

CHAPTER 41 - ACTIONS AND PROCEEDINGS IN PARTICULAR CASES CONCERNING PERSONS

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NOTE: Section 5 of chapter 538, Statutes of Nevada 2013, at p. 3504, has been codified as [NRS 701.680](#).

NRS 41.010 Commencement of action; service of summons upon State Controller. An officer or person who has presented a claim against the State:

1. For services or advances authorized by law, and for which an appropriation has been made, but of which the amount has not been fixed by law; or

2. For refund of an overpayment,
È which claim the State Board of Examiners or the State Controller has refused to allow, in whole or in part, may commence an action in any court having jurisdiction of the amount, for the recovery of such portion of the claim as has been rejected. In such action, the State of Nevada must be named as defendant, and the summons must be served upon the State Controller, and the action must proceed as other civil actions to final judgment.

[1911 CPA § 711; RL § 5653; NCL § 9200]—(NRS A [1967, 720](#); [1969, 1117](#); [2003, 627](#))

NRS 41.020 Attorney General to defend; appeals. The Attorney General shall defend all such actions on the part of the State. The State Controller shall cause to be subpoenaed and examined such witnesses and procure and cause to be introduced such documentary evidence as the State Controller shall deem necessary for the defense. Appeals may be taken in all such actions by the State Controller or the Attorney General in behalf of the State.

[1911 CPA § 712; RL § 5654; NCL § 9201]—(NRS A [1969, 1117](#))

NRS 41.030 State Controller to draw warrant upon final judgment. Upon the presentation of a certified copy of a final judgment in favor of the claimant in any such action, the State Controller shall draw a warrant in favor of the claimant for the amount awarded by the judgment.

[1911 CPA § 713; RL § 5655; NCL § 9202]

LIABILITY OF AND ACTIONS AGAINST THIS STATE, ITS AGENCIES AND POLITICAL SUBDIVISIONS

General Provisions

NRS 41.0305 “Political subdivision” defined. [Effective through June 30, 2016.] As used in [NRS 41.0305](#) to [41.039](#), inclusive, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, irrigation district, school district, governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

(Added to NRS by [1977, 455](#); A [1987, 95, 701, 740, 1395](#); [1989, 1723](#); [1993, 1210](#); [1995, 814](#); [1997, 1035](#); [1999, 3319](#); [2001, 826](#); [2005, 2429](#))

NRS 41.0305 “Political subdivision” defined. [Effective July 1, 2016.] As used in [NRS 41.0305](#) to [41.039](#), inclusive, the term “political subdivision” includes an organization that was officially designated as a community action agency pursuant to 42 U.S.C. § 2790 before that section was repealed and is included in the definition of an “eligible entity” pursuant to 42 U.S.C. § 9902, the Nevada Rural Housing Authority, an airport authority created by special act of the Legislature, a regional transportation commission and a fire protection district, an irrigation district, a school district, the Achievement School District, the governing body of a charter school, any other special district that performs a governmental function, even though it does not exercise general governmental powers, and the governing body of a university school for profoundly gifted pupils.

(Added to NRS by [1977, 455](#); A [1987, 95, 701, 740, 1395](#); [1989, 1723](#); [1993, 1210](#); [1995, 814](#); [1997, 1035](#); [1999, 3319](#); [2001, 826](#); [2005, 2429](#); [2015, 3816](#), effective July 1, 2016)

NRS 41.0307 “Employee,” “employment,” “immune contractor,” “public officer” and “officer” defined. As used in [NRS 41.0305](#) to [41.039](#), inclusive:

1. “Employee” includes an employee of a:

- (a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.
- (b) Charter school.
- (c) University school for profoundly gifted pupils described in [chapter 388C](#) of NRS.

2. “Employment” includes any services performed by an immune contractor.

3. “Immune contractor” means any natural person, professional corporation or professional association which:

- (a) Is an independent contractor with the State pursuant to [NRS 333.700](#); and
- (b) Contracts to provide medical services for the Department of Corrections.

È As used in this subsection, “professional corporation” and “professional association” have the meanings ascribed to them in [NRS 89.020](#).

4. “Public officer” or “officer” includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

(Added to NRS by [1977, 1536](#); A [1981, 247](#); [1987, 95, 539](#); [1989, 695](#); [1991, 142](#); [1993, 2261](#); [1997, 914](#); [1999, 3319](#); [2001 Special Session, 213](#); [2003, 329](#); [2005, 2430](#); [2009, 2231](#))

NRS 41.0308 Volunteer crossing guard for county school district deemed employee of political subdivision of State if volunteer has completed approved training. For the purposes of [NRS 41.0305](#) to [41.039](#), inclusive, a person who volunteers to a county school district or to a local law enforcement agency to serve as a crossing guard for a county school district shall be deemed an employee of a political subdivision of the State if the person has successfully completed a training course in traffic safety that has been approved by a local law enforcement agency.

(Added to NRS by [1995, 98](#))

NRS 41.0309 Employee of or volunteer for public fire-fighting agency deemed employee of State or political subdivision of State. For the purposes of [NRS 41.0305](#) to [41.039](#), inclusive, an employee of or volunteer for a public fire-fighting agency shall be deemed an employee of the State or a political subdivision of the State.

(Added to NRS by [1993, 874](#))

NRS 41.031 Waiver applies to State and its political subdivisions; naming State as defendant; service of process; State does not waive immunity conferred by Eleventh Amendment.

1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in [NRS 41.032](#) to [41.038](#), inclusive, [485.318](#), subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of [NRS 41.010](#) or the limitations of [NRS 41.032](#) to [41.036](#), inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in [NRS 41.032](#) to [41.038](#), inclusive, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of [NRS 41.032](#) to [41.036](#), inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

- (a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and
- (b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

(Added to NRS by [1965, 1413](#); A [1975, 209, 421](#); [1977, 275](#); [1979, 628](#); [1987, 95](#); [1989, 695](#); [1991, 142](#); [1993, 148, 824, 1501, 2489, 2491, 2492](#); [1995, 583, 639](#); [1997, 473](#); [2003, 329](#))

Conditions and Limitations on Actions

NRS 41.032 Acts or omissions of officers, employees and immune contractors. Except as provided in [NRS 278.0233](#) no action may be brought under [NRS 41.031](#) or against an immune contractor or an officer or employee of the State or any of its agencies or political subdivisions which is:

1. Based upon an act or omission of an officer, employee or immune contractor, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, if the statute or regulation has not been declared invalid by a court of competent jurisdiction; or

2. Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the State or any of its agencies or political subdivisions or of any officer, employee or immune contractor of any of these, whether or not the discretion involved is abused.

(Added to NRS by [1965, 1413](#); A [1967, 992](#); [1977, 1536](#); [1983, 2100](#); [1987, 540](#))

NRS 41.0322 Actions by persons in custody of Department of Corrections to recover compensation for loss or injury.

1. A person who is or was in the custody of the Department of Corrections may not proceed with any action against the Department or any of its agents, former officers, employees or contractors to recover compensation for the loss of the person's personal property, property damage, personal injuries or any other claim arising out of a tort pursuant to [NRS 41.031](#) unless the person has exhausted the person's administrative remedies provided by [NRS 209.243](#) and the regulations adopted pursuant thereto.

2. The filing of an administrative claim pursuant to [NRS 209.243](#) is not a condition precedent to the filing of an action pursuant to [NRS 41.031](#).

3. An action filed by a person in accordance with this section before the exhaustion of the person's administrative remedies must be stayed by the court in which the action is filed until the administrative remedies are exhausted. The court shall dismiss the action if the person has not timely filed the person's administrative claim pursuant to [NRS 209.243](#).

4. If a person has exhausted the person's administrative remedies and has filed and is proceeding with a civil action to recover compensation for the loss of the person's personal property, property damage, personal injuries or any other claim arising out of a tort, the Office of the Attorney General must initiate and conduct all negotiations for settlement relating to that action.

(Added to NRS by [1993, 1210](#); A [1995, 1517](#); [2001 Special Session, 213](#))

NRS 41.0325 Negligence or willful misconduct of minor driver in legal custody of State. No action may be commenced pursuant to subsection 2 of [NRS 483.300](#) against the State, a county or an officer or employee of the State or a county for damages caused by the negligence or willful misconduct of a minor driver whose application for a driver's license was signed by the officer or employee while the minor was in the legal custody of the State or county.

(Added to NRS by [1989, 695](#); A [2005, 1043](#))

NRS 41.0327 Injuries arising from acts incident to certain solicitations of charitable contributions. No action may be brought under [NRS 41.031](#) or against an officer or employee of the State or any of its agencies or political subdivisions which is based upon any injuries to any person or property arising from or incident to the act of solicitation permitted pursuant to [NRS 244.3555](#), [268.423](#) or [408.601](#).

(Added to NRS by [1991, 142](#))

NRS 41.033 Failure to inspect or discover hazards, deficiencies or other matters; inspection does not create warranty or assurance concerning hazards, deficiencies or other matters.

1. No action may be brought under [NRS 41.031](#) or against an officer or employee of the State or any of its agencies or political subdivisions which is based upon:

(a) Failure to inspect any building, structure, vehicle, street, public highway or other public work, facility or improvement to determine any hazards, deficiencies or other matters, whether or not there is a duty to inspect; or

(b) Failure to discover such a hazard, deficiency or other matter, whether or not an inspection is made.

2. An inspection conducted with regard to a private building, structure, facility or improvement constitutes a public duty and does not warrant or ensure the absence of any hazard, deficiency or other matter.

