

ASSEMBLY BILL NO. 245—ASSEMBLYMEN HICKEY, HARDY, PAUL
ANDERSON, HAMBRICK; DUNCAN, ELLISON, GRADY,
HANSEN, LIVERMORE AND STEWART

MARCH 13, 2013

JOINT SPONSORS: SENATORS HARDY; AND BROWER

Referred to Committee on Judiciary

SUMMARY—Limits the recovery of damages arising from a motor
vehicle accident under certain circumstances.
(BDR 3-657)

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 civil actions; limiting, under certain
circumstances, the recovery of damages arising from a
civil action relating to a motor vehicle accident; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law requires every owner of a motor vehicle registered or required to
2 be registered in this State to have insurance providing for the payment of tort
3 liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185)
4 This bill limits, under certain circumstances, the amount of damages a plaintiff or
5 claimant may recover in a civil action arising from a motor vehicle accident if that
6 person did not have such insurance at the time of the accident.

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

- 1 **Section 1.** Chapter 42 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. Except as otherwise provided in subsection 2, if in any civil*
4 *action to recover damages arising out of an accident involving the*
5 *operation of a motor vehicle or for any claim against the motor*



* A B 2 4 5 *

1 *vehicle liability policy of another party, the plaintiff or claimant*
2 *was not in compliance with the requirements of NRS 485.185,*
3 *485.186 or 485.380, as applicable, at the time of the accident, the*
4 *maximum amount that may be awarded to the plaintiff or*
5 *claimant:*

6 *(a) Must be limited to medical costs, property damage and lost*
7 *income incurred as a result of the accident; and*

8 *(b) Must not include any damages for pain and suffering.*

9 *2. The provisions of subsection 1 do not apply:*

10 *(a) To a plaintiff or claimant who was injured by a motorist*
11 *who, at the time of the accident, was operating a motor vehicle*
12 *while under the influence of intoxicating liquor or a controlled*
13 *substance or engaging in any other conduct prohibited by NRS*
14 *484C.110, 484C.120, 484C.130 or 484C.430, and that motorist:*

15 *(1) Was convicted of, or entered a plea of guilty or nolo*
16 *contendere to, the offense; or*

17 *(2) Died as a result of the accident, if it is proven by a*
18 *preponderance of the evidence that the motorist was operating the*
19 *motor vehicle while committing any of the offenses described in*
20 *this paragraph.*

21 *(b) To a plaintiff or claimant who was a passenger in a motor*
22 *vehicle involved in the accident, unless the plaintiff or claimant is*
23 *an owner of the vehicle.*

24 *(c) To a plaintiff or claimant who was not the operator of or a*
25 *passenger in any motor vehicle involved in the accident.*

26 *(d) To wrongful death claims.*

27 *(e) To a plaintiff or claimant if the motorist who caused the*
28 *accident:*

29 *(1) Intentionally caused the accident;*

30 *(2) Left the scene of the accident; or*

31 *(3) At the time of the accident, was acting in furtherance of*
32 *the commission of a felony.*

33 *(f) To a plaintiff or claimant if, at the time of the accident, the*
34 *plaintiff or claimant was claimed as a dependent on the federal*
35 *income tax return of one or both of his or her parents, and the*
36 *parent or parents were not in compliance with the requirements of*
37 *NRS 485.185, 485.186 or 485.380, as applicable.*

38 *(g) To a plaintiff or claimant if, at the time of the accident, the*
39 *plaintiff or claimant previously had been covered by an insurance*
40 *policy satisfying the requirements of NRS 485.185, 485.186 or*
41 *485.380, as applicable, that was cancelled or terminated for failure*
42 *to pay the premium unless, at least 30 days before the accident, a*
43 *notice of cancellation or termination was mailed to the last known*
44 *address of the policyholder.*



- 1 3. *Except as otherwise provided in subsection 2, the*
2 *limitations of subsection 1 upon the amount and nature of*
3 *damages which may be awarded may be asserted by:*
4 (a) *Any person who is involved in the accident which is the*
5 *basis of the action or claim; and*
6 (b) *The insurer of motor vehicle liability for any person*
7 *asserting a limitation set forth in subsection 1.*

③



* A B 2 4 5 *