

Amendment No. 720

Assembly Amendment to Senate Bill No. 435 First Reprint Proposed by: Assembly Committee on Judiciary Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	(BDR 2-1148)
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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. 435—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to claims for ~~{personal}~~ mental or physical injury. (BDR 2-1148)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 claims for ~~{personal}~~ mental or physical injury; authorizing a party to void a release of liability under certain circumstances; ~~{prohibiting certain persons from negotiating, obtaining or attempting to obtain a settlement agreement, release of liability or certain other statements from another person relating to a personal injury under certain circumstances;}~~ enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for ~~{personal}~~ mental or physical injury asserted under a policy of insurance covering ~~{certain}~~ motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that a release of liability relating to the personal injury of a releasor may be voided by the releasor within ~~{60}~~ 30 days after the signing of the release, if the releasor signed the release: (1) within 30 days after the event that initially caused the releasor's injury; and (2) without the assistance of an attorney. ~~{for power of attorney under certain circumstances.}~~ **Section 2** provides that ~~{if the releasor voids}~~ in order to void the release of liability, the releasor must: (1) ~~{provide}~~ sign a written notice ~~{to the releasee;}~~ disclosing the election of the releasor to void the release; and (2) within 10 days of signing the notice, send the original notice or a signed copy of the notice to the releasee and return any ~~{money}~~ consideration paid by the releasee.

~~{—Section 3 of this bill provides that if a person was hospitalized or confined to a mental health facility as a result of a personal injury, a person whose interest is or may become adverse to the injured person is prohibited from negotiating, obtaining or attempting to obtain a settlement agreement, a release of liability or certain other statements from the injured person within 15 days after the event that caused the person's personal injury. Section 3 provides that if such a settlement agreement, release of liability or statement is obtained improperly within 15 days after the event that caused the personal injury, the settlement agreement, release of liability or statement is prohibited from being used as evidence or for any other purpose in a legal proceeding concerning the personal injury under certain circumstances.}~~

Section 4 of this bill authorizes a party against whom a claim is asserted for ~~{personal}~~ a mental or physical injury under a policy of motor vehicle insurance ~~{covering a passenger car}~~ to require the claimant or the claimant's attorney to provide to the party or the party's

attorney and the insurer ~~[, not more than once every 90 days,]~~ a written authorization to receive all medical reports, records and bills concerning the claim ~~[. Section 4 provides that in lieu of the claimant or the claimant's attorney providing such reports, records and bills, the claimant or the claimant's attorney may provide a written authorization to allow the party or the party's attorney and the insurer to receive the reports, records and bills]~~ from the claimant's provider of health care. Section 4 provides that after such authorization is granted, the authorization may not be revoked without cause. If the reports, records and bills are provided pursuant to such a written authorization, section 4 authorizes the claimant or the claimant's attorney to request copies of all such reports, records and bills from the party, the party's attorney or the insurer. Section 4 also provides that ~~[upon]~~ within 10 days after receipt of ~~[any copies of reports, records and bills or]~~ a written authorization for a provider of health care to provide such reports, records and bills, the insurer who issued the policy must, upon request, ~~[immediately disclose]~~ provide a copy of the insurance policy and any endorsements, exclusions, limitations or restrictions modifying such a policy to the claimant ~~[all pertinent facts or provisions of the policy relating to any coverage at issue,]~~ or the claimant's attorney. Section 4 provides that the provisions of the section cease to apply upon the commencement of a formal action in court arising from a claim asserted under the insurance policy.

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

Section 1. ~~[Chapter 10 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.] (Deleted by amendment.)~~

Sec. 2. Chapter 10 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A release of liability given in connection with any claim for personal injury sustained by a releasor is voidable by a releasor within ~~[60]~~ 30 days after its signing by the releasor, if the releasor signed the release:

(a) Within 30 days after the event that initially caused his or her ~~[personal]~~ injury; and

(b) Without the assistance or guidance of an attorney ~~[. for power of attorney.]~~

2. ~~[If the releasor voids]~~ To void the release of liability pursuant to subsection 1, the releasor shall:

(a) ~~[Provide]~~ Sign a written notice ~~[, in writing, to the releasee that the release was voided,]~~ disclosing the election of the releasor to void the release; and

(b) Within 10 days after signing the notice:
(1) Send the original notice or a signed copy of the notice to the releasee; and

(2) Return any consideration paid by the releasee.