(Added to NRS by [1965, 1413](#); A [1967, 993](#); [1977, 1537](#); [1993, 2886](#))

NRS 41.0331 Construction of fence or other safeguard around dangerous condition at abandoned mine. A person, the State of Nevada, any political subdivision of the State, any agency of the State or any agency of its political subdivisions is immune from civil liability for damages sustained as a result of any act or omission by the person, State, political subdivision or agency in constructing, or causing to be constructed, pursuant to standards prescribed by the Commission on Mineral Resources, a fence or other safeguard around an excavation, shaft, hole or other dangerous condition at an abandoned mine for which the person, State, political subdivision or agency is not otherwise responsible.

(Added to NRS by [1989, 1556](#))

NRS 41.0332 Acts or omissions of volunteer school crossing guards. County school districts and local law enforcement agencies are not liable for the negligent acts or omissions of a person who volunteers to serve as a crossing guard, unless:

1. The volunteer made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or

2. The conduct of the volunteer affirmatively caused the harm.
Ê The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.
(Added to NRS by [1995.98](#))

NRS 41.0333 Acts or omissions of members or employees of Nevada National Guard. No action may be brought under [NRS 41.031](#) or against the State of Nevada or the Nevada National Guard or a member or employee of the Nevada National Guard which action is based upon an act or omission of the member or employee while engaged in state or federal training of the Nevada National Guard or duty as prescribed by Title 32 of U.S.C., or regulations adopted pursuant thereto, whether such training or duty is performed within or without the boundaries of this state.
(Added to NRS by [1975.209](#))

NRS 41.0334 Persons engaged in certain criminal acts in or on public buildings or vehicles; exceptions.

1. Except as otherwise provided in subsection 2, no action may be brought under [NRS 41.031](#) or against an officer or employee of the State or any of its agencies or political subdivisions for injury, wrongful death or other damage sustained in or on a public building or public vehicle by a person who was engaged in any criminal act proscribed in [NRS 205.005](#) to [205.080](#), inclusive, [205.220](#), [205.226](#), [205.228](#), [205.240](#), [205.271](#) to [205.2741](#), inclusive, [206.310](#), [206.330](#), [206.335](#), [207.210](#), [331.200](#) or [393.410](#) at the time of the injury, wrongful death or damage was caused.

2. Subsection 1 does not apply to any action for injury, wrongful death or other damage:

(a) Intentionally caused or contributed to by an officer or employee of the State or any of its agencies or political subdivisions; or
(b) Resulting from the deprivation of any rights, privileges or immunities secured by the United States Constitution or the Constitution of the State of Nevada.

3. As used in this section:

(a) "Public building" includes every house, shed, tent or booth, whether or not completed, suitable for affording shelter for any human being or as a place where any property is or will be kept for use, sale or deposit, and the grounds appurtenant thereto; and

(b) "Public vehicle" includes every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, waterway or airway,

È owned, in whole or in part, possessed, used by or leased to the State or any of its agencies or political subdivisions.

(Added to NRS by [1987.94, 95](#); A [1995.738](#); [1997.346](#); [2007.2299](#); [2009.23](#))

NRS 41.0335 Actions against certain officers and employees of political subdivisions for acts or omissions of other persons.

1. No action may be brought against:

(a) A sheriff or county assessor which is based solely upon any act or omission of a deputy;
(b) A chief of a police department which is based solely upon any act or omission of an officer of the department;
(c) A chief of a fire department which is based solely upon any act or omission of a firefighter or other person called to assist the department;
(d) A member of the board of trustees of a county school district, the superintendent of schools of that school district or the principal of a school, which is based solely upon any act or omission of a person volunteering as a crossing guard; or
(e) A chief of a local law enforcement agency which is based solely on any act or omission of a person volunteering as a crossing guard.

2. This section does not:

(a) Limit the authority of the State or a political subdivision or a public corporation of the State to bring an action on any bond or insurance policy provided pursuant to law for or on behalf of any person who may be aggrieved or wronged.

(b) Limit or abridge the jurisdiction of any court to render judgment upon any such bond or insurance policy for the benefit of any person so aggrieved or wronged.

(Added to NRS by [1969.563](#); A [1987.216](#); [1995.99](#); [1997.1584](#); [2005.316](#))

NRS 41.0336 Acts or omissions of firefighters or law enforcement officers. A fire department or law enforcement agency is not liable for the negligent acts or omissions of its firefighters or officers or any other persons called to assist it, nor are the individual officers, employees or volunteers thereof, unless:

1. The firefighter, officer or other person made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or

2. The conduct of the firefighter, officer or other person affirmatively caused the harm.

Ê The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.

(Added to NRS by [1987.216](#); A [2005.317](#))

NRS 41.03365 Actions concerning equipment or personal property donated in good faith to volunteer fire department. No action may be brought under [NRS 41.031](#) or against an immune contractor or an officer or employee of the State or any of its agencies or political subdivisions for damages caused by any equipment or other personal property that was provided by any of them, in good faith and without charge, to a volunteer fire department for use by the volunteer fire department in carrying out its duties.

(Added to NRS by [2003.329](#))

NRS 41.0337 State or political subdivision to be named party defendant.

1. No tort action arising out of an act or omission within the scope of a person's public duties or employment may be brought against any present or former:

(a) Local judicial officer or state judicial officer;
(b) Officer or employee of the State or of any political subdivision;
(c) Immune contractor; or
(d) State Legislator,

È unless the State or appropriate political subdivision is named a party defendant under [NRS 41.031](#).

2. No tort action may be brought against a person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of any present or former:

(a) Local judicial officer or state judicial officer;
(b) Officer or employee of the State or of any political subdivision;
(c) Immune contractor; or
(d) State Legislator,

È unless the State or appropriate political subdivision is named a party defendant under [NRS 41.031](#).

3. As used in this section:

(a) "Local judicial officer" has the meaning ascribed to it in [NRS 41.03377](#).

(b) "State judicial officer" has the meaning ascribed to it in [NRS 41.03385](#).

(Added to NRS by [1975.896](#); A [1977.481](#), [1537](#); [1979.1731](#); [1987.540](#); [2013.1494](#))

Legal Representation

NRS 41.03375 Definitions. As used in [NRS 41.03375](#) to [41.03473](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 41.03377](#), [41.0338](#) and [41.03385](#) have the meanings ascribed to them in those sections.
(Added to NRS by [2013.1494](#))

NRS 41.03377 “Local judicial officer” defined. “Local judicial officer” means a justice of the peace, senior justice of the peace, municipal judge or senior municipal judge.
(Added to NRS by [2013.1494](#))

NRS 41.0338 “Official attorney” defined. “Official attorney” means:

1. The Attorney General, in an action which involves:
 - (a) A present or former state judicial officer, State Legislator, officer or employee of this State, immune contractor or member of a state board or commission; or
 - (b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).
2. The chief legal officer or other authorized legal representative of a political subdivision, in an action which involves:
 - (a) A present or former local judicial officer of that political subdivision, a present or former officer or employee of that political subdivision or a present or former member of a local board or commission; or
 - (b) A person who is named as a defendant in the action solely because of an alleged act or omission relating to the public duties or employment of a person listed in paragraph (a).

(Added to NRS by [1979.1733](#); A [1987.540](#); [1999.782](#); [2001.63, 64](#); [2013.1494](#))

NRS 41.03385 “State judicial officer” defined. “State judicial officer” means a justice of the Supreme Court, senior justice, judge of a district court or senior judge.
(Added to NRS by [2013.1494](#))

NRS 41.0339 Circumstances under which official attorney to provide defense or employ special counsel.

1. The official attorney shall provide for the defense, including the defense of cross-claims and counterclaims, of any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator in any civil action brought against that person based on any alleged act or omission relating to the person’s public duties or employment, or any other person who is named as a defendant in a civil action solely because of an alleged act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator, if:
 - (a) Within 15 days after service of a copy of the summons and complaint or other legal document commencing the action, the person submits a written request for defense:
 - (1) To the official attorney; or
 - (2) If the officer, employee or immune contractor has an administrative superior, to the administrator of the person’s agency and the official attorney; and
 - (b) The official attorney has determined that the act or omission on which the action is based appears to be within the course and scope of public duty or employment and appears to have been performed or omitted in good faith.
2. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the official attorney or a deputy of the official attorney, the official attorney must employ special counsel pursuant to [NRS 41.03435](#) or [41.0344](#), whichever is applicable.
(Added to NRS by [1979.1733](#); A [1987.541](#); [2013.1495](#))

NRS 41.0341 Time for filing responsive pleading. If the complaint is filed in a court of this state:

1. The local judicial officer, state judicial officer, officer, employee, board or commission member, State Legislator or other person for whom the official attorney is required to provide a defense pursuant to [NRS 41.0339](#); and
2. The state or any political subdivision named as a party defendant,

Each has 45 days after their respective dates of service to file an answer or other responsive pleading.
(Added to NRS by [1979.1733](#); A [2013.1495](#))

NRS 41.03415 Determination by official attorney whether or not to tender defense.

1. The official attorney shall determine as promptly as possible whether or not to tender the defense of the person submitting the request. Until the decision is made, the official attorney shall take appropriate action to defend or otherwise protect the time of the person submitting the request to file a responsive pleading.
2. In any case in which the official attorney determines not to defend, the official attorney shall give written notice to the person who requested the defense either:
 - (a) Ten days before the date an answer or other responsive pleading must be filed with the court; or
 - (b) If the defense has been commenced, 20 days before the time an application is made with the court to withdraw as the attorney of record in accordance with [NRS 41.0346](#).

