

SENATE BILL NO. 282—SENATORS SEEVERS GANSERT, HARDY,
PICKARD, RATTI; CANNIZZARO, DONDERO LOOP,
GOICOECHEA, HAMMOND, D. HARRIS, KIECKHEFER,
PARKS, SCHEIBLE AND SETTELMAYER

MARCH 14, 2019

JOINT SPONSORS: ASSEMBLYMEN KRAMER, HARDY, TITUS,
LEAVITT, KRASNER; DALY, HANSEN AND TOLLES

Referred to Committee on Judiciary

SUMMARY—Limiting the civil liability of crisis support centers
under certain circumstances. (BDR 3-614)

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 civil liability; limiting the civil liability of crisis
support centers and certain personnel of such centers
under certain circumstances; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that with certain exceptions nonprofit corporations, associations and organizations formed under the laws of this State are not immune from civil liability for injury or damage arising out of negligent or wrongful acts under certain circumstances. (NRS 41.480) **Section 1** of this bill provides immunity from civil liability to crisis support centers and their trustees, directors, officers, employees, agents, servants or volunteers for injury or damage arising out of their activities if: (1) such a person was acting within the scope of his or her duties or responsibilities at the crisis support center; (2) the person was properly licensed or certified or otherwise authorized by an appropriate authority to perform his or her duties or responsibilities at the crisis support center, if applicable; (3) the activity that caused the injury or damage was not willful, wanton or grossly negligent; and (4) the crisis support center was accredited by the American Association of Suicidology, or its successor organization or another organization that provides accreditation to crisis support centers. **Section 1** also defines "crisis support center" for such purposes. **Section 2** of this bill makes a conforming change.



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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other immunity provided by law, a trustee, director, officer, employee, agent, servant or volunteer of a crisis support center is immune from civil liability for injury or damage caused by an act or omission of the trustee, director, officer, employee, agent, servant or volunteer if:

(a) The trustee, director, officer, employee, agent, servant or volunteer:

(1) Was acting within the scope of his or her duties or responsibilities at the crisis support center; and

(2) If applicable, was properly licensed or certified or otherwise authorized by an appropriate authority to perform his or her duties or responsibilities at the crisis support center;

(b) The injury or damage was not caused by an act or omission that was willful, wanton or grossly negligent; and

(c) The crisis support center was accredited by the American Association of Suicidology, or its successor organization or any other organization that provides accreditation to crisis support centers.

2. A crisis support center is immune from civil liability for an act or omission of its trustee, director, officer, employee, agent, servant or volunteer performing services on its behalf pursuant to subsection 1.

3. As used in this section, "crisis support center" means a nonprofit corporation, association or organization that provides free crisis support services in person or by any other means of communication, including, without limitation, telephone, instant or text message, live chat or electronic mail. As used in this subsection, "crisis support services" include, without limitation, services relating to suicide prevention, substance abuse, bullying, domestic violence, sexual assault, child abuse or elder abuse.

Sec. 2. NRS 41.480 is hereby amended to read as follows:

41.480 ~~[Except as otherwise provided in NRS 41.519:]~~

1. ~~[A]~~ Except as otherwise provided in NRS 41.519 and section 1 of this act, a nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment.



2. No action may be brought against an officer, trustee, director or other possessor of the corporate powers of a nonprofit association or trust formed under the laws of this State based on any act or omission arising from failure in his or her official capacity to exercise due care regarding the management or operation of the entity unless the act or omission involves intentional misconduct, fraud or a knowing violation of the law.

Sec. 3. The amendatory provisions of this act do not apply to a cause of action or claim arising from an injury or damage specified in section 1 of this act that accrues before July 1, 2019.

Sec. 4. This act becomes effective on July 1, 2019.

