

SENATE BILL NO. 435—COMMITTEE ON JUDICIARY

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Enacts provisions relating to claims for mental or physical 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 mental or physical injury; authorizing a party to void a release of liability under certain circumstances; enacting provisions relating to the exchange of medical and insurance information by certain persons involved in a claim for mental or physical injury asserted under a policy of insurance covering motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 2 of this bill provides that a release of liability relating to the personal injury of a releasor may be voided by the releasor within 30 days after the signing of the release, if the releasor signed the release: (1) within 30 days after the event that initially caused the releasor’s injury; and (2) without the assistance of an attorney. **Section 2** provides that in order to void the release of liability, the releasor must: (1) sign a written notice disclosing the election of the releasor to void the release; and (2) within 10 days of signing the notice, send the original notice or a signed copy of the notice to the releasee and return any consideration paid by the releasee.

Section 4 of this bill authorizes a party against whom a claim is asserted for a mental or physical injury under a policy of motor vehicle insurance to require the claimant or the claimant’s attorney to provide to the party or the party’s attorney and the insurer a written authorization to receive all medical reports, records and bills concerning the claim from the claimant’s provider of health care. **Section 4** provides that after such authorization is granted, the authorization may not be revoked without cause. If the reports, records and bills are provided pursuant to such a written authorization, **section 4** authorizes the claimant or the claimant’s attorney to request copies of all such reports, records and bills from the party, the party’s attorney or the insurer. **Section 4** also provides that within 10 days after receipt of a written authorization for a provider of health care to provide such



21 reports, records and bills, the insurer who issued the policy must, upon request,
22 provide a copy of the insurance policy and any endorsements, exclusions,
23 limitations or restrictions modifying such a policy to the claimant or the claimant's
24 attorney. **Section 4** provides that the provisions of the section cease to apply upon
25 the commencement of a formal action in court arising from a claim asserted under
26 the insurance policy.

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

1 **Section 1.** (Deleted by amendment.)

2 **Sec. 2.** Chapter 10 of NRS is hereby amended by adding
3 thereto a new section to read as follows:

4 *1. A release of liability given in connection with any claim for*
5 *personal injury sustained by a releasor is voidable by a releasor*
6 *within 30 days after its signing by the releasor, if the releasor*
7 *signed the release:*

8 *(a) Within 30 days after the event that initially caused his or*
9 *her injury; and*

10 *(b) Without the assistance or guidance of an attorney.*

11 *2. To void the release of liability pursuant to subsection 1, the*
12 *releasor shall:*

13 *(a) Sign a written notice disclosing the election of the releasor*
14 *to void the release; and*

15 *(b) Within 10 days after signing the notice:*

16 *(1) Send the original notice or a signed copy of the notice to*
17 *the releasee; and*

18 *(2) Return any consideration paid by the releasee.*

19 *3. A release of liability is void on the date that the notice and*
20 *any consideration described in subsection 2 are received by the*
21 *releasee.*

22 *4. As used in this section:*

23 *(a) "Personal injury" means any mental or physical injury.*
24 *The term does not include property damage.*

25 *(b) "Release of liability" means an agreement executed*
26 *between a releasor and releasee.*

27 *(c) "Releasee" means a party who is being released by the*
28 *releasor from any claim described in subsection 1.*

29 *(d) "Releasor" means a party who agrees to release the*
30 *releasee from any claim described in subsection 1.*

31 **Sec. 3.** (Deleted by amendment.)

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

34 *1. Any party against whom a claim is asserted for*
35 *compensation or damages for any mental or physical injury under*



1 *a policy of motor vehicle insurance may require the claimant or*
2 *any attorney representing the claimant to provide to the party or*
3 *any attorney of the party and to the insurer a written authorization*
4 *to receive all medical reports, records and bills related to the claim*
5 *from the provider of health care. An authorization so provided*
6 *may not be revoked without cause.*

7 *2. At the written request of the claimant or the attorney of the*
8 *claimant, copies of all medical reports, records and bills obtained*
9 *by a written authorization pursuant to subsection 1 must be*
10 *provided to the claimant or the attorney of the claimant within 30*
11 *days after the date they are received by the party, any attorney of*
12 *the party or the insurer. If the claimant or the attorney of the*
13 *claimant makes a written request for the medical reports, records*
14 *and bills, the claimant or the attorney of the claimant shall pay for*
15 *the reasonable costs of copying the medical reports, records and*
16 *bills.*

17 *3. Within 10 days after receipt of a written authorization*
18 *pursuant to subsection 1, the insurer who issued the policy*
19 *specified in subsection 1 shall, upon request, provide the claimant*
20 *or any attorney representing the claimant with a copy of the*
21 *relevant policy of motor vehicle insurance and any endorsements,*
22 *exclusions, limitations or restrictions modifying the policy.*

23 *4. The provisions of subsections 1, 2 and 3 cease to apply*
24 *upon the commencement of an action in court arising from a*
25 *claim asserted under a policy of motor vehicle insurance.*

26 *5. As used in this section, "provider of health care" has the*
27 *meaning ascribed to it in NRS 629.031.*



