
SENATE BILL NO. 272—SENATOR SCHNEIDER

MARCH 13, 2003

Referred to Committee on Judiciary

SUMMARY—Provides for posting of bond or other appropriate security by plaintiff in action for medical malpractice or dental malpractice under certain circumstances. (BDR 3-1056)

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 malpractice; providing for the posting of a bond or other appropriate security by a plaintiff in an action for medical malpractice or dental malpractice under certain circumstances; 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 41A of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. In an action for damages for medical malpractice or dental***
4 ***malpractice, not later than 60 days after service of the answer by***
5 ***the final answering defendant, the court shall, upon proper notice***
6 ***to all parties, conduct a hearing:***
7 ***(a) To consider whether the plaintiff should be required to post***
8 ***a bond or other appropriate security in the district court; and***
9 ***(b) To determine the amount of the bond or other appropriate***
10 ***security required, and the ability of the plaintiff to post such a***
11 ***bond or other appropriate security.***
12 ***2. If the court orders that the plaintiff must post a bond or***
13 ***other appropriate security pursuant to this section and security is***
14 ***given in the form of a bond or stipulation or other undertaking***
15 ***with one or more sureties:***



1 (a) *Each surety submits himself to the jurisdiction of the*
2 *district court and irrevocably appoints the clerk of the district*
3 *court as his agent upon whom any papers affecting his liability on*
4 *the bond or undertaking may be served; and*
5 (b) *The liability of each surety may be enforced on motion in*
6 *the district court without the necessity of an independent action.*
7 *The motion and such notice of the motion as the district court*
8 *prescribes may be served on the clerk of the district court, who*
9 *shall forthwith mail copies to the sureties if their addresses are*
10 *known.*
11 3. *In addition to taking any action authorized pursuant to*
12 *NRS 17.115 or the Nevada Rules of Civil Procedure, the court*
13 *shall allow a defendant to recover from the bond or other*
14 *appropriate security posted by the plaintiff an amount determined*
15 *by the court if:*
16 (a) *A defendant in the action makes an offer of judgment*
17 *pursuant to NRS 17.115 or the Nevada Rules of Civil Procedure;*
18 (b) *The plaintiff rejects the offer of judgment; and*
19 (c) *The plaintiff fails to obtain a more favorable judgment.*
20 4. *To determine whether a plaintiff who rejected an offer of*
21 *judgment failed to obtain a more favorable judgment:*
22 (a) *If the offer provided that the court would award costs, the*
23 *court must compare the principal amount of the judgment with the*
24 *amount of the offer, without inclusion of costs.*
25 (b) *If the offer precluded a separate award of costs, the court*
26 *must compare the principal amount of the judgment with the sum*
27 *of:*
28 (1) *The amount of the offer; and*
29 (2) *The amount of taxable costs that the party to whom the*
30 *offer was made incurred before the date of service of the offer.*
31 **Sec. 2.** *The amendatory provisions of this act apply to an*
32 *action that is filed on or after October 1, 2003.*

