

SENATE BILL NO. 401—SENATOR FLORES

MARCH 27, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to punitive damages.
(BDR 3-686)

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; revising provisions relating to the circumstances under which punitive damages may be awarded in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes the recovery of punitive damages in certain actions
2 where the defendant caused an injury by the operation of a motor vehicle after
3 willfully consuming or using alcohol or another substance, knowing that he or she
4 would thereafter operate the motor vehicle. (NRS 42.010) **Section 1** of this bill
5 removes the requirement that, before consuming or using alcohol or another
6 substance, the defendant knew that he or she would thereafter operate the motor
7 vehicle. **Section 2** of this bill provides that the provisions of this bill become
8 effective and apply to all actions pending or filed on or after July 1, 2023, the
9 effective date of this bill.

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

1 **Section 1.** NRS 42.010 is hereby amended to read as follows:
2 42.010 1. In an action for the breach of an obligation, where
3 the defendant caused an injury by the operation of a motor vehicle
4 in violation of NRS 484C.110, 484C.130 or 484C.430 after willfully
5 consuming or using alcohol or another substance, ~~[knowing that the~~
6 ~~defendant would thereafter operate the motor vehicle,]~~ the plaintiff,
7 in addition to the compensatory damages, may recover damages for
8 the sake of example and by way of punishing the defendant.



* S B 4 0 1 *

1 2. The provisions of NRS 42.005 do not apply to any cause of
2 action brought pursuant to this section.

3 **Sec. 2.** The amendatory provisions of this act apply to all
4 actions pending or filed on or after July 1, 2023.

5 **Sec. 3.** This act becomes effective on July 1, 2023.

