

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

AB 280
Proposed amendment
Chris Giunchigliani

Delete Section 1, Subsection 2(b), lines 7-9
And

Delete Section 1, Subsection 3, lines 10-14 and insert the language in the
attached handout.

D1 of 7

ASSEMBLY COMMERCE & LABOR
DATE: 3/21/03 ROOM: 4100 EXHIBIT D
SUBMITTED BY: C. Giunchigliani

ASSEMBLY BILL NO. 280—ASSEMBLYWOMAN
GIUNCHIGLIANI

MARCH 11, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises certain provisions governing policies of insurance for motor vehicles. (BDR 57-1090)

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.

Green numbers along left margin indicate location on the printed bill (e.g., 5-15 indicates page 5, line 15).

AN ACT relating to insurance; requiring an insurance company that transacts motor vehicle insurance in this state to include in each policy of insurance certain provisions relating to reimbursement and payments for injuries arising out of the maintenance or use of a motor vehicle; and providing other matters properly relating thereto.

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

1-1 **Section 1.** Chapter 687B of NRS is hereby amended by adding
1-2 thereto a new section to read as follows:

1-3 ***1. An insurance company transacting motor vehicle***
1-4 ***insurance in this state shall include in each policy of motor***
1-5 ***vehicle insurance provisions that require:***

1-6 ***(a) Reimbursement for all losses incurred as a result of an***
1-7 ***injury arising out of the maintenance or use of a motor vehicle,***

1-8 *subject to any applicable deductible, exclusion, disqualification*
1-9 *or*

1-9 *other condition; and*

1-10 (b) *The payment of at least \$35,000 for all losses arising out*
1-11 *of*

1-11 *an injury to any one person, consisting of:*

1-12 (1) *At least \$15,000 for medical expenses; and*

1-13 (2) *A total of \$20,000 for loss of income, expenses for*
1-14 *replacement services for the insured and any survivor of the*
1-15 *insured, economic loss incurred by survivors and funeral*
1-16 *expenses.*

2-1 2. *Notwithstanding any other provision of law:*

2-2 (a) *A person who is entitled to any reimbursement or payment*
2-3 *pursuant to subsection 1 may not receive benefits for medical*
2-4 *expenses pursuant to that subsection in an amount that is less*
2-5 *than the benefits to which the person is entitled to receive*
2-6 *pursuant to that subsection.*

2-7 (b) *An insurer who makes a payment to an injured person*
2-8 *pursuant to subsection 1 is not entitled to exercise any right of*
2-9 *subrogation for making the payment.]*

2-10 [3. *A provider of health care shall not enter into or renew a*
2-11 *contract that provides, or has the effect of providing, health*
2-12 *care*

2-13 *services through a managed care organization or health*
2-14 *maintenance organization to a person who is entitled to any*
2-15 *reimbursement or payment pursuant to subsection 1.]*

3. *No reparation obligor or health plan company as*
defined in section NRS 695G.050 or NRS 695.030, subdivision 4,
may enter into or renew any contract that provides, or has the
effect of providing, managed care services to no-fault claimants.
For the purposes of this section, "managed care services" is
defined as any program of medical services that uses health care
providers managed, owned, employed by, or under contract with
a health plan company.

2-15 4. *The provisions of subsection 1 of NRS 687B.145 do not*

2-16 *apply to any coverage that is required to be included in a policy*
2-17 *of*
2-18 *insurance pursuant to this section. Any provision of a policy*
2-19 *of insurance that is included in the policy of insurance in*
2-20 *violation*

2-21 *of this subsection is void.*

2-22 **5. All payments made to a provider of health care pursuant**
2-23 **to**
2-24 **this section must be issued directly to the provider of health**
2-25 **care.**

2-26 **6. As used in this section:**

2-27 (a) **"Health maintenance organization" has the meaning**
2-28 **ascribed to it in NRS 695C.030.**

2-29 (b) **"Managed care organization" has the meaning ascribed**
2-30 **to**
2-31 **it in NRS 695G.050.**

2-32 (c) **"Provider of health care" has the meaning ascribed to it**
2-33 **in**
2-34 **NRS 695G.070.**

2-35 **Sec. 2. NRS 687B.145 is hereby amended to read as follows:**

2-36 **687B.145 1. ~~Any~~ Except as otherwise provided in section**
2-37 **I of this act, any policy of insurance or endorsement providing**
2-38 **coverage under the provisions of NRS 690B.020 or other policy**
2-39 **of**

