

SENATE BILL NO. 66—SENATOR CARE

PREFILED FEBRUARY 2, 2007

Referred to Committee on Judiciary

SUMMARY—Increases the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees. (BDR 3-120)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: 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 civil actions; increasing the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill increases the limitation on the amount of damages that
2 may be awarded in a tort action brought against a governmental entity or its officers
3 or employees from \$50,000 to \$100,000. (NRS 41.035) **Section 2** of this bill
4 provides that the increased limitation on damages applies to a cause of action that
5 “accrues” on or after October 1, 2007, the effective date of this bill. A cause of
6 action “accrues” when the right to bring a lawsuit arises. (*Clark v. Robison*, 113
7 Nev. 949, 951 (1997))

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

1 **Section 1.** NRS 41.035 is hereby amended to read as follows:
2 41.035 1. An award for damages in an action sounding in tort
3 brought under NRS 41.031 or against a present or former officer or
4 employee of the State or any political subdivision, immune
5 contractor or State Legislator arising out of an act or omission
6 within the scope of his public duties or employment may not exceed



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1 the sum of ~~[\$50,000,]~~ \$100,000, exclusive of interest computed
2 from the date of judgment, to or for the benefit of any claimant. An
3 award may not include any amount as exemplary or punitive
4 damages.

5 2. The limitations of subsection 1 upon the amount and nature
6 of damages which may be awarded apply also to any action
7 sounding in tort and arising from any recreational activity or
8 recreational use of land or water which is brought against:

9 (a) Any public or quasi-municipal corporation organized under
10 the laws of this State.

11 (b) Any person with respect to any land or water leased or
12 otherwise made available by that person to any public agency.

13 (c) Any Indian tribe, band or community whether or not a fee is
14 charged for such activity or use. The provisions of this paragraph do
15 not impair or modify any immunity from liability or action existing
16 on February 26, 1968, or arising after February 26, 1968, in favor of
17 any Indian tribe, band or community.

18 ➤ The Legislature declares that the purpose of this subsection is to
19 effectuate the public policy of the State of Nevada by encouraging
20 the recreational use of land, lakes, reservoirs and other water owned
21 or controlled by any public or quasi-municipal agency or
22 corporation of this State, wherever such land or water may be
23 situated.

24 **Sec. 2.** The amendatory provisions of this act apply to a cause
25 of action that accrues on or after October 1, 2007.

