

SENATE BILL NO. 435—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to certain releases of liability. (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 civil actions; 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; 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 days after the signing of the release, if the releasor signed the release: (1) within 30 days after the event that caused the releasor's injury; and (2) without the assistance of an attorney or power of attorney under certain circumstances. **Section 2** provides that if the releasor voids the release of liability, the releasor must: (1) provide notice to the releasee; and (2) return any money 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.



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.

**Sec. 2. 1.** *A release of liability is voidable by a releasor within 60 days after its signing by the releasor, if the releasor signed the release:*

*(a) Within 30 days after the event that caused his or her personal injury; and*

*(b) Without the assistance or guidance of an attorney or power of attorney.*

**2.** *If the releasor voids the release of liability pursuant to subsection 1, the releasor shall:*

*(a) Provide notice, in writing, to the releasee that the release was voided; and*

*(b) Return any consideration paid by the releasee.*

**3.** *A release of liability is void on the date that notice pursuant to subsection 2 is provided to the releasee.*

**4.** *As used in this section:*

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

*(b) "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) "Releasor" means a party who agrees to release the releasee from any claim arising from personal injuries, mental or physical, sustained by the party.*

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

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

*(b) Obtain or attempt to obtain:*

*(1) A release of liability from the person who was injured;*

*or*

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

**2.** *Notwithstanding any other provision of law, if a settlement agreement or release of liability is obtained in violation of subsection 1, the settlement agreement or release of liability may*



- 1 *not be used as evidence or for any other purpose in a legal*  
2 *proceeding relating to the injury of the person.*

