

Amendment No. 1094

Senate Amendment to Senate Bill No. 245 First Reprint	(BDR 3-965)
Proposed by: Senate Committee on Finance	
Amends: Summary: No Title: No 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.





SENATE BILL NO. 245—SENATORS OHRENSCHALL, CANNIZZARO, RATTI, PARKS, PICKARD; BROOKS, CANCELA, DENIS, DONDERO LOOP, SPEARMAN AND WOODHOUSE

MARCH 1, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to civil actions. (BDR 3-965)

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 limitation on 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:**

Existing law provides that the limitation on the amount of damages that may be awarded in a tort action against a governmental entity or its officers or employees is \$100,000. (NRS 41.035) **Section 1** of this bill increases the limitation to ~~[\$250,000.]~~ ***\$150,000. Section 3 of this bill provides that this increase becomes effective on July 1, 2020, and expires by limitation on June 30, 2022. Section 2*** of this bill provides that the increased limitation on damages applies to a cause of action that “accrues” on or after July 1, ~~[2019, the effective date of this bill.]~~ ***2020, but before July 1, 2022. Section 1.5 increases the limitation on the amount of damages to \$200,000, effective on July 1, 2022.*** A cause of action “accrues” when the right to bring a lawsuit arises. (*Clark v. Robison*, 113 Nev. 949, 951 (1997))

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

**Section 1.** NRS 41.035 is hereby amended to read as follows:

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person’s public duties or employment may not exceed the sum of ~~[\$100,000, \$250,000.]~~ ***\$150,000.*** exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

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

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

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

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

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

**Sec. 1.5. NRS 41.035 is hereby amended to read as follows:**

41.035 1. An award for damages in an action sounding in tort brought under NRS 41.031 or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment may not exceed the sum of ~~[\$150,000]~~ \$200,000, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

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

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

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

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

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

**Sec. 2. The amendatory provisions of [section] :**

**1. Section 1 of this act apply to a cause of action that accrues on or after July 1, ~~[2019]~~ 2020, but before July 1, 2022.**

**2. Section 1.5 of this act apply to a cause of action that accrues on or after July 1, 2022.**

**Sec. 3. [This]**

**1. This section and sections 1 and 2 of this act ~~[becomes]~~ become effective on July 1, ~~[2019]~~ 2020.**

**2. Section 1.5 of this act becomes effective on July 1, 2022.**