

SENATE BILL NO. 435—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to claims for 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 mental or physical injury; authorizing a party to void a release of liability under certain circumstances; enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for mental or physical injury asserted under a policy of insurance covering 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 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. **Section 2** provides that in order to void the release of liability, the releasor must: (1) sign a written notice 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 consideration paid by the releasee.

Section 4 of this bill authorizes a party against whom a claim is asserted for a mental or physical injury under a policy of motor vehicle insurance to require the claimant or the claimant's attorney to provide to the party or the party's attorney and the insurer a written authorization to receive all medical reports, records and bills concerning the claim from the claimant's providers 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 within 10 days after receipt of a written authorization for providers of health care to provide such



reports, records and bills, the insurer who issued the policy must, upon request, provide all pertinent facts or provisions of the policy relating to the coverage at issue, including policy limits, to the claimant 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. (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 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 injury; and

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

2. To void the release of liability pursuant to subsection 1, the releasor shall:

(a) Sign a written notice 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 and any consideration described in subsection 2 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.

(c) "Releasee" means a party who is being released by the releasor from any claim described in subsection 1.

(d) "Releasor" means a party who agrees to release the releasee from any claim described in subsection 1.

Sec. 3. (Deleted by amendment.)

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

1. Any party against whom a claim is asserted for compensation or damages for any mental or physical injury under a policy of motor vehicle insurance may require the claimant or



1 *any attorney representing the claimant to provide to the party or*
2 *any attorney of the party and to the insurer a written authorization*
3 *to receive all medical reports, records and bills related to the claim*
4 *from the providers of health care. An authorization so provided*
5 *may not be revoked without cause.*

6 2. *At the written request of the claimant or the attorney of the*
7 *claimant, copies of all medical reports, records and bills obtained*
8 *by a written authorization pursuant to subsection 1 must be*
9 *provided to the claimant or the attorney of the claimant within 30*
10 *days after the date they are received by the party, any attorney of*
11 *the party or the insurer. If the claimant or the attorney of the*
12 *claimant makes a written request for the medical reports, records*
13 *and bills, the claimant or the attorney of the claimant shall pay for*
14 *the reasonable costs of copying the medical reports, records and*
15 *bills.*

16 3. *Within 10 days after receipt of a written authorization*
17 *pursuant to subsection 1, the insurer who issued the policy*
18 *specified in subsection 1 shall, upon request, provide the claimant*
19 *or any attorney representing the claimant with all pertinent facts*
20 *or provisions of the policy relating to any coverage at issue,*
21 *including policy limits.*

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

25 5. *As used in this section, "provider of health care" has the*
26 *meaning ascribed to it in NRS 629.031.*