(Added to NRS by [1979.1733](#))

NRS 41.0342 Arrangements and circumstances of defense not admissible in evidence. No fact pertaining to the arrangements or circumstances by which the State or political subdivision or any attorney thereof defends any person or does not do so is admissible in evidence at trial or in any other proceeding in the civil action in which that person is a defendant, except in connection with an application to withdraw as the attorney of record.
(Added to NRS by [1979.1734](#))

NRS 41.0343 Waiver of attorney-client privilege may not be required. The State or appropriate political subdivision may not require a waiver of the attorney-client privilege as a condition of tendering the defense of any of its officers or employees, but nothing in this section precludes an application to withdraw as the attorney of record.
(Added to NRS by [1979.1734](#))

NRS 41.03435 Employment of special counsel by Attorney General. The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines at any time prior to trial that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or
2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

(Added to NRS by [1979.1734](#); A [1991.1751](#); [2013.1053](#))

NRS 41.0344 Employment of special counsel by chief legal officer or attorney of political subdivision. The chief legal officer or attorney of a political subdivision may employ special counsel whose compensation must be fixed by the governing body of the political subdivision if he or she determines at any time prior to trial that it is impracticable or could constitute a conflict of interest for the legal services to be rendered by the chief legal officer or attorney of the political subdivision. Compensation for special counsel must be paid by the political subdivision.

(Added to NRS by [1979, 1734](#))

NRS 41.0345 Defense may be tendered to insurer authorized to defend action. The official attorney may provide for the defense of any person who is entitled to a defense from the State or political subdivision by tendering the defense to an insurer who, pursuant to a contract of insurance, is authorized to defend the action.

(Added to NRS by [1979, 1734](#); A [1999, 782](#))

NRS 41.03455 Defendant may employ own counsel. At any time after a written request for defense is submitted to the official attorney, the person requesting the defense may employ his or her own counsel to defend the action. At that time, the State or political subdivision is excused from any further duty to represent that person and is not liable for any expenses in defending the action, including court costs and attorney's fees.

(Added to NRS by [1979, 1734](#))

NRS 41.0346 Withdrawal of official attorney as attorney of record.

1. At any time after the official attorney has appeared in any civil action and commenced to defend any person sued as a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission, State Legislator or any other person defended by the official attorney pursuant to [NRS 41.0339](#), the official attorney may apply to any court to withdraw as the attorney of record for that person based upon:

(a) Discovery of any new material fact which was not known at the time the defense was tendered and which would have altered the decision to tender the defense;

(b) Misrepresentation of any material fact by the person requesting the defense, if that fact would have altered the decision to tender the defense if the misrepresentation had not occurred;

(c) Discovery of any mistake of fact which was material to the decision to tender the defense and which would have altered the decision but for the mistake;

(d) Discovery of any fact which indicates that the act or omission on which the civil action is based was not within the course and scope of public duty or employment or was wanton or malicious;

(e) Failure of the defendant to cooperate in good faith with the defense of the case; or

(f) If the action has been brought in a court of competent jurisdiction of this state, failure to name the State or political subdivision as a party defendant, if there is sufficient evidence to establish that the civil action is clearly not based on any act or omission relating to the public duties or employment of a local judicial officer, state judicial officer, public officer, employee, immune contractor, member of a board or commission or State Legislator.

2. If any court grants a motion to withdraw on any of the grounds set forth in subsection 1 brought by the official attorney, the State or political subdivision has no duty to continue to defend any person who is the subject of the motion to withdraw.

(Added to NRS by [1979, 1734](#); A [1987, 541](#); [1999, 782](#); [2013, 1496](#))

NRS 41.0347 Liability of State or political subdivision for failure to provide defense.

1. If the official attorney does not provide for the defense of a present or former local judicial officer, state judicial officer, officer, employee, immune contractor, member of a board or commission of the State or any political subdivision or State Legislator in any civil action in which the State or political subdivision is also a named defendant, or which was brought in a court other than a court of competent jurisdiction of this state, and if it is judicially determined that the injuries arose out of an act or omission of that person during the performance of any duty within the course and scope of the person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to that person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

2. If the official attorney does not provide for the defense of a person who is named a defendant in any civil action solely because of an alleged act or omission relating to the public duties or employment of a present or former local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator and the State or political subdivision is also named a defendant, or the civil action was brought in a court other than a court of competent jurisdiction of this State, and if it is judicially determined that the injuries arose out of an act or omission of a local judicial officer, state judicial officer, officer or employee of the State or any political subdivision, immune contractor or State Legislator during the performance of any duty within the course and scope of such a person's public duty or employment and that the person's act or omission was not wanton or malicious:

(a) If the Attorney General was responsible for providing the defense, the State is liable to the person for reasonable expenses in prosecuting the person's own defense, including court costs and attorney's fees. These expenses must be paid, upon approval by the State Board of Examiners, from the Reserve for Statutory Contingency Account.

(b) If the chief legal officer or attorney of a political subdivision was responsible for providing the defense, the political subdivision is liable to that person for reasonable expenses in carrying on the person's own defense, including court costs and attorney's fees.

(Added to NRS by [1979, 1735](#); A [1987, 542](#); [1991, 1751](#); [2013, 1496](#))

NRS 41.03473 Provisions providing for defense by official attorney do not abrogate, alter or affect immunity or protection provided by law. The provisions of [NRS 41.03375](#) to [41.03473](#), inclusive, do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of this State or a political subdivision of this State, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

(Added to NRS by [2013, 1494](#))

Verdict, Judgment, Damages and Indemnification

NRS 41.03475 No judgment against State or political subdivision permitted for acts outside scope of public duties or employment; exception. Except as otherwise provided in [NRS 41.745](#), no judgment may be entered against the State of Nevada or any agency of the State or against any political subdivision of the State for any act or omission of any present or former officer, employee, immune contractor, member of a board or commission or State Legislator which was outside the course and scope of the person's public duties or employment.

(Added to NRS by [1979, 1735](#); A [1987, 542](#); [1997, 1357](#))

NRS 41.0348 Special verdict required. In every action or proceeding in any court of this state in which both the State or political subdivision and any present or former officer, employee, immune contractor or member of a board or commission thereof or any present or former State Legislator are named defendants, the court or jury in rendering any final judgment, verdict, or other disposition shall return a special verdict in the form of written findings which determine whether:

1. The individual defendant was acting within the scope of the defendant's public duty or employment; and
2. The alleged act or omission by the individual defendant was wanton or malicious.

(Added to NRS by [1979, 1735](#); A [1987, 542](#))

NRS 41.0349 Indemnification of present or former public officer, employee, immune contractor or State Legislator. In any civil action brought against any present or former officer, employee, immune contractor, member of a board or commission of the State or a political subdivision or State Legislator, in which a judgment is entered against the person based on any act or omission relating to the person's public duty or employment, the State or political subdivision shall indemnify the person unless:

1. The person failed to submit a timely request for defense;
2. The person failed to cooperate in good faith in the defense of the action;
3. The act or omission of the person was not within the scope of the person's public duty or employment; or
4. The act or omission of the person was wanton or malicious.

(Added to NRS by [1979, 1735](#); A [1987, 543](#))

NRS 41.035 Limitation on award for damages in tort actions.

1. An award for damages in an action sounding in tort brought under [NRS 41.031](#) or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator arising out of an act or omission within the scope of the person's public duties or employment may not exceed the sum of \$100,000, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant. An award may not include any amount as exemplary or punitive damages.

2. The limitations of subsection 1 upon the amount and nature of damages which may be awarded apply also to any action sounding in tort and arising from any recreational activity or recreational use of land or water which is brought against:

(a) Any public or quasi-municipal corporation organized under the laws of this State.

(b) Any person with respect to any land or water leased or otherwise made available by that person to any public agency.

(c) Any Indian tribe, band or community whether or not a fee is charged for such activity or use. The provisions of this paragraph do not impair or modify any immunity from liability or action existing on February 26, 1968, or arising after February 26, 1968, in favor of any Indian tribe, band or community.

È The Legislature declares that the purpose of this subsection is to effectuate the public policy of the State of Nevada by encouraging the recreational use of land, lakes, reservoirs and other water owned or controlled by any public or quasi-municipal agency or corporation of this State, wherever such land or water may be situated.

(Added to NRS by [1965, 1414](#); A [1968, 44](#); [1973, 1532](#); [1977, 985, 1539](#); [1979, 1736](#); [1987, 543](#); [1995, 1073](#); [2007, 3024, 3025](#))

Miscellaneous Provisions

NRS 41.036 Filing tort claim against State with Attorney General; filing tort claim against political subdivision with governing body; review and investigation by Attorney General of tort claim against State; regulations by State Board of Examiners.

1. Each person who has a claim against the State or any of its agencies arising out of a tort must file the claim within 2 years after the time the cause of action accrues with the Attorney General.

2. Each person who has a claim against any political subdivision of the State arising out of a tort must file the claim within 2 years after the time the cause of action accrues with the governing body of that political subdivision.

3. The filing of a claim in tort against the State or a political subdivision as required by subsections 1 and 2 is not a condition precedent to bringing an action pursuant to [NRS 41.031](#).

4. The Attorney General shall, if authorized by regulations adopted by the State Board of Examiners pursuant to subsection 6, approve, settle or deny each claim that is:

(a) Filed pursuant to subsection 1; and

(b) Not required to be passed upon by the Legislature.

5. If the Attorney General is not authorized to approve, settle or deny a claim filed pursuant to subsection 1, the Attorney General shall investigate the claim and submit a report of findings to the State Board of Examiners concerning that claim.

6. The State Board of Examiners shall adopt regulations that specify:

(a) The type of claim that the Attorney General is required to approve, settle or deny pursuant to subsection 4; and

(b) The procedure to be used by the Attorney General to approve, settle or deny that claim.

(Added to NRS by [1965, 1414](#); A [1969, 1117](#); [1979, 629](#); [1981, 1885](#); [1983, 103](#); [1993, 1502](#); [1997, 280](#))

NRS 41.037 Administrative settlement of claims or actions.

1. Upon receiving a report of findings pursuant to subsection 5 of [NRS 41.036](#), the State Board of Examiners may approve, settle or deny any claim or action against the State, any of its agencies or any of its present or former officers, employees, immune contractors or State Legislators.

