

EMERGENCY REQUEST OF SPEAKER OF THE ASSEMBLY

ASSEMBLY BILL NO. 667—ASSEMBLYMEN KOIVISTO, MCCLAIN,
CARPENTER, ANDERSON, OCEGUERA, BERMAN AND NOLAN

MAY 22, 2001

Referred to Select Committee on Health and Legal Issues

SUMMARY—Revives for limited time certain causes of action based on effects of silicone gel injected into body. (BDR 2-1559)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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

AN ACT relating to statutes of limitation; reviving for a limited time certain causes of action based on the effects of silicone gel injected into the body; 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, a cause of action*
4 *based upon personal injury or death caused by the effects of silicone gel*
5 *injected into the body that was barred as of July 1, 2001, solely because*
6 *the applicable period of limitation expired, is hereby revived and an*
7 *action thereon may be commenced not later than July 1, 2003. A court*
8 *may not, based upon any period of limitations, dismiss an action on a*
9 *cause of action described in this subsection if the action is commenced*
10 *not later than July 1, 2003.*

11 *2. The provisions of subsection 1 do not apply to an action:*

12 *(a) For medical malpractice; or*

13 *(b) Against this state, a political subdivision of this state or an agency*
14 *thereof.*

15 **Sec. 2.** NRS 11.190 is hereby amended to read as follows:

16 11.190 Except as otherwise provided in NRS 125B.050 and 217.007,
17 *and section 1 of this act*, actions other than those for the recovery of real
18 property, unless further limited by specific statute, may only be
19 commenced as follows:



* A B 6 6 7 *

- 1 1. Within 6 years:
 - 2 (a) An action upon a judgment or decree of any court of the United
 - 3 States, or of any state or territory within the United States, or the renewal
 - 4 thereof.
 - 5 (b) An action upon a contract, obligation or liability founded upon an
 - 6 instrument in writing, except those mentioned in the preceding sections of
 - 7 this chapter.
- 8 2. Within 4 years:
 - 9 (a) An action on an open account for goods, wares and merchandise
 - 10 sold and delivered.
 - 11 (b) An action for any article charged on an account in a store.
 - 12 (c) An action upon a contract, obligation or liability not founded upon
 - 13 an instrument in writing.
- 14 3. Within 3 years:
 - 15 (a) An action upon a liability created by statute, other than a penalty or
 - 16 forfeiture.
 - 17 (b) An action for waste or trespass of real property, but when the waste
 - 18 or trespass is committed by means of underground works upon any mining
 - 19 claim, the cause of action shall be deemed to accrue upon the discovery by
 - 20 the aggrieved party of the facts constituting the waste or trespass.
 - 21 (c) An action for taking, detaining or injuring personal property,
 - 22 including actions for specific recovery thereof, but in all cases where the
 - 23 subject of the action is a domestic animal usually included in the term
 - 24 "livestock," which has a recorded mark or brand upon it at the time of its
 - 25 loss, and which strays or is stolen from the true owner without his fault, the
 - 26 statute does not begin to run against an action for the recovery of the
 - 27 animal until the owner has actual knowledge of such facts as would put a
 - 28 reasonable person upon inquiry as to the possession thereof by the
 - 29 defendant.
 - 30 (d) Except as otherwise provided in NRS 112.230 and 166.170, an
 - 31 action for relief on the ground of fraud or mistake, but the cause of action
 - 32 in such a case shall be deemed to accrue upon the discovery by the
 - 33 aggrieved party of the facts constituting the fraud or mistake.
 - 34 (e) An action pursuant to NRS 40.750 for damages sustained by a
 - 35 financial institution because of its reliance on certain fraudulent conduct of
 - 36 a borrower, but the cause of action in such a case shall be deemed to accrue
 - 37 upon the discovery by the financial institution of the facts constituting the
 - 38 concealment or false statement.
- 39 4. Within 2 years:
 - 40 (a) An action against a sheriff, coroner or constable upon liability
 - 41 incurred by acting in his official capacity and in virtue of his office, or by
 - 42 the omission of an official duty, including the nonpayment of money
 - 43 collected upon an execution.
 - 44 (b) An action upon a statute for a penalty or forfeiture, where the action
 - 45 is given to a person or the state, or both, except when the statute imposing
 - 46 it prescribes a different limitation.
 - 47 (c) An action for libel, slander, assault, battery, false imprisonment or
 - 48 seduction.



1 (d) An action against a sheriff or other officer for the escape of a
2 prisoner arrested or imprisoned on civil process.

3 (e) Except as otherwise provided in NRS 11.215, an action to recover
4 damages for injuries to a person or for the death of a person caused by the
5 wrongful act or neglect of another. The provisions of this paragraph
6 relating to an action to recover damages for injuries to a person apply only
7 to causes of action which accrue after March 20, 1951.

8 5. Within 1 year:

9 (a) An action against an officer, or officer de facto to recover goods,
10 wares, merchandise or other property seized by the officer in his official
11 capacity, as tax collector, or to recover the price or value of goods, wares,
12 merchandise or other personal property so seized, or for damages for the
13 seizure, detention or sale of, or injury to, goods, wares, merchandise or
14 other personal property seized, or for damages done to any person or
15 property in making the seizure.

16 (b) An action against an officer, or officer de facto for money paid to
17 the officer under protest, or seized by the officer in his official capacity, as
18 a collector of taxes, and which, it is claimed, ought to be refunded.

19 **Sec. 3.** This act becomes effective on July 1, 2001.

