
ASSEMBLY BILL NO. 50—ASSEMBLYMEN KOIVISTO, MCCLAIN,
OHRENSCHALL, PARKS, CHOWNING, ATKINSON, BUCKLEY,
CLABORN, COLLINS, CONKLIN, GOLDWATER, LESLIE,
MANENDO, MCCLEARY, PIERCE AND WILLIAMS

FEBRUARY 6, 2003

JOINT SPONSOR: SENATOR CARLTON

Referred to Committee on Judiciary

SUMMARY—Revives for limited time certain causes of action based on effects of silicone that is injected or implanted into body. (BDR 2-13)

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 statutes of limitation; reviving for a limited time certain causes of action based on the effects of silicone that is injected or implanted into the body; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 11 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, a cause of***
4 ***action:***
5 ***(a) Against a manufacturer of:***
6 ***(1) Silicone manufactured for injection into the body; or***
7 ***(2) Breast implants containing silicone gel;***
8 ***(b) Based upon personal injury or death caused by the effects***
9 ***of silicone injected or implanted into the body; and***
10 ***(c) That was barred as of July 1, 2003, solely because the***
11 ***applicable period of limitation expired,***



1 *is hereby revived, and an action thereon may be commenced on or*
2 *before July 1, 2004. A court may not, based upon any period of*
3 *limitations, dismiss an action on a cause of action described in this*
4 *subsection if the action is commenced on or before July 1, 2004.*

5 *2. The provisions of subsection 1 do not apply to an action:*

6 *(a) For medical malpractice; or*

7 *(b) Against the State of Nevada, a political subdivision of this*
8 *state or an agency thereof.*

9 **Sec. 2.** NRS 11.190 is hereby amended to read as follows:

10 11.190 Except as otherwise provided in NRS 125B.050 and
11 217.007, *and section 1 of this act*, actions other than those for the
12 recovery of real property, unless further limited by specific statute,
13 may only be commenced as follows:

14 1. Within 6 years:

15 (a) An action upon a judgment or decree of any court of the
16 United States, or of any state or territory within the United States, or
17 the renewal thereof.

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

21 2. Within 4 years:

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

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

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

27 3. Within 3 years:

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

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

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

44 (d) Except as otherwise provided in NRS 112.230 and 166.170,
45 an action for relief on the ground of fraud or mistake, but the cause



1 of action in such a case shall be deemed to accrue upon the
2 discovery by the aggrieved party of the facts constituting the fraud
3 or mistake.

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

9 4. Within 2 years:

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

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

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

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

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

27 5. Within 1 year:

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

35 (b) An action against an officer, or officer de facto for money
36 paid to the officer under protest, or seized by the officer in his
37 official capacity, as a collector of taxes, and which, it is claimed,
38 ought to be refunded.

39 **Sec. 3.** This act becomes effective on July 1, 2003.