2. Upon approval of a claim by the State Board of Examiners or the Attorney General pursuant to subsection 4 of [NRS 41.036](#):

(a) The State Controller shall draw a warrant for the payment of the claim; and

(b) The State Treasurer shall pay the claim from:

(1) The Fund for Insurance Premiums; or

(2) The Reserve for Statutory Contingency Account.

3. The governing body of any political subdivision whose authority to allow and approve claims is not otherwise fixed by statute may:

(a) Approve, settle or deny any claim or action against that subdivision or any of its present or former officers or employees; and

(b) Pay the claim or settlement from any money appropriated or lawfully available for that purpose.

(Added to NRS by [1965, 1414](#); A [1973, 1532](#); [1977, 1539](#); [1979, 1736](#); [1985, 544](#); [1987, 544](#); [1989, 310](#); [1991, 1752](#); [1997, 281](#))

NRS 41.0375 Agreement to settle: Prohibited contents; required contents; constitutes public record; void under certain circumstances.

1. Any agreement to settle a claim or action brought under [NRS 41.031](#) or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator:

(a) Must not provide that any or all of the terms of the agreement are confidential.

(b) Must include the amount of any attorney's fees and costs to be paid pursuant to the agreement.

(c) Is a public record and must be open for inspection pursuant to [NRS 239.010](#).

2. Any provision of an agreement to settle a claim or action brought under [NRS 41.031](#) or against a present or former officer or employee of the State or any political subdivision, immune contractor or State Legislator that conflicts with this section is void.

(Added to NRS by [2001, 826](#))

NRS 41.038 Insurance of officers, employees and immune contractors of State or local government against liability.

1. The State and any local government may:
 - (a) Insure itself against any liability arising under [NRS 41.031](#).
 - (b) Insure any of its officers, employees or immune contractors against tort liability resulting from an act or omission in the scope of the person's employment.
 - (c) Insure against the expense of defending a claim against itself or any of its officers, employees or immune contractors whether or not liability exists on such a claim.
2. Any school district may insure any peace officer, requested to attend any school function, against tort liability resulting from an act or omission in the scope of the peace officer's employment while attending such a function.
3. As used in this section:
 - (a) "Insure" means to purchase a policy of insurance or establish a self-insurance reserve or fund, or any combination thereof.
 - (b) "Local government" means every political subdivision and every other governmental entity in this State.
 (Added to NRS by [1965, 1414](#); A [1969, 272, 564](#); [1977, 388](#); [1987, 544](#))

NRS 41.0385 Claims made against state agencies and local governments for tortious conduct: Annual filing of summary of claims with Secretary of State or clerk of local government; summaries of claims are public records.

1. On or before January 10 of each year, for the preceding calendar year, each agency represented by the Attorney General shall submit to the Attorney General a summary of all claims made against the agency for tortious conduct. On or before February 1 of each year, the Attorney General shall compile the summaries submitted pursuant to this subsection and file the compilation with the Secretary of State. The compilation is a public record open to inspection.

2. On or before February 1 of each year, for the preceding calendar year, the district attorney, city attorney or other attorney on behalf of each local government shall compile and file with the clerk of its governing body a summary of all claims made against that government for tortious conduct. The summary is a public record open to inspection.

3. The claims summarized pursuant to this section must be arranged by category of wrong alleged, such as battery, false arrest, negligent injury, wrongful death, and the like, and divided by status into:

- (a) Claims paid;
- (b) Judgments entered but unpaid; and
- (c) Claims pending.

È A total must be shown for each status in each category, and a total overall for each status and each category.

4. For each claim must be shown:

- (a) The name of the claimant;
- (b) The amount paid, reduced to judgment, or claimed, as the case may be, including fees and costs determined; and
- (c) The type of wrong alleged.

5. A court order sealing the record of a proceeding does not prevent the disclosure of the information required by this section, or excuse the attorney for the state or local government from providing that information.

(Added to NRS by [1993, 1163](#))

NRS 41.039 Filing of valid claim against political subdivision condition precedent to commencement of action against immune contractor, employee or officer.

An action which is based on the conduct of any immune contractor, employee or appointed or elected officer of a political subdivision of the State of Nevada while in the course of the person's employment or in the performance of the person's official duties may not be filed against the immune contractor, employee or officer unless, before the filing of the complaint in such an action, a valid claim has been filed, pursuant to [NRS 41.031](#) to [41.038](#), inclusive, against the political subdivision for which the immune contractor, employee or officer was authorized to act.

(Added to NRS by [1968, 27](#); A [1987, 96, 544](#))

AWARD OF ATTORNEY'S FEES AND LITIGATION EXPENSES IN CRIMINAL ACTION IF POSITION OF STATE WAS VEXATIOUS, FRIVOLOUS OR IN BAD FAITH

NRS 41.0393 Grounds for award; application; eligibility; receipt of evidence and testimony; payment of award; payment of interest following unsuccessful appeal; definitions.

1. A court may, in a criminal action, award to a prevailing party, other than the State, reasonable attorney's fees and litigation expenses incurred by the party in the criminal action if the court finds that the position of the State was vexatious, frivolous or in bad faith.

2. A prevailing party that wishes to obtain an award pursuant to this section must, within 30 days after final judgment in the criminal action, submit to the court an application for attorney's fees and litigation expenses. The application must include, without limitation:

- (a) A showing that the party is:
 - (1) A prevailing party; and
 - (2) Eligible to receive an award as set forth in subsection 3;
- (b) An allegation that the position of the State in the criminal action was vexatious, frivolous or in bad faith; and
- (c) A statement of the amount sought, accompanied by an itemized statement from any attorney, expert witness or other person that represented or appeared in the criminal action on behalf of the party that states the actual time expended and the rate at which fees and other expenses were computed.

3. A prevailing party is not eligible for an award pursuant to subsection 1 if he or she was represented by a county or state public defender or by other appointed counsel whose expenses were paid by the public.

4. To determine whether or not to award attorney's fees and litigation expenses under this section, the court, for good cause shown, may receive evidence and testimony ex parte and in camera. Such evidence and testimony may include, without limitation, evidence and testimony that reveals or might reveal confidential information, the identity of an informant or undercover agent or matters occurring before a grand jury. Evidence or testimony so received must be kept under seal.

5. Attorney's fees and litigation expenses awarded pursuant to this section must be paid by the department, division, board, bureau, commission or other agency or political subdivision of the State over which the party prevailed. The award must be paid in the same manner as other claims against the department, division, board, bureau, commission or other agency or political subdivision are paid.

6. If the State appeals an award of attorney's fees or litigation expenses made pursuant to this section and the award is affirmed in whole or in part, interest must be paid on the amount of the award as affirmed. The interest must:

- (a) Be computed at the rate most recently established pursuant to [NRS 99.040](#); and
- (b) Run from the date of the award through the day before the date on which the award is affirmed.

7. For the purposes of this section, a party prevails over the State in a criminal action if the party:

- (a) Is acquitted or obtains a dismissal with prejudice of all or substantially all charges brought against the party in the criminal action; or
- (b) Obtains a dismissal without prejudice of all or substantially all charges brought against the party in the criminal action or a mistrial, so long as it is not the result of circumstances attributable to the party, but only if the court finds it unlikely that a new criminal action will be brought against the party with respect to those charges.

8. As used in this section:

- (a) "Court" means a district court or justice court.
- (b) "Final judgment" means a judgment from which no appeal may be taken or for which the time for taking an appeal has expired.
- (c) "Litigation expenses" includes, without limitation, the reasonable expenses of expert witnesses and the reasonable cost of any study, analysis, engineering report, test or project which is found by the court to be necessary for the preparation of the prevailing party's

criminal action.

(d) "State" means the State of Nevada and any department, division, board, bureau, commission or other agency or political subdivision of the State or an officer or employee thereof acting in his or her official capacity.

(Added to NRS by [2015.538](#))

ACTION AGAINST STATE OR POLITICAL SUBDIVISION IN CONNECTION WITH CONFISCATION OF FIREARM

NRS 41.0395 Person from whom firearm is unlawfully confiscated may commence action against State or political subdivision responsible for confiscation; court in which action may be commenced; court shall award attorney's fees and costs.

1. A person from whom a firearm is confiscated in violation of [NRS 414.155](#) may seek relief in a suit, action or other proceeding at law or in equity, including, without limitation, an action for the return of the firearm, against:

(a) The State of Nevada or a political subdivision thereof; and

(b) The officer or employee of the State or a political subdivision thereof or worker who confiscated or authorized the confiscation of the firearm.

2. The proceeding may be commenced in a court of competent jurisdiction in the county in which:

(a) The person bringing the proceeding resides; or

(b) The firearm may be found.

3. If a person who brings a proceeding pursuant to this section prevails, the court shall award the person, in addition to any other remedy provided by law, reasonable attorney's fees and costs.

4. As used in this section:

(a) "Firearm" has the meaning ascribed to it in [NRS 414.0355](#).

(b) "Worker" has the meaning ascribed to it in [NRS 414.110](#).

(Added to NRS by [2007.359](#))

APPOINTMENT OF ELISORS

NRS 41.040 Appointment and bond of elisor. Process and orders in an action or proceeding may be executed in any county by a person designated by the court or the judge thereof of the county in which the action or proceeding is pending, and denominated an elisor, in the following cases:

1. When the sheriff is a party.

2. When there is a vacancy in the office of sheriff.

3. When it shall be made to appear by affidavit to the satisfaction of the court in which the suit or proceeding is pending, or the judge thereof, that the sheriff, by reason of any bias, prejudice or other cause, would not act promptly or impartially. The court or judge may require such person so appointed to give a bond with sufficient security, in such amount and with such condition, to the person to be served, as the court or judge may deem necessary to secure the rights of the party.

