

**Amendment No. 862**

Assembly Amendment to Senate Bill No. 304 First Reprint (BDR 43-774)

**Proposed by:** Assembly Committee on Judiciary

**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

MNM/BAW



Date: 5/17/2015

S.B. No. 304—Revises provisions relating to the use of safety belts in taxicabs.  
(BDR 43-774)



## SENATE BILL NO. 304—SENATOR ROBERSON

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to ~~the use of safety belts in taxicabs.~~  
motor vehicles. (BDR 43-774)

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 motor vehicles; revising provisions relating to the use of safety belts in taxicabs; limiting the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, with certain exceptions, each adult passenger who rides in a taxicab in this State is required to wear a safety belt. Existing law also provides that a violation of this requirement may not be considered: (1) as negligence or as causation in any civil action or as negligent or reckless driving; or (2) as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product. (NRS 484D.500) ~~[[This] Section 1 of this bill removes the preceding legal limitations and expressly allows a violation of the requirement to wear a safety belt while riding in a taxicab to be considered for those purposes.~~

Existing law requires every owner of a motor vehicle registered or required to be registered in this State to maintain certain amounts of insurance coverage for the payment of tort liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185) Existing law authorizes certain persons to satisfy such a requirement by obtaining an operator's policy of liability insurance instead of an owner's policy of liability insurance. (NRS 485.186) Existing law also provides that a person in whose name more than 10 motor vehicles are registered in this State may qualify as a self-insurer. (NRS 485.380) Section 2 of this bill limits, under certain circumstances, the amount of damages a plaintiff or claimant may recover in a civil action arising from a motor vehicle accident if he or she was not in compliance with such provisions of existing law, as applicable, at the time of the accident.

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

**Section 1.** NRS 484D.500 is hereby amended to read as follows:  
484D.500 1. Any passenger 18 years of age or older who rides in the front  
or back seat of any taxicab on any highway, road or street in this State shall wear a

safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:

(a) To a passenger who possesses a written statement by a physician certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or

(b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

2. A citation must be issued to any passenger who violates the provisions of subsection 1. A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.

3. A violation of subsection 1:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May ~~not~~ be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May ~~not~~ be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.

4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.

**Sec. 2. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:**

**1. Except as otherwise provided in subsection 2, in any civil action to recover damages arising from an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability policy of another party, if the plaintiff or claimant was not in compliance with the requirements of NRS 485.185, 485.186 or 485.380, as applicable, at the time of the accident, the maximum amount that may be awarded to the plaintiff or claimant must:**

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

**(b) Not include any damages for pain and suffering.**

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

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

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

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

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

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

**(d) A plaintiff or claimant if the motorist who caused the accident:**

**(1) Intentionally caused the accident;**

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

1 (3) At the time of the accident, was acting in furtherance of the  
2 commission of a felony.

3 (e) A plaintiff or claimant who, at the time of the accident, was claimed as a  
4 dependent on the federal income tax return of one or both of his or her parents,  
5 and the parent or parents were not in compliance with the requirements of NRS  
6 485.185, 485.186 or 485.380, as applicable.

7 (f) A plaintiff or claimant who, at the time of the accident, previously had  
8 been covered by an insurance policy which satisfied the requirements of NRS  
9 485.185, 485.186 or 485.380, as applicable, that was cancelled or terminated for  
10 failure to pay the premium unless, at least 45 days before the accident, a notice of  
11 cancellation or termination was mailed to the last known address of the  
12 policyholder.

13 (g) Wrongful death claims.

14 3. Except as otherwise provided in subsection 2, the limitations of  
15 subsection 1 upon the amount and nature of damages which may be awarded  
16 may be asserted by:

17 (a) Any person who is involved in the accident which is the basis of the  
18 action or claim; and

19 (b) The insurer of motor vehicle liability for any person asserting a limitation  
20 set forth in subsection 1.