

ASSEMBLY BILL NO. 281—ASSEMBLYMAN HOLCOMB

MARCH 21, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning damages awarded in civil actions. (BDR 3-1129)

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 tort actions; limiting the amount of noneconomic damages that may be awarded in certain civil actions; and providing other matters properly relating thereto.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In an action for damages for personal injury or wrongful death, the trier of fact shall itemize, in the verdict, the award of damages to reflect the monetary amount intended for:

- (a) Past expenses for medical treatment, care or custody;*
- (b) Future expenses for medical treatment, care or custody;*
- (c) Past loss of earnings;*
- (d) Future loss of earnings;*
- (e) Noneconomic damages; and*
- (f) Other damages.*

2. Except as otherwise provided in this section and NRS 41.035 and 41.503, in an action for damages for personal injury or wrongful death, a judgment for noneconomic damages must not exceed \$250,000.

3. If the action is tried before a jury, the court or a party to the action shall not instruct or otherwise advise the jury



- 1 *concerning the limitation on noneconomic damages set forth in*
2 *subsection 2.*
3 *4. The limitation on noneconomic damages set forth in*
4 *subsection 2 does not apply to a cause of action that arises from:*
5 *(a) Willful or reckless misconduct;*
6 *(b) An act or omission that constitutes a felony; or*
7 *(c) Medical or dental malpractice.*
8 *5. This section applies to an act, error or omission occurring*
9 *on or after October 1, 2005, that allegedly caused the personal*
10 *injury or wrongful death.*
11 *6. As used in this section, "noneconomic damages" includes,*
12 *without limitation, damages to compensate for pain, suffering,*
13 *inconvenience, physical impairment, disfigurement or other*
14 *nonpecuniary damages.*

