

SENATE BILL NO. 218—SENATOR O’CONNELL (BY REQUEST)

FEBRUARY 20, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes changes concerning certain professions. (BDR 54-76)

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

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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 professions; requiring the satisfactory completion of a course of instruction in ethics by certain applicants for licensure as professional engineers and land surveyors; establishing a screening panel to review certain claims against architects, professional engineers, professional land surveyors and registered interior designers; 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 625.183 is hereby amended to read as follows:
2 625.183 1. A person who:
3 (a) Is 21 years of age or older; and
4 (b) Is a citizen of the United States or is lawfully entitled to remain and
5 work in the United States,
6 may apply to the board, in accordance with the provisions of this chapter
7 and any regulations adopted by the board, for licensure as a professional
8 engineer.
9 2. An applicant for licensure as a professional engineer must:
10 (a) Be of good character and reputation; and
11 (b) Pass the examination on the:
12 (1) Fundamentals of engineering or receive a waiver of that
13 requirement; and
14 (2) Principles and practices of engineering,
15 pursuant to NRS 625.193.
16 3. An applicant for licensure as a professional engineer may not take
17 the examination on the principles and practices of engineering, unless
18 ~~he~~ **he** :
19 **(a) He** is a graduate of an engineering curriculum of 4 years or more
20 that is approved by the board ;
21 **(b) He has successfully completed:**



- 1 (1) *Three semester units, or an equivalent number of quarter units,*
2 *in a course of instruction in the ethics of professional engineering*
3 *offered by a university or community college that is part of the University*
4 *and Community College System of Nevada or offered by any other*
5 *accredited university or community college; or*
6 (2) *An equivalent course or seminar of instruction in the ethics of*
7 *professional engineering that is approved by the board; and*
8 (c) *He* has a record of 4 years or more of active experience in
9 engineering that is satisfactory to the board and indicates that he is
10 competent to be placed in responsible charge of engineering work.
11 4. To determine whether an applicant for licensure as a professional
12 engineer has an adequate record of active experience pursuant to
13 subsection 3:
14 (a) Two of the 4 years of active experience must have been completed
15 by working under the direct supervision of a professional engineer who is
16 licensed in the discipline in which the applicant is applying for licensure,
17 unless that requirement is waived by the board.
18 (b) The execution, as a contractor, of work designed by a professional
19 engineer or the supervision of the construction of that work as a foreman or
20 superintendent, is not equivalent to active experience in engineering.
21 5. A person who is not working in the field of engineering when he
22 applies for licensure is eligible for licensure as a professional engineer if he
23 complies with the requirements for licensure prescribed in this chapter.
24 **Sec. 2.** NRS 625.270 is hereby amended to read as follows:
25 625.270 1. A person who:
26 (a) Is 21 years of age or older; and
27 (b) Is a citizen of the United States or is lawfully entitled to remain and
28 work in the United States,
29 may apply to the board, in accordance with the provisions of this chapter
30 and any regulations adopted by the board, for licensure as a professional
31 land surveyor.
32 2. An applicant for licensure as a professional land surveyor must:
33 (a) Be of good character and reputation; and
34 (b) Pass the examination on the:
35 (1) Fundamentals of land surveying or receive a waiver of that
36 requirement; and
37 (2) Principles and practices of land surveying,
38 pursuant to NRS 625.280.
39 3. An applicant for licensure as a professional land surveyor may not
40 take the examination on the principles and practices of land surveying,
41 unless ~~he~~ **he** :
42 (a) *He* is a graduate of a land-surveying curriculum of 4 years or more
43 that is approved by the board ;
44 (b) *He has successfully completed:*
45 (1) *Three semester units, or an equivalent number of quarter units,*
46 *in a course of instruction in the ethics of professional land surveying*
47 *offered by a university or community college that is part of the University*
48 *and Community College System of Nevada or offered by any other*
49 *accredited university or community college; or*



1 (2) *An equivalent course or seminar of instruction in the ethics of*
2 *professional land surveying that is approved by the board;* and

3 (c) *He* has a record of 4 years or more of active experience in land
4 surveying that is satisfactory to the board and indicates that he is competent
5 to be placed in responsible charge of land-surveying work.