3. A release of liability is void on the date that the notice ~~[pursuant to]~~ and any consideration described in subsection 2 ~~[is provided to]~~ are received by the releasee.

4. As used in this section:

(a) "Personal injury" means any mental or physical injury. The term does not include property damage.

(b) "Release of liability" means an agreement executed between a releasor and releasee.

~~[(b)]~~ (c) "Releasee" means a party who is being released by the releasor from any claim ~~[arising from personal injuries, mental or physical, sustained by the releasor]~~

~~[(c)]~~ described in subsection 1.

1 (d) "Releasor" means a party who agrees to release the releasee from any
2 claim arising from personal injuries, mental or physical, sustained by the party,
3 described in subsection 1.

4 ~~Sec. 3. 1. If a person is admitted as a patient to a hospital or a mental~~
5 ~~health facility as a result of a personal injury caused by another, a person whose~~
6 ~~interest is or may become adverse to the person who was injured shall not, within~~
7 ~~15 days after the event that caused the injury,~~

8 ~~— (a) Negotiate or attempt to negotiate an agreement, including, without~~
9 ~~limitation, a settlement agreement, with the person who was injured; or~~

10 ~~— (b) Obtain or attempt to obtain:~~

11 ~~— (1) A release of liability from the person who was injured; or~~

12 ~~— (2) An oral or written statement from the person who was injured for use~~
13 ~~in negotiating a settlement agreement or obtaining a release of liability.~~

14 ~~2. Notwithstanding any other provision of law, if a settlement agreement or~~
15 ~~release of liability is obtained in violation of subsection 1, the settlement~~
16 ~~agreement or release of liability may not be used as evidence or for any other~~
17 ~~purpose in a legal proceeding relating to the injury of the person.~~ (Deleted by
18 amendment.)

19 Sec. 4. Chapter 690B of NRS is hereby amended by adding thereto a new
20 section to read as follows:

21 ~~1. [Except as otherwise provided in subsection 2, any]~~ Any party against
22 whom a claim is asserted for compensation or damages for [personal injury] any
23 mental or physical injury ~~under a policy of motor vehicle insurance [covering a~~
24 ~~passenger car]~~ may require the claimant or any attorney representing the
25 claimant to provide to the party or any attorney of the party and to the insurer,
26 not more than once every 90 days, all medical reports, records and bills
27 concerning the claim.

28 ~~2. In lieu of providing medical reports, records and bills pursuant to~~
29 ~~subsection 1, the claimant or any attorney representing the claimant may provide~~
30 ~~to the party or any attorney of the party and to the insurer]~~ a written
31 authorization to receive [the] all medical reports, records and bills related to the
32 claim from the provider of health care.

33 ~~[3.] An authorization so provided may not be revoked without cause.~~

34 2. At the written request of the claimant or the attorney of the claimant,
35 copies of all medical reports, records and bills obtained by a written authorization
36 pursuant to subsection [2.] 1 must be provided to the claimant or the attorney of
37 the claimant within 30 days after the date they are received by the party, any
38 attorney of the party or the insurer. If the claimant or the attorney of the claimant
39 makes a written request for the medical reports, records and bills, the claimant or
40 the attorney of the claimant shall pay for the reasonable costs of copying the
41 medical reports, records and bills.

42 ~~[4. Upon]~~

43 3. Within 10 days after receipt of [any copies of medical reports, records
44 and bills, or] a written authorization pursuant to subsection [2.] 1, the insurer
45 who issued the policy specified in subsection 1 shall, upon request, [immediately
46 disclose to the claimant all pertinent facts or provisions of the policy relating to
47 any coverage at issue.

48 ~~5.] provide the claimant or any attorney representing the claimant with a copy~~
49 ~~of the relevant policy of motor vehicle insurance and any endorsements,~~
50 ~~exclusions, limitations or restrictions modifying the policy.~~

51 4. The provisions of subsections 1, 2 and 3 cease to apply upon the
52 commencement of an action in court arising from a claim asserted under a policy
53 of motor vehicle insurance.

5. *As used in this section ~~f~~*
~~(a) "Passenger car" has the meaning ascribed to it in NRS 482.087.~~
~~(b) "Provider,"~~ "provider of health care" *has the meaning ascribed to it in*
NRS 629.031.