2-40 **casualty insurance may provide that if the insured has coverage**
2-41 **available to him under more than one policy or provision of**
2-42 **coverage, any recovery or benefits may equal but not exceed the**
2-43 **higher of the applicable limits of the respective coverages, and**
2-44 **the**

2-45 **recovery or benefits must be prorated between the applicable**
2-46 **coverages in the proportion that their respective limits bear to**
2-47 **the**

2-48 **aggregate of their limits. Any provision which limits benefits**
2-49 **pursuant to this section must be in clear language and be**
2-50 **prominently displayed in the policy, binder or endorsement. Any**

2-42 limiting provision is void if the named insured has purchased
2-43 separate coverage on the same risk and has paid a premium
2-44 calculated for full reimbursement under that coverage.

3-1 2. Except as otherwise provided in subsection ~~{5,}~~ 4, insurance
3-2 companies transacting motor vehicle insurance in this state must
3-3 offer, on a form approved by the Commissioner, uninsured and
3-4 underinsured vehicle coverage in an amount equal to the limits of
3-5 coverage for bodily injury sold to an insured under a policy of
3-6 insurance covering the use of a passenger car. The insurer is not
3-7 required to reoffer the coverage to the insured in any
replacement,

3-8 reinstatement, substitute or amended policy, but the insured may
3-9 purchase the coverage by requesting it in writing from the
insurer.

3-10 Each renewal must include a copy of the form offering such
3-11 coverage. Uninsured and underinsured vehicle coverage must
3-12 include a provision which enables the insured to recover up to
the
3-13 limits of his own coverage any amount of damages for bodily
injury
3-14 from his insurer which he is legally entitled to recover from the
3-15 owner or operator of the other vehicle to the extent that those
3-16 damages exceed the limits of the coverage for bodily injury
carried
3-17 by that owner or operator.

3-18 3. An ~~insurance company transacting motor vehicle~~
~~insurance~~

3-19 ~~in this state must offer an insured under a policy covering the~~
~~use of~~

3-20 ~~a passenger car, the option of purchasing coverage in an amount~~
~~of~~

3-21 ~~at least \$1,000 for the payment of reasonable and necessary~~
~~medical~~

3-22 ~~expenses resulting from an accident. The offer must be made on~~
a

3-23 ~~form approved by the Commissioner. The insurer is not required~~
3-24 ~~to~~

3-24 ~~reoffer the coverage to the insured in any replacement,~~
3-25 ~~reinstatement, substitute or amended policy, but the insured may~~
3-26 ~~purchase the coverage by requesting it in writing from the~~
3-27 ~~insurer.~~

3-27 ~~Each renewal must include a copy of the form offering such~~
3-28 ~~coverage.~~

3-29 —4. An insurer who makes a payment to an injured person on
3-30 account of underinsured vehicle coverage as described in
3-31 subsection

3-31 2 is not entitled to subrogation against the underinsured motorist
3-32 who is liable for damages to the injured payee. This subsection
3-33 does

3-33 not affect the right or remedy of an insurer under subsection 5 of
3-34 NRS 690B.020 with respect to uninsured vehicle coverage. As
3-35 used

3-35 in this subsection, “damages” means the amount for which the
3-36 underinsured motorist is alleged to be liable to the claimant in
3-37 excess of the limits of bodily injury coverage set by the
3-38 underinsured motorist’s policy of casualty insurance.

3-39 ~~{5.}~~ 4. An insurer need not offer, provide or make available
3-40 uninsured or underinsured vehicle coverage in connection with a
3-41 general commercial liability policy, an excess policy, an
3-42 umbrella

3-42 policy or other policy that does not provide primary motor
3-43 vehicle

3-43 insurance for liabilities arising out of the ownership,
3-44 maintenance,

3-44 operation or use of a specifically insured motor vehicle.

3-45 ~~{6.}~~ 5. As used in this section:

4-1 (a) “Excess policy” means a policy that protects a person against
4-2 loss in excess of a stated amount or in excess of coverage
4-3 provided

4-3 pursuant to another insurance contract.

4-4 (b) "Passenger car" has the meaning ascribed to it in
4-5 NRS 482.087.

4-6 (c) "Umbrella policy" means a policy that protects a person
4-7 against losses in excess of the underlying amount required to be
4-8 covered by other policies.

4-9 H

D7 of 7