

SENATE BILL NO. 296—SENATOR ROBERSON

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Limits the recovery of damages arising from a motor vehicle accident under certain circumstances. (BDR 3-825)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil actions; limiting, under certain circumstances, the recovery of damages arising from a civil action relating to a motor vehicle accident; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires every owner of a motor vehicle registered or required to
2 be registered in this State to have insurance providing for the payment of tort
3 liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185)
4 This bill limits, under certain circumstances, the amount of damages a plaintiff or
5 claimant may recover in a civil action arising from a motor vehicle accident if that
6 person did not have such insurance at the time of the accident.

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

1 **Section 1.** Chapter 42 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 *1. Except as otherwise provided in subsection 2, if in any civil*
4 *action to recover damages arising out of an accident involving the*
5 *operation of a motor vehicle or for any claim against the motor*
6 *vehicle liability policy of another party, the plaintiff or claimant*
7 *was not in compliance with the requirements of NRS 485.185,*
8 *485.186 or 485.380, as applicable, at the time of the accident, the*
9 *maximum amount that may be awarded to the plaintiff or*
10 *claimant:*



1 (a) *Must be limited to medical costs, property damage and lost*
2 *income incurred as a result of the accident; and*

3 (b) *Must not include any damages for pain and suffering.*

4 2. *The provisions of subsection 1 do not apply:*

5 (a) *To a plaintiff or claimant who was injured by a motorist*
6 *who, at the time of the accident, was operating a motor vehicle*
7 *while under the influence of intoxicating liquor or a controlled*
8 *substance or engaging in any other conduct prohibited by NRS*
9 *484C.110, 484C.120, 484C.130 or 484C.430, and that motorist:*

10 (1) *Was convicted of, or entered a plea of guilty or nolo*
11 *contendere to, the offense; or*

12 (2) *Died as a result of the accident, if it is proven by a*
13 *preponderance of the evidence that the motorist was operating the*
14 *motor vehicle while committing any of the offenses described in*
15 *this paragraph.*

16 (b) *To a plaintiff or claimant who was a passenger in a motor*
17 *vehicle involved in the accident, unless the plaintiff or claimant is*
18 *an owner of the vehicle.*

19 (c) *To a plaintiff or claimant who was not the operator of or a*
20 *passenger in any motor vehicle involved in the accident.*

21 (d) *To wrongful death claims.*

22 (e) *To a plaintiff or claimant if the motorist who caused the*
23 *accident:*

24 (1) *Intentionally caused the accident;*

25 (2) *Left the scene of the accident; or*

26 (3) *At the time of the accident, was acting in furtherance of*
27 *the commission of a felony.*

28 (f) *To a plaintiff or claimant if, at the time of the accident, the*
29 *plaintiff or claimant was claimed as a dependent on the federal*
30 *income tax return of one or both of his or her parents, and the*
31 *parent or parents were not in compliance with the requirements of*
32 *NRS 485.185, 485.186 or 485.380, as applicable.*

33 (g) *To a plaintiff or claimant if, at the time of the accident, the*
34 *plaintiff or claimant previously had been covered by an insurance*
35 *policy satisfying the requirements of NRS 485.185, 485.186 or*
36 *485.380, as applicable, that was cancelled or terminated for failure*
37 *to pay the premium unless, at least 30 days before the accident, a*
38 *notice of cancellation or termination was mailed to the last known*
39 *address of the policyholder.*

40 3. *Except as otherwise provided in subsection 2, the*
41 *limitations of subsection 1 upon the amount and nature of*
42 *damages which may be awarded may be asserted by:*

43 (a) *Any person who is involved in the accident which is the*
44 *basis of the action or claim; and*



- 1 *(b) The insurer of motor vehicle liability for any person*
- 2 *asserting a limitation set forth in subsection 1.*

Ⓢ



* S B 2 9 6 *