6 4. To determine whether an applicant for licensure as a professional
7 land surveyor has an adequate record of active experience pursuant to
8 subsection 3:

9 (a) Two of the 4 years of active experience must have been completed
10 by working under the direct supervision of a professional land surveyor,
11 unless that requirement is waived by the board.

12 (b) The execution, as a contractor, of work designed by a professional
13 land surveyor, or the supervision of the construction of that work as a
14 foreman or superintendent, is not equivalent to active experience in land
15 surveying.

16 5. A person who is not working in the field of land surveying when he
17 applies for licensure is eligible for licensure as a professional land surveyor
18 if he complies with the requirements for licensure prescribed in this
19 chapter.

20 Sec. 3. Title 3 of NRS is hereby amended by adding thereto a new
21 chapter to consist of the provisions set forth as sections 4 to 30, inclusive,
22 of this act.

23 Sec. 4. *As used in this chapter, unless the context otherwise*
24 *requires, the words and terms defined in sections 5 to 14, inclusive, of*
25 *this act have the meanings ascribed to them in those sections.*

26 Sec. 5. *“Architect” has the meaning ascribed to it in NRS 623.017.*

27 Sec. 6. *“Claim” means any action for damages arising from errors*
28 *or omissions or for the alleged malpractice in the professional practice of*
29 *a design professional.*

30 Sec. 7. *“Damage” includes any loss resulting from the professional*
31 *negligence of a design professional. The term does not include a*
32 *constructional defect, as that term is defined in NRS 40.615.*

33 Sec. 8. *“Design professional” includes:*

- 34 1. *A professional engineer;*
35 2. *A professional land surveyor;*
36 3. *An architect;*
37 4. *A registered interior designer; and*
38 5. *A corporation, company, limited-liability company, partnership,*
39 *firm or other employer of a professional engineer, professional land*
40 *surveyor, architect or registered interior designer.*

41 Sec. 9. *“Division” means the division of insurance of the*
42 *department of business and industry.*

43 Sec. 10. *“Engineering, surveying and design records” means written*
44 *reports, notes, orders, photographs, plans or other written records*
45 *received or produced by a design professional, that contain information*
46 *relating to the engineering, surveying or design project that is the subject*
47 *of a claim.*



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1 **Sec. 11.** *“Malpractice” means the failure of a design professional, in*
2 *rendering services, to use the reasonable care, skill or knowledge*
3 *ordinarily used under similar circumstances.*

4 **Sec. 12.** *“Professional engineer” has the meaning ascribed to it in*
5 *NRS 625.060.*

6 **Sec. 13.** *“Professional land surveyor” has the meaning ascribed to it*
7 *in NRS 625.070.*

8 **Sec. 14.** *“Registered interior designer” has the meaning ascribed to*
9 *it in NRS 623.026.*

10 **Sec. 15.** 1. *No action involving a claim may be filed until the claim*
11 *has been submitted to a screening panel and a determination made by the*
12 *panel as provided in this chapter.*

13 2. *Any action involving a claim that is filed without satisfying the*
14 *requirements of this chapter is subject to dismissal without prejudice for*
15 *failure to comply with this section.*

16 3. *The written findings of the screening panel are admissible in any*
17 *action concerning a claim that is subsequently filed in district court. No*
18 *other evidence concerning the screening panel or its deliberations is*
19 *admissible, and no member of the screening panel may be called to testify*
20 *in such an action.*

21 **Sec. 16.** *There is hereby created a tentative screening panel from*
22 *which a screening panel must be selected to hear a claim.*

23 **Sec. 17.** 1. *The board of governors of the Nevada Trial Lawyers*
24 *Association may designate 40 of its members to serve on the tentative*
25 *screening panel. Each person so designated shall serve for a term of 1*
26 *year.*

27 2. *The state board of architecture, interior design and residential*
28 *design may designate 40 of its members to serve on the tentative*
29 *screening panel. Each person so designated shall serve for a term of 1*
30 *year. The number of members designated by the board must include an*
31 *equal number of members who are architects and registered interior*
32 *designers.*

33 3. *The state board of professional engineers and land surveyors may*
34 *designate 40 of its members to serve on the tentative screening panel.*
35 *Each person so designated shall serve for a term of 1 year. The number*
36 *of members designated by the board must include an equal number of*
37 *members who are professional engineers and professional land*
38 *surveyors.*

