

Senate Bill No. 401—Senators Flores; and Stone

CHAPTER.....

AN ACT relating to civil actions; revising provisions relating to the circumstances under which punitive damages may be awarded in certain civil actions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the recovery of punitive damages in certain actions where the defendant caused an injury by the operation of a motor vehicle after willfully consuming or using alcohol or another substance, knowing that he or she would thereafter operate the motor vehicle. (NRS 42.010) **Section 1** of this bill removes the requirement that, before consuming or using alcohol or another substance, the defendant knew that he or she would thereafter operate the motor vehicle. **Section 2** of this bill provides that the provisions of this bill become effective and apply to all actions pending or filed on or after July 1, 2023, the effective date of this bill.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 42.010 is hereby amended to read as follows:

42.010 1. In an action for the breach of an obligation, where the defendant caused an injury by the operation of a motor vehicle in violation of NRS 484C.110, 484C.130 or 484C.430 after willfully consuming or using alcohol or another substance, ~~[knowing that the defendant would thereafter operate the motor vehicle,]~~ the plaintiff, in addition to the compensatory damages, may recover damages for the sake of example and by way of punishing the defendant.

2. The provisions of NRS 42.005 do not apply to any cause of action brought pursuant to this section.

Sec. 2. The amendatory provisions of this act apply to all actions pending or filed on or after July 1, 2023.

Sec. 3. This act becomes effective on July 1, 2023.



