

ASSEMBLY BILL NO. 219—ASSEMBLYWOMAN FLORES

MARCH 8, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the award of damages to persons who suffer personal injury. (BDR 3-753)

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; providing that damages for which a person or corporation is liable to another person in certain actions for personal injury must not be reduced by any amount payable or otherwise applied as a benefit to the person injured; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that if a person suffers a personal injury by wrongful act,
2 neglect or default of another, the person who caused the injury is liable to the
3 person injured for damages. If the person who caused the injury is employed by
4 another person or corporation responsible for the conduct of the person who caused
5 the injury, the employer is liable to the person injured for damages. (NRS 41.130)
6 This bill provides that any such damages for which a person or corporation is liable
7 must not be reduced by any amount payable or otherwise applied as a benefit to the
8 person injured.

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

1 **Section 1.** NRS 41.130 is hereby amended to read as follows:
2 41.130 *1.* Except as otherwise provided in NRS 41.745,
3 whenever any person ~~shall suffer~~ *suffers a* personal injury by
4 wrongful act, neglect or default of another, the person causing the
5 injury is liable to the person injured for damages. ~~and where~~ *If*
6 the person causing the injury is employed by another person or
7 corporation responsible for the conduct of the person causing the



1 injury, that other person or corporation ~~[so responsible]~~ is liable to
2 the person injured for damages.

3 **2. Damages for which a person or corporation is liable**
4 **pursuant to subsection 1 must not be reduced by any amount**
5 **payable or otherwise applied as a benefit to the person injured,**
6 **including, without limitation:**

7 (a) **Any amount paid by a third party that provides health**
8 **coverage; or**

9 (b) **Any reduction or discount in the total billed charge for**
10 **health care services by a provider of health care that is applied as**
11 **the result of a contractual agreement between the provider of**
12 **health care and a third party that provides health coverage for the**
13 **charge.**

14 **3. As used in this section:**

15 (a) **“Provider of health care” means:**

16 (1) **A physician or other health care practitioner who is**
17 **licensed or otherwise authorized in this State to furnish any health**
18 **care service; and**

19 (2) **An institution providing health care services or other**
20 **setting in which health care services are provided, including,**
21 **without limitation, a hospital, surgical center for ambulatory**
22 **patients, facility for skilled nursing, residential facility for groups,**
23 **laboratory and any other such licensed facility.**

24 (b) **“Third party” means:**

25 (1) **An insurer, as that term is defined in NRS 679B.540;**

26 (2) **A health benefit plan, as that term is defined in NRS**
27 **689A.540, for employees which provides coverage for health care**
28 **services;**

29 (3) **A participating public agency, as that term is defined in**
30 **NRS 287.04052, and any other local governmental agency of the**
31 **State of Nevada which provides a system of health insurance for**
32 **the benefit of its officers and employees, and the dependents of**
33 **officers and employees, pursuant to chapter 287 of NRS; or**

34 (4) **Any other insurer or organization providing health**
35 **coverage or benefits in accordance with state or federal law.**

36 **↳ The term does not include an insurer that provides coverage**
37 **under a policy of casualty or property insurance.**