39 **Sec. 18.** 1. *The commissioner of insurance shall arrange for*
40 *courses of instruction in the rules of procedure and substantive law*
41 *appropriate for members of the tentative screening panel.*

42 2. *A person who has been designated to serve on the tentative*
43 *screening panel must attend the instruction provided pursuant to*
44 *subsection 1 before serving on a screening panel.*

45 **Sec. 19.** 1. *The members of a screening panel shall elect one*
46 *member to serve as chairman.*

47 2. *A screening panel is a state agency.*

48 3. *The rules adopted pursuant to section 20 of this act apply to all*
49 *screening panels.*



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- 1 4. *The provisions of chapter 241 of NRS do not apply to a meeting of*
2 *a screening panel.*
- 3 **Sec. 20.** *The division, through the commissioner of insurance:*
4 1. *Shall maintain a list that identifies the name and profession of the*
5 *attorneys and design professionals designated as qualified to serve on the*
6 *tentative screening panel;*
7 2. *Shall select the members of screening panels;*
8 3. *Shall schedule hearings for the panels;*
9 4. *Shall obtain, before or after the filing of a complaint, such*
10 *engineering, surveying and design records, statements of policy and*
11 *procedure, and other materials as may be required by the parties or the*
12 *screening panel in connection with the claim;*
13 5. *Shall charge and collect a reasonable fee for copying materials*
14 *produced under subpoena;*
15 6. *May, for good cause shown, authorize a continuance for the*
16 *proceedings involving a screening panel; and*
17 7. *May adopt rules of practice and procedure to carry out its duties*
18 *as set forth in this chapter.*
- 19 **Sec. 21.** *Any money received by the division pursuant to the*
20 *provisions of this chapter must be deposited with the state treasurer for*
21 *credit to the account for the division of insurance in the state general*
22 *fund. The administrative costs of the screening panels must be paid from*
23 *the account.*
- 24 **Sec. 22.** 1. *A claim is properly presented to a screening panel by*
25 *filing a complaint with the division. A fee of \$350 must accompany the*
26 *complaint.*
27 2. *The complaint must contain a clear and concise statement of the*
28 *facts of the case, showing the persons involved and the dates and*
29 *circumstances, so far as they are known, of the alleged errors, omissions*
30 *or malpractice that is the basis for the claim. The screening panel may*
31 *dismiss the complaint if the complaint is filed without an affidavit*
32 *supporting the allegations of the complaint submitted by an expert in*
33 *engineering, land-surveying or design.*
34 3. *The person against whom the complaint is made must, within 90*
35 *days after receipt of the complaint, file an answer with the division,*
36 *accompanied by a fee of \$350. The division may authorize an extension*
37 *of the time in which an answer must be filed only if all parties to the*
38 *action stipulate to the extension.*
39 4. *If an answer is not timely filed with the division, the respondent*
40 *who failed to file may not participate in any conference held pursuant to*
41 *section 23 of this act.*
42 5. *The claimant may respond only to the allegations of the answer or*
43 *any accompanying affidavit by filing a written response with the division*
44 *within 30 days after he receives the answer. The screening panel shall*
45 *disregard any portion of a response that does not address an allegation*
46 *raised in the answer or any affidavit accompanying the answer. No fee*
47 *may be charged or collected by the division for the filing of the response.*
48 *The division may authorize an extension of the time in which a response*
49 *may be filed only if all parties to the action stipulate to the extension.*



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1 6. Unless otherwise stipulated to by all the parties to the action, the
2 division shall not accept an answer or response that is not timely filed.

3 7. A copy of any pleading required by this section to be filed with the
4 division must be delivered by the party, by certified or registered mail or
5 by personal service, to each opposing party or, if he is represented in the
6 proceedings by counsel, to his attorney.

7 8. The fees required by this section must not be charged or collected
8 more than once:

9 (a) From any party; or

10 (b) For the filing of a complaint, regardless of the number of parties
11 joined in the complaint.

12 9. If a person fails to pay a fee required by this section, the
13 commissioner of insurance may refer the nonpayment to the office of the
14 attorney general for collection of the fee and any costs incurred.

15 **Sec. 23.** 1. Within 35 days after the expiration of the time in which
16 to answer the complaint filed pursuant to section 22 of this act, the
17 division shall hold a conference to resolve any issues as to challenges for
18 cause. For good cause shown, the division may continue the conference
19 once, for a period not to exceed 7 days. A party may challenge any person
20 on the tentative screening panel for cause on any of the grounds
21 provided by NRS 16.050 for the challenge of jurors.