[1911 CPA § 553; RL § 5495; NCL § 9042]

NRS 41.050 Execution of process by elisor. When process is delivered to an elisor, the elisor shall execute it in the same manner as the sheriff is required to execute similar process in other cases.

[1911 CPA § 554; RL § 5496; NCL § 9043]

NRS 41.060 Arrest and confinement of sheriff in a civil action. If the sheriff, on being arrested by an elisor, or if another, on being arrested in an action in which the sheriff is a party, upon an order of arrest in a civil action, neglect to give bail or make a deposit of money instead thereof, or if he or she be arrested on execution against his or her body, or on a warrant of attachment, he or she shall be confined in a house other than the house of the sheriff or the county jail, in the same manner as the sheriff is required to confine a prisoner in the county jail. The house in which he or she is thus confined shall thereupon become, for that purpose, the county jail.

[1911 CPA § 555; RL § 5497; NCL § 9044]

NRS 41.070 Powers, duties and fees of elisors. An elisor appointed to execute process and orders in the cases mentioned in [NRS 41.040](#) shall be invested with the powers, duties and responsibilities of the sheriff in the execution of such process or orders and in every matter incidental thereto, and shall be entitled to the same fees as a sheriff would be entitled to for like services.

[1911 CPA § 556; RL § 5498; NCL § 9045]

GOVERNMENTAL PRIVILEGES, IMMUNITIES AND LIMITATIONS ON LIABILITY

NRS 41.071 Legislative privilege and immunity for State Legislators.

1. The Legislature hereby finds and declares that:

(a) The Framers of the Nevada Constitution created a system of checks and balances so that the constitutional powers separately vested in the Legislative, Executive and Judicial Departments of State Government may be exercised without intrusion from the other Departments.

(b) As part of the system of checks and balances, the constitutional doctrines of separation of powers and legislative privilege and immunity facilitate the autonomy of the Legislative Department by curtailing intrusions by the Executive or Judicial Department into the sphere of legitimate legislative activities.

(c) The constitutional doctrines of separation of powers and legislative privilege and immunity protect State Legislators from having to defend themselves, from being held liable and from being questioned or sanctioned in administrative or judicial proceedings for speech, debate, deliberation and other actions performed within the sphere of legitimate legislative activity.

(d) Under the constitutional doctrines of separation of powers and legislative privilege and immunity, State Legislators must not be hindered or obstructed by executive or judicial oversight that realistically threatens to control their conduct as Legislators.

(e) Under the constitutional doctrines of separation of powers and legislative privilege and immunity, State Legislators must be free to represent the interests of their constituents with assurance that they will not later be called to task for that representation by the other branches of government.

(f) Under the constitutional doctrines of separation of powers and legislative privilege and immunity, State Legislators must not be questioned or sanctioned by the other branches of government for their actions in carrying out their core or essential legislative functions.

(g) Under the constitutional doctrines of separation of powers and legislative privilege and immunity, the only governmental entity that may question or sanction a State Legislator for any actions taken within the sphere of legitimate legislative activity is the Legislator's own House pursuant to [Section 6 of Article 4](#) of the Nevada Constitution.

(h) Therefore, the purpose and effect of this section is to implement the constitutional doctrines of separation of powers and legislative privilege and immunity by codifying in statutory form the constitutional right of State Legislators to be protected from having to defend themselves, from being held liable and from being questioned or sanctioned in administrative or judicial proceedings for speech, debate, deliberation and other actions performed within the sphere of legitimate legislative activity.

2. For any speech or debate in either House, a State Legislator shall not be questioned in any other place.

3. In interpreting and applying the provisions of this section, the interpretation and application given to the constitutional doctrines of separation of powers and legislative privilege and immunity under the Speech or Debate Clause of Section 6 of Article I of the

Constitution of the United States must be considered to be persuasive authority.

4. The rights, privileges and immunities recognized by this section are in addition to any other rights, privileges and immunities recognized by law.

5. This section applies to any actions, in any form, taken or performed within the sphere of legitimate legislative activity, whether or not the Legislature is in a regular or special session, and such actions include, without limitation:

(a) Any actions, in any form, taken or performed with regard to any legislative measure or other matter within the jurisdiction of the Legislature, including, without limitation, conceiving, formulating, investigating, developing, requesting, drafting, introducing, sponsoring, processing, reviewing, revising, amending, communicating, discussing, debating, negotiating, allying, caucusing, meeting, considering, supporting, advocating, approving, opposing, blocking, disapproving or voting in any form.

(b) Any actions, in any form, taken or performed with regard to any legislative investigation, study, inquiry or information-gathering concerning any legislative measure or other matter within the jurisdiction of the Legislature, including, without limitation, chairing or serving on a committee, preparing committee reports or other documents, issuing subpoenas or conducting disciplinary or impeachment proceedings.

(c) Any actions, in any form, taken or performed with regard to requesting, seeking or obtaining any form of aid, assistance, counsel or services from any officer or employee of the Legislature concerning any legislative measure or other matter within the jurisdiction of the Legislature, including, without limitation, any communications, information, answers, advice, opinions, recommendations, drafts, documents, records, questions, inquiries or requests in any form.

6. The provisions of subsection 5:

(a) Are intended to be illustrative;

(b) Are not intended to be exhaustive or exclusive; and

(c) Must not be interpreted as a limitation or restriction on the constitutional doctrines of separation of powers and legislative privilege and immunity.

7. As used in this section:

(a) "Any form" includes, without limitation, any oral, written, audio, visual, digital or electronic form.

(b) "Legislative measure" means any existing, suggested, proposed or pending bill, resolution, law, statute, ballot question, initiative, referendum or other legislative or constitutional measure.

(c) "Legislature" means:

(1) The Legislature or either House;

(2) Any committee of either House;

(3) Any joint committee of both Houses; or

(4) Any other committee, subcommittee, commission, agency or entity created or authorized by the Legislature to perform legislative functions at the direction of the Legislature, including, without limitation, the Legislative Commission, the Legislative Counsel Bureau or any other agency or entity of the Legislative Department of State Government.

(d) "State Legislator" or "Legislator" means:

(1) Any current or former member of the Senate or Assembly of the State of Nevada; or

(2) Any other person who takes or performs any actions within the sphere of legitimate legislative activity that would be protected if taken or performed by any member of the Senate or Assembly, including, without limitation, any such actions taken or performed by any current or former officer or employee of the Legislature.

(Added to NRS by [2009, 1042](#); A [2015, 3193](#))

NRS 41.075 Limitations on liability of Committee on Local Government Finance. No cause of action may be brought against the Committee on Local Government Finance created pursuant to [NRS 354.105](#), or any of its members, which is based upon:

1. Any act or omission in the execution of, or otherwise in conjunction with, the execution of [NRS 354.655](#) to [354.725](#), inclusive, or any policy or plan adopted pursuant thereto, whether or not such statute, policy or plan is valid, if the statute, policy or plan has not been declared invalid by a court of competent jurisdiction; or

2. The exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the Committee on Local Government Finance or member thereof, whether or not the discretion involved is abused.

(Added to NRS by [1995, 145](#); A [1997, 573](#); [2001, 1819](#); [2005, 1394](#))

ACTIONS FOR DEATH BY WRONGFUL ACT OR NEGLIGENCE

NRS 41.085 Heirs and personal representatives may maintain action.

1. As used in this section, "heir" means a person who, under the laws of this State, would be entitled to succeed to the separate property of the decedent if the decedent had died intestate. The term does not include a person who is deemed to be a killer of the decedent pursuant to [chapter 41B](#) of NRS, and such a person shall be deemed to have predeceased the decedent as set forth in [NRS 41B.330](#).

2. When the death of any person, whether or not a minor, is caused by the wrongful act or neglect of another, the heirs of the decedent and the personal representatives of the decedent may each maintain an action for damages against the person who caused the death, or if the wrongdoer is dead, against the wrongdoer's personal representatives, whether the wrongdoer died before or after the death of the person injured by the wrongdoer. If any other person is responsible for the wrongful act or neglect, or if the wrongdoer is employed by another person who is responsible for the wrongdoer's conduct, the action may be maintained against that other person, or if the other person is dead, against the other person's personal representatives.

3. An action brought by the heirs of a decedent pursuant to subsection 2 and the cause of action of that decedent brought or maintained by the decedent's personal representatives which arose out of the same wrongful act or neglect may be joined.

4. The heirs may prove their respective damages in the action brought pursuant to subsection 2 and the court or jury may award each person pecuniary damages for the person's grief or sorrow, loss of probable support, companionship, society, comfort and consortium, and damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are not liable for any debt of the decedent.

5. The damages recoverable by the personal representatives of a decedent on behalf of the decedent's estate include:

(a) Any special damages, such as medical expenses, which the decedent incurred or sustained before the decedent's death, and funeral expenses; and

(b) Any penalties, including, but not limited to, exemplary or punitive damages, that the decedent would have recovered if the decedent had lived,

but do not include damages for pain, suffering or disfigurement of the decedent. The proceeds of any judgment for damages awarded under this subsection are liable for the debts of the decedent unless exempted by law.

(Added to NRS by [1979, 458](#); A [1995, 2667](#); [1999, 1354](#))

LIABILITY OF PERSONS WHO USE DEADLY FORCE AGAINST INTRUDER IN RESIDENCE, TRANSIENT LODGING OR MOTOR VEHICLE

NRS 41.095 Presumption that person using deadly force against intruder in person's residence, transient lodging or motor vehicle has reasonable fear of death or bodily injury; person who uses deadly force is immune from civil liability under certain circumstances; definitions.

