada Legislature.

37 **Sec. 2.** This act becomes effective upon passage and approval.