22 2. The division shall determine whether cause exists to excuse a
23 member of the tentative screening panel and shall notify each party of
24 the excused members not later than the completion of the conference
25 required by subsection 1.

26 3. Except as otherwise provided in this subsection, each party is
27 entitled to not more than:

28 (a) Three peremptory challenges from the list of attorneys;

29 (b) Three peremptory challenges from the list of architects selected for
30 the tentative screening panel, if the respondent is an architect;

31 (c) Three peremptory challenges from the list of professional
32 engineers selected for the tentative screening panel, if the respondent is a
33 professional engineer;

34 (d) Three peremptory challenges from the list of professional land
35 surveyors selected for the tentative screening panel, if the respondent is a
36 professional land surveyor; and

37 (e) Three peremptory challenges from the list of registered interior
38 designers selected for the tentative screening panel, if the respondent is a
39 registered interior designer.

40 If there are two or more claimants or respondents, they are collectively
41 entitled to not more than six peremptory challenges from the list of
42 members selected for the tentative screening panel. Each party asserting
43 a peremptory challenge shall notify the division of the challenge at the
44 conference required by subsection 1. If the same attorney represents
45 several parties, those parties shall be deemed to be one party for
46 determining the distribution of peremptory challenges.

47 4. To select a screening panel for review of a claim, the division shall
48 randomly select from the list of members selected for the tentative



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1 screening panel who have not been excused for cause or by a peremptory
2 challenge, the names of:

3 (a) Three architects, professional engineers, professional land
4 surveyors or registered interior designers; and

5 (b) Two attorneys.

6 5. The division shall notify the parties and the members of the
7 tentative screening panel selected to serve on the screening panel
8 immediately after it has made the selections. If any member so selected
9 declines to serve, the division shall immediately and randomly select a
10 replacement from the list. The division shall not release or disclose to any
11 person the names of the persons selected.

12 6. If, because of the exercise of challenges for cause or peremptory
13 challenges or any other reason, fewer than three architects, professional
14 engineers, professional land surveyors or registered interior designers or
15 fewer than two attorneys remain available to serve on the screening
16 panel, the division shall immediately notify the Nevada Trial Lawyers
17 Association, the state board of architecture, interior design and
18 residential design or the state board of professional engineers and land
19 surveyors, as appropriate. The association or board shall immediately
20 designate from among its members the required number of persons to
21 serve on the screening panel.

22 7. A person who is not designated pursuant to this section may not
23 serve on the screening panel.

24 **Sec. 24.** 1. The division may, by certified or registered mail, issue
25 subpoenas as may be required by the screening panel, to compel the
26 attendance of an expert witness and, as may be required by the parties or
27 the screening panel, to compel the production of books, papers,
28 engineering, surveying and design records, statements of policy and
29 procedure, or other materials.

30 2. The division shall keep any materials so produced and make the
31 materials available to the parties, upon request, for inspection or
32 copying. If the materials are reasonably capable of being copied, the
33 division shall provide a copy to the parties upon request and receipt of a
34 fee for copying the materials.

35 3. If an expert witness refuses to attend or testify, or if a person
36 refuses to produce the materials required by a subpoena, the division
37 may report to the district court by petition setting forth that:

38 (a) Notice was given of the time and place of attendance by the expert
39 witness or for the production of the materials;

40 (b) The expert witness or the person required to produce the materials
41 was subpoenaed by the division pursuant to this section; and

42 (c) The expert witness has failed or refused to attend or testify, or the
43 person has failed or refused to produce the materials required by the
44 subpoena or has refused to answer questions propounded to him,
45 and asking for an order of the court compelling the expert witness to
46 attend and testify or the other person to produce the materials.

