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SENATE BILL NO. 9—COMMITTEE ON COMMERCE AND LABOR  
(ON BEHALF OF SUBCOMMITTEE ON INDUSTRIAL EXPLOSIONS)

PREFILED JANUARY 24, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing exclusivity of certain rights and remedies under industrial insurance. (BDR 53-632)

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.

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AN ACT relating to industrial insurance; providing that certain rights and remedies under industrial insurance are not exclusive for an employee whose injury is caused by the willful misconduct of his employer 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.** NRS 616A.020 is hereby amended to read as  
2 follows:  
3     616A.020 1. The rights and remedies provided in chapters  
4 616A to 616D, inclusive, of NRS for an employee on account of an  
5 injury by accident sustained arising out of and in the course of the  
6 employment shall be exclusive, except as otherwise provided in  
7 those chapters, of all other rights and remedies of the employee, his  
8 personal or legal representatives, dependents or next of kin, at  
9 common law or otherwise, on account of such injury.  
10    2. The terms, conditions and provisions of chapters 616A to  
11 616D, inclusive, of NRS for the payment of compensation and the  
12 amount thereof for injuries sustained or death resulting from such  
13 injuries shall be conclusive, compulsory and obligatory upon both



1 employers and employees coming within the provisions of those  
2 chapters.

3 3. The exclusive remedy provided by this section to a principal  
4 contractor extends, with respect to any injury by accident sustained  
5 by an employee of any contractor in the performance of the contract,  
6 to every architect, land surveyor or engineer who performs services  
7 for:

- 8 (a) The contractor;
- 9 (b) The owner of the property; or
- 10 (c) Any such beneficially interested persons.

11 4. The exclusive remedy provided by this section applies to the  
12 owner of a construction project who provides industrial insurance  
13 coverage for the project by establishing and administering a  
14 consolidated insurance program pursuant to NRS 616B.710 to the  
15 extent that the program covers the employees of the contractors and  
16 subcontractors who are engaged in the construction of the project.

17 5. *The rights and remedies specified in subsection 1 are not*  
18 *exclusive for an employee who sustains an injury by accident that:*

- 19 (a) *Arises out of and in the course of his employment; and*
- 20 (b) *Is caused by the willful misconduct of his employer.*

21 6. If an employee receives any compensation or accident  
22 benefits under chapters 616A to 616D, inclusive, of NRS, the  
23 acceptance of such compensation or benefits ~~shall be~~ *is* in lieu of  
24 any other compensation, award or recovery against his employer  
25 under the laws of any other state or jurisdiction and such employee  
26 is barred from commencing any action or proceeding for the  
27 enforcement or collection of any benefits or award under the laws of  
28 any other state or jurisdiction.

