

Amendment No. 100

Senate Amendment to Senate Bill No. 107	(BDR 2-872)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 107—SENATOR OHRENSCHALL

FEBRUARY 9, 2021

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to the statute of limitations for certain causes of action. (BDR 2-872)

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; establishing ~~to 4 year~~ provisions relating to the statute of limitations for commencing an action ***in tort*** for ***common-law*** wrongful termination of employment; revising provisions relating to the default statute of limitations for certain causes of action whose statute of limitations is not otherwise expressly prescribed by law; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a 2-year statute of limitations for commencing an action to recover damages for personal injury. (NRS 11.190) By default, existing law also applies a 4-year statute of limitations to certain causes of action whose statute of limitations is not otherwise expressly prescribed by law. (NRS 11.220) Existing law does not expressly prescribe a statute of limitations for commencing actions ***in tort*** for ***common-law*** wrongful termination of employment, and the Nevada Supreme Court has held that such actions are governed by the 2-year statute of limitations for commencing actions to recover damages for personal injury. (*Patush v. Las Vegas Bistro, LLC*, 135 Nev. 353 (2019)) ~~Section 1.5~~ ***Section 1.5*** of this bill expressly establishes a ~~4-year~~ ***2-year*** statute of limitations for commencing an action ***in tort*** for ***common-law*** wrongful termination of employment. ***However, section 1.5 provides that the statute of limitations for such an action is tolled from the date that an administrative complaint relating to the termination of employment is filed with a federal or state agency until 93 days after the conclusion of the administrative proceedings concerning the complaint. Section 2*** of this bill requires the default statute of limitations to apply to certain causes of action whose statute of limitations is not otherwise prescribed by law, regardless of whether the underlying cause of action is analogous to any other cause of action with a statute of limitations expressly prescribed by law. ***Section 3*** of this bill provides that the amendatory provisions of this bill apply to an action commenced on or after the effective date of this bill.

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

Section 1. ~~[NRS 11.190 is hereby amended to read as follows:]~~

~~11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:~~

~~1. Within 6 years:~~

~~(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.~~

~~(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.~~

~~2. Within 4 years:~~

~~(a) An action on an open account for goods, wares and merchandise sold and delivered.~~

~~(b) An action for any article charged on an account in a store.~~

~~(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.~~

~~(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.~~

~~(e) An action for wrongful termination of employment.~~

~~3. Within 3 years:~~

~~(a) An action upon a liability created by statute, other than a penalty or forfeiture.~~

~~(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.~~

~~(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.~~

~~(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.~~

~~(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.~~

~~4. Within 2 years:~~

~~— (a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.~~

~~— (b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.~~

~~— (c) An action for libel, slander, assault, battery, false imprisonment or seduction.~~

~~— (d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.~~

~~— (e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.~~

~~— (f) An action to recover damages under NRS 41.740.~~

~~— 5. Within 1 year:~~

~~— (a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.~~

~~— (b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.] (Deleted by amendment.)~~

Sec. 1.5. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An action in tort for common-law wrongful termination of employment must be commenced within 2 years after the date of the termination of employment.

2. The time limitation set forth in subsection 1 is tolled from the date that an administrative complaint relating to the termination of employment is filed with a federal or state agency until 93 days after the conclusion of the administrative proceedings concerning the complaint.

Sec. 2. NRS 11.220 is hereby amended to read as follows:

11.220 An action for relief, not hereinbefore provided for, must be commenced within 4 years after the cause of action shall have accrued **[H]**, ***regardless of whether the underlying cause of action is analogous to that of any other cause of action with a statute of limitations expressly prescribed by law.***

Sec. 3. The amendatory provisions of this act apply to an action commenced on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.