

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 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** of this bill expressly establishes a 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. (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.