1. For the purposes of [NRS 41.085](#) and [41.130](#), any person who uses:

(a) While lawfully in his or her residence, in transient lodging or in a motor vehicle that is not his or her residence, force which is intended or likely to cause death or bodily injury is presumed to have had a reasonable fear of imminent death or bodily injury to himself or herself or another person lawfully in the residence, transient lodging or motor vehicle if the force is used against a person who is committing burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon and the person using the force knew or had reason to believe that burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon was being committed. An action to recover damages for personal injuries to or the wrongful death of the person who committed burglary, invasion of the home or grand larceny of the motor vehicle with the use or threatened use of a deadly weapon may not be maintained against the person who used such force unless the presumption is overcome by clear and convincing evidence to the contrary.

(b) Force which is intended or likely to cause death or bodily injury is immune from civil liability in an action to recover damages for personal injuries to or the wrongful death of a person against whom such force was used if the use of such force was justified under the applicable provisions of [chapter 200](#) of NRS relating to the use of such force.

2. As used in this section:

(a) "Deadly weapon" has the meaning ascribed to it in [NRS 193.165](#).

(b) "Motor vehicle" means every vehicle which is self-propelled.

(c) "Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.

(Added to NRS by [1989, 1798](#); A [2015, 1784](#))

SURVIVAL OF CAUSES OF ACTION

NRS 41.100 Cause of action not lost by reason of death; damages; recovery for loss arising out of unfair practice regarding policy of life insurance; subrogation.

1. Except as otherwise provided in this section and [NRS 179A.230](#), no cause of action is lost by reason of the death of any person, but may be maintained by or against the person's executor or administrator.

2. In an action against an executor or administrator, any damages may be awarded which would have been recovered against the decedent if the decedent had lived, except damages awardable under [NRS 42.005](#) or [42.010](#) or other damages imposed primarily for the sake of example or to punish the defendant.

3. Except as otherwise provided in this subsection, when a person who has a cause of action dies before judgment, the damages recoverable by the decedent's executor or administrator include all losses or damages which the decedent incurred or sustained before the decedent's death, including any penalties or punitive and exemplary damages which the decedent would have recovered if the decedent had lived, and damages for pain, suffering or disfigurement and loss of probable support, companionship, society, comfort and consortium. This subsection does not apply to the cause of action of a decedent brought by the decedent's personal representatives for the decedent's wrongful death.

4. The executor or administrator of the estate of a person insured under a policy of life insurance may recover on behalf of the estate any loss, including, without limitation, consequential damages and attorney's fees, arising out of the commission of an act that constitutes an unfair practice pursuant to subsection 1 of [NRS 686A.310](#).

5. This section does not prevent subrogation suits under the terms and conditions of an uninsured motorists' provision of an insurance policy.

[1:21:1937; 1931 NCL § 240.01]—(NRS A 1960, 322; [1967, 408](#); [1969, 285](#); [1979, 458](#); [1987, 1768](#); [1989, 485](#); [1997, 227](#))

ACTIONS FOR PERSONAL INJURIES BY WRONGFUL ACT, NEGLIGENCE OR DEFAULT

NRS 41.130 Liability for personal injury. Except as otherwise provided in [NRS 41.745](#), whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury is liable to the person injured for damages; and where the person causing the injury is employed by another person or corporation responsible for the conduct of the person causing the injury, that other person or corporation so responsible is liable to the person injured for damages.

[1911 CPA § 707; RL § 5649; NCL § 9196]—(NRS A [1997, 1357](#))

NRS 41.1305 Liability of person who serves, sells or furnishes alcoholic beverages for damages caused as a result of consumption of alcoholic beverage: No liability if person served is 21 years of age or older; liability in certain circumstances if person served is under 21 years of age; exception to liability; damages, attorney's fees and costs.

1. A person who serves, sells or otherwise furnishes an alcoholic beverage to another person who is 21 years of age or older is not liable in a civil action for any damages caused by the person to whom the alcoholic beverage was served, sold or furnished as a result of the consumption of the alcoholic beverage.

2. Except as otherwise provided in this section, a person who:

(a) Knowingly serves, sells or otherwise furnishes an alcoholic beverage to an underage person; or

(b) Knowingly allows an underage person to consume an alcoholic beverage on premises or in a conveyance belonging to the person or over which the person has control,

is liable in a civil action for any damages caused by the underage person as a result of the consumption of the alcoholic beverage.

3. The liability created pursuant to subsection 2 does not apply to a person who is licensed to serve, sell or furnish alcoholic beverages or to a person who is an employee or agent of such a person for any act or failure to act that occurs during the course of business or employment and any such act or failure to act may not be used to establish proximate cause in a civil action and does not constitute negligence per se.

4. A person who prevails in an action brought pursuant to subsection 2 may recover the person's actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

5. As used in this section, "underage person" means a person who is less than 21 years of age.

(Added to NRS by [1995, 2667](#); A [2007, 589](#))

NRS 41.131 Limitation on basis of liability of manufacturers and distributors of firearms and ammunition.

1. No person has a cause of action against the manufacturer or distributor of any firearm or ammunition merely because the firearm or ammunition was capable of causing serious injury, damage or death, was discharged and proximately caused serious injury, damage or death. This subsection is declaratory and not in derogation of the common law.

2. This section does not affect a cause of action based upon a defect in design or production. The capability of a firearm or ammunition to cause serious injury, damage or death when discharged does not make the product defective in design.

(Added to NRS by [1985, 1469](#))

NRS 41.1315 Limitation on liability of property owner for injury or damage on sidewalk in public right-of-way. No person who owns property is liable in a civil action for any injury or damage that occurs as a result of the use of a sidewalk in a public right-of-way that abuts the person's property, unless the person:

1. Failed to comply with an ordinance adopted pursuant to paragraph (d) of subsection 2 of [NRS 278.02313](#); or

2. Created a dangerous condition that caused the injury or damage.

(Added to NRS by [2003, 1738](#))

NRS 41.133 Conviction of crime is conclusive evidence of facts necessary to impose civil liability for related injury. If an offender has been convicted of the crime which resulted in the injury to the victim, the judgment of conviction is conclusive evidence of all facts necessary to impose civil liability for the injury.
(Added to NRS by [1985.968](#))

NRS 41.134 Action for damages for injuries resulting from acts of domestic violence; award of costs and attorney's fees to injured person. A person who has suffered injury as the proximate result of an act that constitutes domestic violence pursuant to [NRS 33.018](#) may bring an action to recover for the person's actual damages, including, without limitation, damage to any real or personal property. If the person who suffered injury prevails in such an action, the court shall award the person costs and reasonable attorney's fees.
(Added to NRS by [1997.1811](#))

NRS 41.1345 Action for damages for injuries resulting from unlawful use, possession, sale or transfer of personal identifying information; award of costs and attorney's fees to injured person; punitive damages; limitation on time for commencement of action.

1. A person who has suffered injury as the proximate result of a violation of the provisions of [NRS 205.463](#), [205.464](#) or [205.465](#) may commence an action for the recovery of the person's actual damages, costs and reasonable attorney's fees and for any punitive damages that the facts may warrant.

2. An action described in subsection 1 must be commenced not later than 2 years after the person who suffered the injury discovers the facts constituting the violation of the provisions of [NRS 205.463](#), [205.464](#) or [205.465](#).

(Added to NRS by [1999.1346](#); A [2007.48](#))

NRS 41.135 Limitation on liability of victims of certain crimes for injury or damage sustained by offender. A person who is convicted of committing or attempting to commit:

1. A felony;

2. An act that would have been a felony if committed by an adult; or

3. A misdemeanor or gross misdemeanor that constitutes domestic violence pursuant to [NRS 33.018](#),

È may not bring an action against the victim or the estate of the victim for injuries sustained by the offender or damage to property of the offender that occurred during the course of the crime or delinquent act.

(Added to NRS by [1985.968](#); A [1989.1453](#); [1997.2](#), [1811](#))

NRS 41.139 Actions by peace officers, firefighters and emergency medical attendants for injury resulting from willful acts or negligent management of property; employer not liable.

1. Except as otherwise provided in subsection 2, a peace officer, firefighter or emergency medical attendant may bring and maintain an action for damages for personal injury caused by the willful act of another person, or by another person's lack of ordinary care or skill in the management of the person's property, if the conduct causing the injury:

(a) Occurred after the person who caused the injury knew or should have known of the presence of the peace officer, firefighter or emergency medical attendant;

(b) Was intended to injure the peace officer, firefighter or emergency medical attendant;

(c) Violated a statute, ordinance or regulation:

(1) Intended to protect the peace officer, firefighter or emergency medical attendant; or

(2) Prohibiting resistance to or requiring compliance with an order of a peace officer or firefighter; or

(d) Was arson.

2. This section does not impose liability on the employer of the peace officer, firefighter or emergency medical attendant.

3. As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to [chapter 450B](#) of NRS.

(b) "Peace officer" has the meaning ascribed to it in [NRS 169.125](#).

(Added to NRS by [1985.151](#); A [1991.457](#); [2005.317](#); [2013.951](#))

NRS 41.1393 Discharge of duty to warn trespasser against dangerous condition. In any case where there is a duty to warn a trespasser against a dangerous condition of the premises, that duty is discharged by painting, at intervals of not more than 200 feet on each side of the premises, upon or near the boundary, a post, structure or natural object with not less than 50 square inches of fluorescent orange paint or, if the post is a metal fence post, painting the entire post with such paint.

(Added to NRS by [1987.2087](#))

NRS 41.1395 Action for damages for injury or loss suffered by older or vulnerable person from abuse, neglect or exploitation; double damages; attorney's fees and costs.

1. Except as otherwise provided in subsection 3, if an older person or a vulnerable person suffers a personal injury or death that is caused by abuse or neglect or suffers a loss of money or property caused by exploitation, the person who caused the injury, death or loss is liable to the older person or vulnerable person for two times the actual damages incurred by the older person or vulnerable person.

2. If it is established by a preponderance of the evidence that a person who is liable for damages pursuant to this section acted with recklessness, oppression, fraud or malice, the court shall order the person to pay the attorney's fees and costs of the person who initiated the lawsuit.

