
SENATE BILL NO. 17—COMMITTEE ON JUDICIARY

PREFILED JANUARY 18, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing limitations on civil actions pertaining to certain public improvements. (BDR 2-166)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to the limitation of actions; revising the period in which a person may bring a civil action pertaining to certain public improvements; 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.** Chapter 11 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2 and NRS 11.202 and***
4 ***11.203, no action may be commenced against the owner, developer, local***
5 ***government or a person performing or furnishing the design, planning,***
6 ***supervision, construction or observation of construction of a street,***
7 ***sidewalk, curb, gutter, sewer or other public improvement that is required***
8 ***to be built as a prerequisite to subdividing land more than 3 years after***
9 ***the substantial completion of the improvement for:***
10 ***(a) A latent or patent deficiency in the design, planning, supervision,***
11 ***construction or observation of construction of such an improvement;***
12 ***(b) Injury to real or personal property caused by such a deficiency; or***
13 ***(c) Injury to or the wrongful death of a person caused by such a***
14 ***deficiency.***
15 ***2. Notwithstanding the provisions of subsection 1 and NRS 11.190,***
16 ***where injury occurs in the third year after the substantial completion of***
17 ***such an improvement, an action for damages for injury to property or***
18 ***person, for a wrongful death that results from such an injury or for***

1 *breach of contract may be commenced within 3 years after the date of the*
2 *injury.*

3 **3. For the purposes of this section:**

4 (a) *“Latent deficiency” means a deficiency which is not apparent by*
5 *reasonable inspection.*

6 (b) *“Patent deficiency” means a deficiency which is apparent by*
7 *reasonable inspection.*

8 **Sec. 2.** NRS 11.204 is hereby amended to read as follows:

9 11.204 1. Except as otherwise provided in **subsection 3 and** NRS
10 11.202 and 11.203, no action may be commenced against the owner,
11 occupier or any person performing or furnishing the design, planning,
12 supervision or observation of construction, or the construction, of an
13 improvement to real property more than 8 years after the substantial
14 completion of such an improvement, for the recovery of damages for:

15 (a) Any latent deficiency in the design, planning, supervision or
16 observation of construction or the construction of such an improvement;

17 (b) Injury to real or personal property caused by any such deficiency; or

18 (c) Injury to or the wrongful death of a person caused by any such
19 deficiency.

20 2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of
21 this section, where injury occurs in the eighth year after the substantial
22 completion of such an improvement, an action for damages for injury to
23 property or person, damages for wrongful death resulting from such injury
24 or damages for breach of contract may be commenced within 2 years after
25 the date of such injury, irrespective of the date of death, but in no event may
26 an action be commenced more than 10 years after the substantial completion
27 of the improvement.

28 **3. This section does not apply to the design, planning, supervision,**
29 **construction or observation of construction of a street, sidewalk, curb,**
30 **gutter, sewer or other public improvement that is required to be built as a**
31 **prerequisite to subdividing land.**

32 **4.** For the purposes of this section, “latent deficiency” means a
33 deficiency which is not apparent by reasonable inspection.

34 **Sec. 3.** NRS 11.205 is hereby amended to read as follows:

35 11.205 1. Except as otherwise provided in **subsection 3 and** NRS
36 11.202 and 11.203, no action may be commenced against the owner,
37 occupier or any person performing or furnishing the design, planning,
38 supervision or observation of construction, or the construction of an
39 improvement to real property more than 6 years after the substantial
40 completion of such an improvement, for the recovery of damages for:

41 (a) Any patent deficiency in the design, planning, supervision or
42 observation of construction or the construction of such an improvement;

43 (b) Injury to real or personal property caused by any such deficiency; or

1 (c) Injury to or the wrongful death of a person caused by any such
2 deficiency.

3 2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of
4 this section, where injury occurs in the sixth year after the substantial
5 completion of such an improvement, an action for damages for injury to
6 property or person, damages for wrongful death resulting from such injury
7 or damages for breach of contract may be commenced within 2 years after
8 the date of such injury, irrespective of the date of death, but in no event may
9 an action be commenced more than 8 years after the substantial completion
10 of the improvement.

11 3. ***This section does not apply to the design, planning, supervision,***
12 ***construction or observation of construction of a street, sidewalk, curb,***
13 ***gutter, sewer or other public improvement that is required to be built as a***
14 ***prerequisite to subdividing land.***

15 4. For the purposes of this section, "patent deficiency" means a
16 deficiency which is apparent by reasonable inspection.

17 **Sec. 4.** NRS 11.206 is hereby amended to read as follows:

18 11.206 The limitations respectively prescribed by NRS 11.203, 11.204
19 and 11.205 ***and section 1 of this act*** are not a defense in an action brought
20 against:

21 1. The owner or keeper of any hotel, inn, motel, motor court,
22 boardinghouse or lodginghouse in this state on account of his liability as an
23 innkeeper.

24 2. Any person on account of a defect in a product.

25 **Sec. 5.** 1. Except as otherwise provided in subsection 2, the period of
26 limitation on actions set forth in section 1 of this act applies retroactively to
27 actions in which the substantial completion of the improvement to the real
28 property occurred before October 1, 1999.

29 2. The provisions of subsection 1 do not limit an action:

30 (a) That accrued before October 1, 1999, and was commenced before
31 October 1, 2000; or

32 (b) If so doing would constitute an impairment of the obligation of
33 contracts under the Constitution of the United States or the constitution of
34 the State of Nevada.