

SENATE BILL NO. 435—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to claims for personal injury. (BDR 2-1148)

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 claims for personal injury; authorizing a party to void a release of liability under certain circumstances; prohibiting certain persons from negotiating, obtaining or attempting to obtain a settlement agreement, release of liability or certain other statements from another person relating to a personal injury under certain circumstances; enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for personal injury asserted under a policy of insurance covering certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 2** of this bill provides that a release of liability relating to the personal
2 injury of a releasor may be voided by the releasor within 60 days after the signing
3 of the release, if the releasor signed the release: (1) within 30 days after the event
4 that caused the releasor's injury; and (2) without the assistance of an attorney or
5 power of attorney under certain circumstances. **Section 2** provides that if the
6 releasor voids the release of liability, the releasor must: (1) provide notice to the
7 releasee; and (2) return any money paid by the releasee.

8 **Section 3** of this bill provides that if a person was hospitalized or confined to a
9 mental health facility as a result of a personal injury, a person whose interest is or
10 may become adverse to the injured person is prohibited from negotiating, obtaining
11 or attempting to obtain a settlement agreement, a release of liability or certain other
12 statements from the injured person within 15 days after the event that caused the
13 person's personal injury. **Section 3** provides that if such a settlement agreement,
14 release of liability or statement is obtained improperly within 15 days after the
15 event that caused the personal injury, the settlement agreement, release of liability
16 or statement is prohibited from being used as evidence or for any other purpose in a
17 legal proceeding concerning the personal injury under certain circumstances.



18 **Section 4** of this bill authorizes a party against whom a claim is asserted for
19 personal injury under a policy of motor vehicle insurance covering a passenger car
20 to require the claimant or the claimant's attorney to provide to the party or the
21 party's attorney and the insurer, not more than once every 90 days, all medical
22 reports, records and bills concerning the claim. **Section 4** provides that in lieu of
23 the claimant or the claimant's attorney providing such reports, records and bills, the
24 claimant or the claimant's attorney may provide a written authorization to allow the
25 party or the party's attorney and the insurer to receive the reports, records and bills
26 from the claimant's provider of health care. If the reports, records and bills are
27 provided pursuant to such a written authorization, **section 4** authorizes the claimant
28 or the claimant's attorney to request copies of all such reports, records and bills
29 from the party, the party's attorney or the insurer. **Section 4** also provides that upon
30 receipt of any copies of reports, records and bills or a written authorization for a
31 provider of health care to provide such reports, records and bills, the insurer who
32 issued the policy must, upon request, immediately disclose to the claimant all
33 pertinent facts or provisions of the policy relating to any coverage at issue.

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

1 **Section 1.** Chapter 10 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *A release of liability is voidable by a releasor*
4 *within 60 days after its signing by the releasor, if the releasor*
5 *signed the release:*

6 (a) *Within 30 days after the event that caused his or her*
7 *personal injury; and*

8 (b) *Without the assistance or guidance of an attorney or power*
9 *of attorney.*

10 2. *If the releasor voids the release of liability pursuant to*
11 *subsection 1, the releasor shall:*

12 (a) *Provide notice, in writing, to the releasee that the release*
13 *was voided; and*

14 (b) *Return any consideration paid by the releasee.*

15 3. *A release of liability is void on the date that notice*
16 *pursuant to subsection 2 is provided to the releasee.*

17 4. *As used in this section:*

18 (a) *"Release of liability" means an agreement executed*
19 *between a releasor and releasee.*

20 (b) *"Releasee" means a party who is being released by the*
21 *releasor from any claim arising from personal injuries, mental or*
22 *physical, sustained by the releasor.*

23 (c) *"Releasor" means a party who agrees to release the*
24 *releasee from any claim arising from personal injuries, mental or*
25 *physical, sustained by the party.*

26 **Sec. 3. 1.** *If a person is admitted as a patient to a hospital*
27 *or a mental health facility as a result of a personal injury caused*



1 *by another, a person whose interest is or may become adverse to*
2 *the person who was injured shall not, within 15 days after the*
3 *event that caused the injury:*

4 *(a) Negotiate or attempt to negotiate an agreement, including,*
5 *without limitation, a settlement agreement, with the person who*
6 *was injured; or*

7 *(b) Obtain or attempt to obtain:*

8 *(1) A release of liability from the person who was injured;*
9 *or*

10 *(2) An oral or written statement from the person who was*
11 *injured for use in negotiating a settlement agreement or obtaining*
12 *a release of liability.*

13 *2. Notwithstanding any other provision of law, if a settlement*
14 *agreement or release of liability is obtained in violation of*
15 *subsection 1, the settlement agreement or release of liability may*
16 *not be used as evidence or for any other purpose in a legal*
17 *proceeding relating to the injury of the person.*

18 **Sec. 4.** Chapter 690B of NRS is hereby amended by adding
19 thereto a new section to read as follows:

20 *1. Except as otherwise provided in subsection 2, any party*
21 *against whom a claim is asserted for compensation or damages for*
22 *personal injury under a policy of motor vehicle insurance*
23 *covering a passenger car may require any attorney representing*
24 *the claimant to provide to the party or any attorney of the party*
25 *and to the insurer, not more than once every 90 days, all medical*
26 *reports, records and bills concerning the claim.*

27 *2. In lieu of providing medical reports, records and bills*
28 *pursuant to subsection 1, the claimant or any attorney*
29 *representing the claimant may provide to the party or any attorney*
30 *of the party and to the insurer a written authorization to receive*
31 *the medical reports, records and bills from the provider of health*
32 *care.*

33 *3. At the written request of the claimant or the attorney of the*
34 *claimant, copies of all medical reports, records and bills obtained*
35 *by a written authorization pursuant to subsection 2 must be*
36 *provided to the claimant or the attorney of the claimant within 30*
37 *days after the date they are received by the party, any attorney of*
38 *the party or the insurer. If the claimant or the attorney of the*
39 *claimant makes a written request for the medical reports, records*
40 *and bills, the claimant or the attorney of the claimant shall pay for*
41 *the reasonable costs of copying the medical reports, records and*
42 *bills.*

43 *4. Upon receipt of any copies of medical reports, records and*
44 *bills, or a written authorization pursuant to subsection 2, the*
45 *insurer who issued the policy specified in subsection 1 shall, upon*



1 *request, immediately disclose to the claimant all pertinent facts or*
2 *provisions of the policy relating to any coverage at issue.*

3 5. *As used in this section:*

4 (a) *“Passenger car” has the meaning ascribed to it in*
5 *NRS 482.087.*

6 (b) *“Provider of health care” has the meaning ascribed to it in*
7 *NRS 629.031.*

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