3. The provisions of this section do not apply to a person who caused injury, death or loss to a vulnerable person if the person did not know or have reason to know that the harmed person was a vulnerable person.

4. For the purposes of this section:

(a) "Abuse" means willful and unjustified:

(1) Infliction of pain, injury or mental anguish; or

(2) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person.

(b) "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(1) Obtain control, through deception, intimidation or undue influence, over the money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of that person's money, assets or property; or

(2) Convert money, assets or property of the older person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of that person's money, assets or property.

È As used in this paragraph, "undue influence" does not include the normal influence that one member of a family has over another.

(c) "Neglect" means the failure of a person who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person, or who has voluntarily assumed responsibility for such a person's care, to provide food, shelter, clothing or services within the scope of the person's responsibility or obligation, which are necessary to maintain the physical or mental health of the older person or vulnerable person. For the purposes of this paragraph, a person voluntarily assumes responsibility to provide care for an older or vulnerable person only to the extent that the person has expressly acknowledged the person's responsibility to provide such care.

(d) "Older person" means a person who is 60 years of age or older.

(e) "Vulnerable person" means a person who:

- (1) Has a physical or mental impairment that substantially limits one or more of the major life activities of the person; and
 - (2) Has a medical or psychological record of the impairment or is otherwise regarded as having the impairment.
- È The term includes, without limitation, a person who has an intellectual disability, a person who has a severe learning disability, a person who suffers from a severe mental or emotional illness or a person who suffers from a terminal or catastrophic illness or injury.

(Added to NRS by [1997, 3344](#); A [2003, 492](#); [2013, 681](#))

NRS 41.1396 Action for damages for injury suffered by victim of pornography involving minors; presumed statutory damages; attorney's fees and costs; protection of victim's identity; limitation on defenses.

1. Any person who, while under the age of 16 years, appeared in any film, photograph or other visual presentation engaging in sexual conduct and who suffered personal or psychological injury as a result may bring an action against any person who, while over the age of 18 years, knowingly and willfully:

(a) Promoted the film, photograph or other visual presentation;

(b) Possessed the film, photograph or other visual presentation; or

(c) Used the Internet to control the film, photograph or other visual presentation, with the specific intent to view the film, photograph or other visual presentation.

2. A plaintiff who prevails in an action brought pursuant to this section may recover the plaintiff's actual damages, which shall be deemed to be at least \$150,000, plus attorney's fees and costs.

3. A plaintiff may request to use a pseudonym instead of the plaintiff's name in all court proceedings and records related to an action brought pursuant to this section. Upon notification that a plaintiff has requested to use a pseudonym, the court shall ensure that the pseudonym is used in all court proceedings and records.

4. It is not a defense to a cause of action under this section that a defendant did not know the plaintiff or did not engage in the sexual conduct with the plaintiff.

5. As used in this section:

(a) "Promote" has the meaning ascribed to it in [NRS 200.700](#).

(b) "Sexual conduct" means sexual intercourse, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any object manipulated or inserted by a person into the genital or anal opening of the body of another.

(Added to NRS by [2009, 2663](#))

NRS 41.1397 Liability of owner or operator of house of prostitution for employment of prostitute tested positive for exposure to human immunodeficiency virus. An owner of a house of prostitution, the person who operates the house or the agent of either who employs or continues to employ a prostitute after the person knows or should know that the prostitute has tested positive in a test approved by regulation of the State Board of Health for exposure to the human immunodeficiency virus, is liable for any damages caused to a person exposed to the virus as a result of the employment.

(Added to NRS by [1987, 2028](#))

NRS 41.1398 Action for damages for unlawful disclosure of certain confidential information relating to victim of sexual assault. A person who has suffered injury as the proximate result of a violation of the provisions of [NRS 200.3771](#) to [200.3774](#), inclusive, may bring an action for the recovery of the person's actual damages and any punitive damages which the facts may warrant.

(Added to NRS by [1993, 2478](#))

NRS 41.1399 Action by victim of human trafficking; venue; damages and other relief; attorney's fees and costs; statute of limitations; joinder of parties; limitation on defenses.

1. Any person who is a victim of human trafficking may bring a civil action against any person who caused, was responsible for or profited from the human trafficking.

2. A civil action brought under this section may be instituted in the district court of this State in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section.

3. In an action brought under this section, the court may award such injunctive relief as the court deems appropriate.

4. A plaintiff who prevails in an action brought under this section may recover actual damages, compensatory damages, punitive damages or any other appropriate relief. If a plaintiff recovers actual damages in an action brought under this section and the acts of the defendant were willful and malicious, the court may award treble damages to the plaintiff. If the plaintiff prevails in an action brought under this section, the court may award attorney's fees and costs to the plaintiff.

5. The statute of limitations for an action brought under this section does not commence until:

(a) The plaintiff discovers or reasonably should have discovered that he or she is a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking;

(b) The plaintiff reaches 18 years of age; or

(c) If the injury to the plaintiff results from two or more acts relating to the human trafficking, the final act in the series of acts has occurred,
È whichever is later.

6. The statute of limitations for an action brought under this section is tolled for any period during which the plaintiff was under a disability. For the purposes of this subsection, a plaintiff is under a disability if the plaintiff is insane, a person with an intellectual disability, mentally incompetent or in a medically comatose or vegetative state.

7. A defendant in an action brought under this section is estopped from asserting that the action was not brought within the statute of limitations if the defendant, or any person acting on behalf of the defendant, has induced the plaintiff to delay bringing an action under this section by subjecting the plaintiff to duress, threats, intimidation, manipulation or fraud or any other conduct inducing the plaintiff to delay bringing an action under this section.

8. In the discretion of the court in an action brought under this section:

(a) Two or more persons may join as plaintiffs in one action if the claims of those plaintiffs involve at least one defendant in common.

(b) Two or more persons may be joined in one action as defendants if those persons may be liable to at least one plaintiff in common.

9. The consent of a victim is not a defense to a cause of action brought under this section.

10. For the purposes of this section:

(a) A victim of human trafficking is a person against whom a violation of any provision of [NRS 200.463](#) to [200.468](#), inclusive, [201.300](#) or [201.320](#), or 18 U.S.C. § 1589, 1590 or 1591 has been committed.

(b) It is not necessary that the defendant be investigated, arrested, prosecuted or convicted for a violation of any provision of [NRS 200.463](#) to [200.468](#), inclusive, [201.300](#) or [201.320](#), or 18 U.S.C. § 1589, 1590 or 1591 to be found liable in an action brought under this section.

(Added to NRS by [2013, 2417](#))

COMPARATIVE NEGLIGENCE

NRS 41.141 When comparative negligence not bar to recovery; jury instructions; liability of multiple defendants.

1. In any action to recover damages for death or injury to persons or for injury to property in which comparative negligence is asserted as a defense, the comparative negligence of the plaintiff or the plaintiff's decedent does not bar a recovery if that negligence was not greater than the negligence or gross negligence of the parties to the action against whom recovery is sought.

2. In those cases, the judge shall instruct the jury that:

(a) The plaintiff may not recover if the plaintiff's comparative negligence or that of the plaintiff's decedent is greater than the negligence of the defendant or the combined negligence of multiple defendants.

(b) If the jury determines the plaintiff is entitled to recover, it shall return:

(1) By general verdict the total amount of damages the plaintiff would be entitled to recover without regard to the plaintiff's comparative negligence; and

(2) A special verdict indicating the percentage of negligence attributable to each party remaining in the action.

3. If a defendant in such an action settles with the plaintiff before the entry of judgment, the comparative negligence of that defendant and the amount of the settlement must not thereafter be admitted into evidence nor considered by the jury. The judge shall deduct the amount of the settlement from the net sum otherwise recoverable by the plaintiff pursuant to the general and special verdicts.

4. Where recovery is allowed against more than one defendant in such an action, except as otherwise provided in subsection 5, each defendant is severally liable to the plaintiff only for that portion of the judgment which represents the percentage of negligence attributable to that defendant.

5. This section does not affect the joint and several liability, if any, of the defendants in an action based upon:

(a) Strict liability;

(b) An intentional tort;

(c) The emission, disposal or spillage of a toxic or hazardous substance;

(d) The concerted acts of the defendants; or

(e) An injury to any person or property resulting from a product which is manufactured, distributed, sold or used in this State.

6. As used in this section:

(a) "Concerted acts of the defendants" does not include negligent acts committed by providers of health care while working together to provide treatment to a patient.

(b) "Provider of health care" has the meaning ascribed to it in [NRS 629.031](#).

(Added to NRS by [1973.1722](#); A [1979.1356](#); [1987.1697](#); [1989.72](#))

PROCEDURE FOR EVIDENCING DOMICILE

NRS 41.191 Declaration of domicile in Nevada.

1. Any person who has established domicile in this state may manifest and evidence his or her domicile by filing in the office of the clerk of the district court for the county in which the person resides, a sworn statement showing that the person resides in and maintains a residence in that county, which the person recognizes and intends to maintain as his or her permanent home.

2. Any person who has established a domicile in this state, but who maintains another residence in some other state, may manifest and evidence his or her domicile in this state by filing in the office of the clerk of the district court for the county in which the person resides, a sworn statement that the person's residence in Nevada constitutes his or her predominant and principal home, and that the person intends to continue it permanently as his or her predominant and principal home.

3. A sworn statement filed pursuant to this section must contain, in addition to the declaration required in subsection 1 or 2, a declaration that the person making the statement is at the time of making the statement a bona fide resident of the State, and it must set forth the person's place of residence, the city, county and state in which the person formerly resided, and all other places, if any, in which the person maintains a residence.

(Added to NRS by [1979.336](#))

NRS 41.193 Declaration of domicile in other state.

