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S.B. 245

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: (1)
\$250,000; or (2) if the act or omission amounts to gross negligence, \$1,000,000.
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.
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



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1 within the scope of the person's public duties or employment may
2 not exceed the sum of ~~[\$100,000.]~~:

3 (a) \$250,000; or

4 (b) *If the act or omission amounts to gross negligence,*
5 *\$1,000,000,*

6 ➤ exclusive of interest computed from the date of judgment, to or
7 for the benefit of any claimant. An award may not include any
8 amount as exemplary or punitive damages.

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

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

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

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

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

28 **Sec. 2.** The amendatory provisions of section 1 of this act
29 apply to a cause of action that accrues on or after July 1, 2019.

30 **Sec. 3.** This act becomes effective on July 1, 2019.