47 4. Upon receiving such a petition, the court shall enter an order
48 directing the expert witness or other person to appear before the court at
49 a time and place fixed by the court in its order, the time to be not more



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1 *than 10 days after the date of the order, and show cause why the expert*
2 *witness has not attended or testified, or the person has not produced the*
3 *materials. A certified copy of the order must be served upon the expert*
4 *witness or other person.*

5 *5. If it appears to the court that the subpoena was regularly issued by*
6 *the division, the court shall enter an order that the expert witness or*
7 *other person appear at the time and place fixed in the order and testify or*
8 *produce the required materials and, upon his failure to obey the order,*
9 *the expert witness or other person must be dealt with as for contempt of*
10 *court.*

11 **Sec. 25. 1.** *Except as otherwise provided in this section, discovery*
12 *must not be made or conducted before or during a hearing held pursuant*
13 *to section 26 of this act.*

14 *2. Before the hearing, each party may conduct a test of the property*
15 *relating to the claim that is not invasive or destructive. The test must be*
16 *conducted not later than 15 days after the complaint is filed with the*
17 *division pursuant to section 22 of this act at a time that is agreeable to*
18 *the parties, or as otherwise directed by the division.*

19 *3. If a person other than the respondent against whom a claim has*
20 *been made has conducted a test of the property relating to the claim that*
21 *is invasive or destructive, the respondent against whom the claim has*
22 *been made may conduct a test of that property that is similarly*
23 *destructive or invasive. The test must be conducted not later than 15 days*
24 *after the complaint is filed with the division pursuant to section 22 of this*
25 *act at a time that is agreeable to the parties, or as otherwise directed by*
26 *the division.*

27 **Sec. 26. 1.** *A claim must be heard by the screening panel within 30*
28 *days after the panel is selected.*

29 *2. The screening panel shall consider the documentary material,*
30 *including the complaint, answer and response, engineering, surveying*
31 *and design records, any other documentary material, and the testimony*
32 *of any witness the panel considers necessary, and shall determine*
33 *whether there is a reasonable probability that there was an error,*
34 *omission or malpractice by the respondent that caused damage to the*
35 *claimant.*

36 *3. Copies of the original complaint and the findings of the screening*
37 *panel regarding each matter considered by the panel must be forwarded*
38 *to the county engineer or county surveyor, as appropriate, of the county*
39 *where the property relating to the claim is located and:*

40 *(a) The state board of architecture, interior design and residential*
41 *design, if the respondent is an architect or a registered interior designer;*
42 *or*

43 *(b) The state board of professional engineers and land surveyors, if*
44 *the respondent is a professional engineer or professional land surveyor.*

45 *4. The commissioner of insurance shall mail to the parties a copy of*
46 *the written findings of the screening panel concerning the complaint.*

47 *5. The written findings must be based upon a vote of the members of*
48 *the screening panel made by written ballot, must be rendered within 5*
49 *days after the review and must be in substantially the following form:*



1 (a) Based upon a review of the materials submitted by the parties and
2 the testimony of the engineering, land surveying, architectural or design
3 experts, if any were called, we find there is a reasonable probability that
4 there was an error, omission or malpractice by the respondent and that
5 the claimant was damaged thereby.

6 (b) Based upon a review of the materials submitted by the parties and
7 the testimony of engineering, land surveying, architectural or design
8 experts, if any were called, we find there is not a reasonable probability
9 that there was an error, omission or malpractice by the respondent or
10 that the claimant was damaged thereby.

11 (c) Based upon a review of the materials submitted by the parties and
12 the testimony of engineering, land surveying, architectural or design
13 experts, if any were called, we are unable to determine whether there is a
14 reasonable probability that there was an error, omission or malpractice
15 by the respondent or that the claimant was damaged thereby.

16 6. If three members of the screening panel are unable to determine
17 whether there is a reasonable probability of an error, omission or
18 malpractice by the respondent, or whether there is a reasonable
19 probability that the damage was caused by an error, omission or
20 malpractice of the respondent, the screening panel shall be deemed
21 unable to reach a decision on the issue and shall make a finding to that
22 effect.

23 **Sec. 27. 1.** If a screening panel finds in favor of the claimant and
24 an action based on the claim is thereafter filed in district court, a
25 conference for settlement must be held as provided in section 28 of this
26 act.

27 2. If the determination is not in favor of the claimant, the claimant
28 may file such an action in district court. If the claimant does not obtain a
29 judgment in his favor in district court, the defendant must be awarded
30 reasonable costs and attorney's fees incurred after the date of filing the
31 action in district court.

32 3. If a screening panel is unable, for any reason, to reach a decision,
33 the claimant may:

34 (a) File such an action in district court; or

35 (b) Proceed no further with the complaint.

