

Assembly Bill No. 396—Assemblymen Diaz, Conklin, Kirkpatrick, Segerblom; Aizley, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Frierson, Mastroluca, Neal, Ocegüera, Pierce and Smith

CHAPTER.....

AN ACT relating to industrial insurance; revising provisions involving certain employees who are injured during certain cooperative governmental activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2.5 of this bill provides that when an employee of a state or local government employer is injured by accident sustained during the course of employment while participating in certain cooperative governmental activities, industrial insurance extends to the government employer of the injured employee and any act or failure to act which creates liability on the part of any of the government employers is deemed to be the act or failure to act of the government employer of the injured employee.

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

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

Sections 1 and 2. (Deleted by amendment.)

Sec. 2.5. NRS 616A.020 is hereby amended to read as follows:

616A.020 1. The rights and remedies provided in chapters 616A to 616D, inclusive, of NRS for an employee on account of an injury by accident sustained arising out of and in the course of the employment shall be exclusive, except as otherwise provided in those chapters, of all other rights and remedies of the employee, his or her personal or legal representatives, dependents or next of kin, at common law or otherwise, on account of such injury.

2. The terms, conditions and provisions of chapters 616A to 616D, inclusive, of NRS for the payment of compensation and the amount thereof for injuries sustained or death resulting from such injuries shall be conclusive, compulsory and obligatory upon both employers and employees coming within the provisions of those chapters.



3. The exclusive remedy provided by this section to a principal contractor extends, with respect to any injury by accident sustained by an employee of any contractor in the performance of the contract, to every architect, land surveyor or engineer who performs services for:

- (a) The contractor;
- (b) The owner of the property; or
- (c) Any such beneficially interested persons.

4. The exclusive remedy provided by this section applies to the owner of a construction project who provides industrial insurance coverage for the project by establishing and administering a consolidated insurance program pursuant to NRS 616B.710 to the extent that the program covers the employees of the contractors and subcontractors who are engaged in the construction of the project.

5. *When an employee of a state or local government employer is injured by accident sustained during the course of employment while participating in an activity which is carried out cooperatively by the state or local government employer with another state or local government employer, the exclusive remedy provided by this section extends to the state or local government employer of the injured employee and any act or failure to act which creates liability on the part of any of the government employers participating in the activity shall be deemed to be the act or failure to act of the government employer of the injured employee for the purposes of the rights and remedies provided in chapters 616A to 616D, inclusive, of NRS.*

6. If an employee receives any compensation or accident benefits under chapters 616A to 616D, inclusive, of NRS, the acceptance of such compensation or benefits shall be in lieu of any other compensation, award or recovery against his or her employer under the laws of any other state or jurisdiction and such employee is barred from commencing any action or proceeding for the enforcement or collection of any benefits or award under the laws of any other state or jurisdiction.

Sec. 3. This act becomes effective on July 1, 2011.

