

EXEMPT

(Reprinted with amendments adopted on June 2, 2019)  
**SECOND REPRINT** **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.

~

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 \$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, 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



1 within the scope of the person's public duties or employment may  
2 not exceed the sum of ~~[\$100,000,]~~ **\$150,000**, exclusive of interest  
3 computed from the date of judgment, to or for the benefit of any  
4 claimant. An award may not include any amount as exemplary or  
5 punitive damages.

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

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

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

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

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

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

26 41.035 1. An award for damages in an action sounding in tort  
27 brought under NRS 41.031 or against a present or former officer or  
28 employee of the State or any political subdivision, immune  
29 contractor or State Legislator arising out of an act or omission  
30 within the scope of the person's public duties or employment may  
31 not exceed the sum of ~~[\$150,000,]~~ **\$200,000**, exclusive of interest  
32 computed from the date of judgment, to or for the benefit of any  
33 claimant. An award may not include any amount as exemplary or  
34 punitive damages.

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

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

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

43 (c) Any Indian tribe, band or community whether or not a fee is  
44 charged for such activity or use. The provisions of this paragraph do  
45 not impair or modify any immunity from liability or action existing



1 on February 26, 1968, or arising after February 26, 1968, in favor of  
2 any Indian tribe, band or community.

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

9 **Sec. 2.** The amendatory provisions of:

10 1. Section 1 of this act apply to a cause of action that accrues  
11 on or after July 1, 2020, but before July 1, 2022.

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

14 **Sec. 3.** 1. This section and sections 1 and 2 of this act  
15 become effective on July 1, 2020.

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