36 4. If the claimant files such an action in district court, a person must
37 not be named as a party in the action unless the person was named as a
38 party in the complaint that was filed with the division and considered by
39 the screening panel.

40 **Sec. 28. 1.** In an action for damages arising from the errors,
41 omissions or alleged malpractice of a design professional filed in district
42 court after a determination by a screening panel that there is a
43 reasonable probability that the damage was caused by an error, omission
44 or malpractice of the design professional, the plaintiff, the defendant, the
45 representative of the insurer of the design professional and their
46 respective attorneys shall attend a conference for settlement before a
47 district judge, other than the judge assigned to the case, to determine the
48 amount of the damages to the plaintiff. The judge before whom the
49 conference is held:



1 (a) Must be selected randomly by the clerk of the court upon receiving
2 the notice described in subsection 2, except that the judge may not be the
3 judge assigned to the case;

4 (b) May, for good cause shown, waive the attendance of a party; and

5 (c) Shall decide the information the parties may submit at the
6 conference.

7 2. In any such action, the responsive pleading of the defendant must
8 be accompanied by a notice to the clerk of the court that the case must be
9 scheduled for a conference for settlement. If the defendant does not file
10 this notice, the notice may be filed by another party. The clerk of the
11 court shall immediately notify the judge before whom the conference will
12 be held of the receipt of that notice.

13 3. The judge shall notify the parties, within 7 days after receipt of the
14 notice, of the time and place of the conference for settlement, which must
15 not be later than 60 days after receipt of the notice. The judge shall,
16 before the date scheduled for the conference, cause the deposition of:

17 (a) The plaintiff;

18 (b) The defendant; and

19 (c) A person designated by the plaintiff to testify regarding
20 damages,

21 to be taken in the manner prescribed by rule of court for taking a
22 deposition in a civil action in a district court.

23 4. The judge before whom the conference for settlement will be held
24 may, for good cause shown, continue the conference for a period not to
25 exceed 15 days. Only one such continuance may be granted.

26 5. Within 15 days after the conference for settlement, the judge
27 before whom the conference was held shall determine, solely from the
28 information submitted at the conference, the reasonable value of the
29 claim and shall notify the parties of his determination in writing.

30 6. Within 14 days after the receipt of the determination of the judge
31 of the reasonable value of the claim, the defendant shall offer to the
32 plaintiff the amount determined by the judge or reject the determination.
33 If the defendant rejects the determination and the plaintiff is awarded an
34 amount greater than the amount of the determination, the plaintiff must
35 be awarded reasonable costs and attorney's fees incurred after the date
36 of rejection.

37 7. Within 14 days after the plaintiff receives an offer from the
38 defendant for the amount determined by the judge, the plaintiff shall
39 accept or reject the offer. If the plaintiff rejects the offer and the plaintiff
40 is awarded an amount that is less than the amount of the offer, the
41 defendant must be awarded reasonable costs and attorney's fees incurred
42 after the date of rejection.

43 **Sec. 29. 1.** In an action for damages arising from the errors,
44 omissions or alleged malpractice of an architect that is tried before a
45 jury, the following instructions must be given to the jury:

46 (a) If testimony of an expert in architecture was given at the review by
47 the screening panel:



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1 *During the course of this trial certain evidence was admitted*
2 *concerning the findings of a screening panel. The findings of the*
3 *panel were based upon a review of design records and the testimony*
4 *of an expert in architecture based upon his review of the design*
5 *records. These findings are to be given the same weight as other*
6 *evidence and are not to be conclusive in your determination of the*
7 *case.*

8
9 ***(b) If testimony of an expert in architecture was not given at the***
10 ***review by the screening panel:***

11
12 *During the course of this trial certain evidence was admitted*
13 *concerning the findings of a screening panel. The findings of the*
14 *panel were based solely upon a review of the design records. These*
15 *findings are to be given the same weight as other evidence and are*
16 *not to be conclusive in your determination of the case.*

17
18 ***2. In an action for damages arising from the errors, omissions or***
19 ***alleged malpractice of a professional engineer that is tried before a jury,***
20 ***the following instructions must be given to the jury:***

21 ***(a) If testimony of an expert in engineering was given at the review by***
22 ***the screening panel:***

