

ASSEMBLY BILL NO. 7—ASSEMBLYMAN HICKEY

PREFILED DECEMBER 19, 2014

Referred to Committee on Judiciary

SUMMARY—Limits the recovery of damages arising from a civil action relating to a motor vehicle accident under certain circumstances. (BDR 3-227)

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

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle registered or required to be registered in this State to maintain certain amounts of insurance coverage for the payment of tort liabilities arising from the maintenance or use of the motor vehicle. (NRS 485.185) Existing law authorizes certain persons to satisfy such a requirement by obtaining an operator's policy of liability insurance instead of an owner's policy of liability insurance. (NRS 485.186) Existing law also provides that a person in whose name more than 10 motor vehicles are registered in this State may qualify as a self-insurer. (NRS 485.380) This bill limits, under certain circumstances, the amount of damages a plaintiff or claimant may recover in a civil action arising from a motor vehicle accident if he or she was not in compliance with such provisions of existing law, as applicable, at the time of the accident.

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

Section 1. Chapter 42 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, in any civil action to recover damages arising from an accident involving the operation of a motor vehicle or for any claim against the motor vehicle liability policy of another party, if the plaintiff or claimant



1 *was not in compliance with the requirements of NRS 485.185,*
2 *485.186 or 485.380, as applicable, at the time of the accident, the*
3 *maximum amount that may be awarded to the plaintiff or claimant*
4 *must:*

5 *(a) Be limited to medical costs, property damage and lost*
6 *income incurred as a result of the accident; and*

7 *(b) Not include any damages for pain and suffering.*

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

9 *(a) A plaintiff or claimant injured by a motorist who, at the*
10 *time of the accident, was operating a motor vehicle while under*
11 *the influence of intoxicating liquor or a controlled substance or*
12 *engaging in any other conduct prohibited by NRS 484C.110,*
13 *484C.120, 484C.130 or 484C.430, and:*

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

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

20 *(b) A plaintiff or claimant who was a passenger in a motor*
21 *vehicle involved in the accident, unless the plaintiff or claimant is*
22 *an owner of the vehicle.*

23 *(c) A plaintiff or claimant who was not the operator of or a*
24 *passenger in a motor vehicle involved in the accident.*

25 *(d) A plaintiff or claimant if the motorist who caused the*
26 *accident:*

27 *(1) Intentionally caused the accident;*

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

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

31 *(e) A plaintiff or claimant who, at the time of the accident, was*
32 *claimed as a dependent on the federal income tax return of one or*
33 *both of his or her parents, and the parent or parents were not in*
34 *compliance with the requirements of NRS 485.185, 485.186 or*
35 *485.380, as applicable.*

36 *(f) A plaintiff or claimant who, at the time of the accident,*
37 *previously had been covered by an insurance policy which*
38 *satisfied the requirements of NRS 485.185, 485.186 or 485.380, as*
39 *applicable, that was cancelled or terminated for failure to pay the*
40 *premium unless, at least 30 days before the accident, a notice of*
41 *cancellation or termination was mailed to the last known address*
42 *of the policyholder.*

43 *(g) Wrongful death claims.*



- 1 3. *Except as otherwise provided in subsection 2, the*
2 *limitations of subsection 1 upon the amount and nature of*
3 *damages which may be awarded may be asserted by:*
4 (a) *Any person who is involved in the accident which is the*
5 *basis of the action or claim; and*
6 (b) *The insurer of motor vehicle liability for any person*
7 *asserting a limitation set forth in subsection 1.*

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