23
24 *During the course of this trial certain evidence was admitted*
25 *concerning the findings of a screening panel. The findings of the*
26 *panel were based upon a review of engineering records and the*
27 *testimony of an expert in engineering based upon his review of the*
28 *engineering records. These findings are to be given the same weight*
29 *as other evidence and are not to be conclusive in your determination*
30 *of the case.*

31
32 ***(b) If testimony of an expert in engineering was not given at the***
33 ***review by the screening panel:***

34
35 *During the course of this trial certain evidence was admitted*
36 *concerning the findings of a screening panel. The findings of the*
37 *panel were based solely upon a review of the engineering records.*
38 *These findings are to be given the same weight as other evidence*
39 *and are not to be conclusive in your determination of the case.*

40
41 ***3. In an action for damages arising from the errors, omissions or***
42 ***alleged malpractice of a professional land surveyor that is tried before a***
43 ***jury, the following instructions must be given to the jury:***

44 ***(a) If testimony of an expert in land surveying was given at the review***
45 ***by the screening panel:***

46
47 *During the course of this trial certain evidence was admitted*
48 *concerning the findings of a screening panel. The findings of the*
49 *panel were based upon a review of surveying records and the*



1 *testimony of an expert in land surveying based upon his review of*
2 *the surveying records. These findings are to be given the same*
3 *weight as other evidence and are not to be conclusive in your*
4 *determination of the case.*

5
6 *(b) If testimony of an expert in land surveying was not given at the*
7 *review by the screening panel:*

8
9 *During the course of this trial certain evidence was admitted*
10 *concerning the findings of a screening panel. The findings of the*
11 *panel were based solely upon a review of the surveying records.*
12 *These findings are to be given the same weight as other evidence*
13 *and are not to be conclusive in your determination of the case.*

14
15 *4. In an action for damages arising from the errors, omissions or*
16 *alleged malpractice of a registered interior designer that is tried before a*
17 *jury, the following instructions must be given to the jury:*

18 *(a) If testimony of an expert in interior design was given at the review*
19 *by the screening panel:*

20
21 *During the course of this trial certain evidence was admitted*
22 *concerning the findings of a screening panel. The findings of the*
23 *panel were based upon a review of interior design records and the*
24 *testimony of an expert in interior design based upon his review of*
25 *the interior design records. These findings are to be given the same*
26 *weight as other evidence and are not to be conclusive in your*
27 *determination of the case.*

28
29 *(b) If testimony of an expert in interior design was not given at the*
30 *review by the screening panel:*

31
32 *During the course of this trial certain evidence was admitted*
33 *concerning the findings of a screening panel. The findings of the*
34 *panel were based solely upon a review of the interior design records.*
35 *These findings are to be given the same weight as other evidence*
36 *and are not to be conclusive in your determination of the case.*

37
38 **Sec. 30. 1. In any action for damages arising from the errors,**
39 **omissions or alleged malpractice of design professional, the applicable**
40 **statute of limitations is tolled from the date the claimant files a complaint**
41 **for review by a screening panel until 30 days after the date the panel**
42 **notifies the claimant, in writing, of its findings.**

43 **2. The provisions of this section apply to an action:**

44 **(a) For damages arising from the errors, omissions or alleged**
45 **malpractice of a design professional; and**

46 **(b) Against a person, government or political subdivision of a**
47 **government that is alleged by the claimant to be liable vicariously for**
48 **damages caused by the errors, omissions or alleged malpractice of a**
49 **design professional, if the design professional, other person, or**



* S B 2 1 8 *

1 *government or political subdivision has received timely notice of the*
2 *filing of a complaint for review by a screening panel pursuant to section*
3 *22 of this act.*

4 **Sec. 31.** The amendatory provisions of this act do not apply to an
5 action to recover damages resulting from the errors, omissions or
6 malpractice in the professional practice of a person holding a license or
7 registration as a design professional that is filed before January 1, 2002.

8 **Sec. 32.** 1. This section and sections 3 to 31, inclusive, of this act
9 become effective on January 1, 2002.

10 2. Section 1 of this act become effective at 12:01 a.m. on July 1, 2010.

11 3. Section 2 of this act becomes effective at 12:01 a.m. on July 1,
12 2010, if, on or before July 1, 2006, the board of regents of the University of
13 Nevada publicly declares the establishment of a land-surveying curriculum.