1. A person who:

(a) Is or was domiciled in a state other than Nevada and who:

(1) Has a residence in Nevada; or

(2) Does or has done acts within Nevada which, independently of his or her actual intention concerning domicile, might be taken to indicate that the person is or intends to be domiciled in Nevada; and

(b) Desires to maintain or continue his or her domicile in a state other than Nevada,

may manifest and evidence his or her permanent domicile in that other state by filing in the office of the clerk of the district court in any county in Nevada in which the person has a residence or in which the person may have performed those acts, a sworn statement that his or her domicile is in a state other than Nevada, naming the state and stating that he or she intends to permanently continue domicile in that state.

2. The sworn statement filed pursuant to this section must contain, in addition to the declaration required in subsection 1, a declaration that the person making the statement is, at the time of making the statement, a resident of a state other than Nevada, and it must set forth the place of residence which the person maintains in the state or the fact that the person does not maintain a residence in Nevada. It must also set forth other facts with reference to any acts done by the person which the person desires not be construed as evidencing an intention to establish his or her domicile in Nevada.

(Added to NRS by [1979.337](#))

NRS 41.195 Signing and recording of declaration; fee. The sworn statement permitted by [NRS 41.191](#) and [41.193](#) must be signed under oath before a person authorized to administer oaths. The clerk of a district court in whose office a statement is filed shall record it in a book provided for that purpose, and collect a fee of \$5 for performing that duty.

(Added to NRS by [1979.337](#))

NRS 41.197 Other methods of proving domicile not repealed or abrogated. Nothing contained in [NRS 41.191](#) to [41.197](#), inclusive, repeals or abrogates any existing method of proving domicile.

(Added to NRS by [1979.337](#))

PROCEDURE FOR COMPROMISING CLAIMS OF MINORS

NRS 41.200 Compromise by parent or guardian of claim by minor against third person; requirements of court petition; establishment of blocked financial investment for proceeds of compromise; no fees to be charged in proceedings.

1. If an unemancipated minor has a disputed claim for money against a third person, either parent, or if the parents of the minor are living separate and apart, then the custodial parent, or if no custody award has been made, the parent with whom the minor is living, or if a general guardian or guardian of the estate of the minor has been appointed, then that guardian, has the right to compromise the claim. Such a compromise is not effective until it is approved by the district court of the county where the minor resides, or if the minor is not a resident of the State of Nevada, then by the district court of the county where the claim was incurred, upon a verified petition in writing, regularly filed with the court.

2. The petition must set forth:

(a) The name, age and residence of the minor;

(b) The facts which bring the minor within the purview of this section, including:

(1) The circumstances which make it a disputed claim for money;

(2) The name of the third person against whom the claim is made; and

(3) If the claim is the result of an accident or motor vehicle crash, the date, place and facts of the accident or motor vehicle crash;

- (c) The names and residence of the parents or the legal guardian of the minor;
- (d) The name and residence of the person or persons having physical custody or control of the minor;
- (e) The name and residence of the petitioner and the relationship of the petitioner to the minor;
- (f) The total amount of the proceeds of the proposed compromise and the apportionment of those proceeds, including the amount to be used for:

(1) Attorney's fees and whether the attorney's fees are fixed or contingent fees, and if the attorney's fees are contingent fees the percentage of the proceeds to be paid as attorney's fees;

(2) Medical expenses; and

(3) Other expenses,

and whether these fees and expenses are to be deducted before or after the calculation of any contingency fee;

(g) Whether the petitioner believes the acceptance of this compromise is in the best interest of the minor; and

(h) That the petitioner has been advised and understands that acceptance of the compromise will bar the minor from seeking further relief from the third person offering the compromise.

3. If the claim involves a personal injury suffered by the minor, the petitioner must submit all relevant medical and health care records to the court at the compromise hearing. The records must include documentation of:

(a) The injury, prognosis, treatment and progress of recovery of the minor; and

(b) The amount of medical expenses incurred to date, the nature and amount of medical expenses which have been paid and by whom, any amount owing for medical expenses and an estimate of the amount of medical expenses which may be incurred in the future.

4. If the court approves the compromise of the claim of the minor, the court must direct the money to be paid to the father, mother or guardian of the minor, with or without the filing of any bond, or it must require a general guardian or guardian ad litem to be appointed and the money to be paid to the guardian or guardian ad litem, with or without a bond, as the court, in its discretion, deems to be in the best interests of the minor.

5. Upon receiving the proceeds of the compromise, the parent or guardian to whom the proceeds of the compromise are ordered to be paid, shall establish a blocked financial investment for the benefit of the minor with the proceeds of the compromise. Money may be obtained from the blocked financial investment only pursuant to subsection 6. Within 30 days after receiving the proceeds of the compromise, the parent or guardian shall file with the court proof that the blocked financial investment has been established. If the balance of the investment is more than \$10,000, the parent, guardian or person in charge of managing the investment shall annually file with the court a verified report detailing the activities of the investment during the previous 12 months. If the balance of the investment is \$10,000 or less, the court may order the parent, guardian or person in charge of managing the investment to file such periodic verified reports as the court deems appropriate. The court may hold a hearing on a verified report only if it deems a hearing necessary to receive an explanation of the activities of the investment.

6. The beneficiary of a block financial investment may obtain control of or money from the investment:

(a) By an order of the court which held the compromise hearing; or

(b) By certification of the court which held the compromise hearing that the beneficiary has reached the age of 18 years, at which time control of the investment must be transferred to the beneficiary or the investment must be closed and the money distributed to the beneficiary.

7. The clerk of the district court shall not charge any fee for filing a petition for leave to compromise or for placing the petition upon the calendar to be heard by the court.

8. As used in this section, the term "blocked financial investment" means a savings account established in a depository institution in this state, a certificate of deposit, a United States savings bond, a fixed or variable annuity contract, or another reliable investment that is approved by the court.

[1:11:1931; A 1953, 65]—(NRS A 1963, 137; [1979, 143](#); [1987, 1281](#); [1989, 1571](#); [2001, 872](#); [2015, 1657](#))

PROCEEDINGS TO DETERMINE AND ESTABLISH FACTS RELATIVE TO VITAL STATISTICS

NRS 41.209 Applicability. After the time to bring an action under [chapter 126](#) of NRS has elapsed and if the action is not for the purpose of establishing the responsibility of any person for the support of another, then [NRS 41.209](#) to [41.260](#), inclusive, apply.

(Added to NRS by [1979, 1278](#))

NRS 41.210 District courts empowered to establish date and place of birth and parentage. The district courts are hereby authorized to establish the date of birth, place of birth and parentage of any person and shall, in their orders, so decree and appoint in the manner hereinafter provided.

[1:167:1941; 1931 NCL § 5285.01]

NRS 41.220 Procedure; examination of records by State Registrar of Vital Statistics.

1. Every person desiring to have his or her date of birth, place of birth or parentage established must file a verified petition accompanied by his or her fingerprint chart, with a small recent photograph attached, in the district court of the county in which such person has been a resident for at least 6 months prior thereto, which petition must recite the circumstances involved and the desire of the petitioner in relation thereto.

2. Any action to establish parentage must be entitled "In the Matter of the Parental Relation of and" Notice of the bringing of the action must be served, in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process, upon each of the following persons, if living:

(a) The person whose parentage it is sought to establish; and

(b) Each known or alleged parent, except a parent who has brought the action.

3. If the court so requests, the State Registrar of Vital Statistics must examine his or her records and provide to the court any data relevant to the action which the State Registrar finds.

[2:167:1941; 1931 NCL § 5285.02]—(NRS A [1979, 1278](#))

NRS 41.230 Hearing. Upon the hearing of the petition the court may require information appearing to be pertinent to the particular case at hand, and the court may require the presence of any person, or the affidavit of such person if the person be out of the jurisdiction of the court, as to enable the court to be fully advised in the premises.

[3:167:1941; 1931 NCL § 5285.03]

NRS 41.240 Court order establishing facts as presented to court. After the court deems the evidence presented upon the hearing of the petition sufficient to grant the prayer of the petitioner, it shall make an order establishing the facts of the matter as presented to the court.

[4:167:1941; 1931 NCL § 5285.04]—(NRS A [1979, 1279](#))

NRS 41.250 Recording of decree. Any decree rendered under the provisions of [NRS 41.209](#) to [41.260](#), inclusive, must be recorded with the Chief Medical Officer and in the office of the county recorder of the county in which the decree was rendered.

[5:167:1941; 1931 NCL § 5285.05]—(NRS A [2001, 1750](#))

NRS 41.260 No fees to be charged by clerk of the court. There shall be no fee charged or collected by the clerk of the court for any proceeding under the provisions of [NRS 41.209](#) to [41.260](#), inclusive.
[6:167:1941; 1931 NCL § 5285.06]—(NRS A [2015.2566](#))

PROCEEDINGS TO CHANGE NAMES OF NATURAL PERSONS

NRS 41.270 Verified petition. Any natural person desiring to have his or her name changed may file a verified petition with the clerk of the district court of the district in which the person resides. The petition shall be addressed to the court and shall state the applicant's present name, the name which the applicant desires to bear in the future, the reason for desiring the change and whether the applicant has been convicted of a felony.

[1:16:1869; B § 4036; BH § 4944; C § 5001; RL § 5835; NCL § 9457]—(NRS A [1989.488](#); [2005.2207](#))

NRS 41.280 When publication of notice is required.

1. Except as otherwise provided in subsection 2, upon the filing of the petition, the applicant shall make out and procure a notice that must:

(a) State the fact of the filing of the petition, its object, the applicant's present name and the name which the applicant desires to bear in the future; and

(b) Be published in some newspaper of general circulation in the county once a week for 3 successive weeks.

2. If the applicant submits proof satisfactory to the court that publication of the change of name would place the applicant's personal safety at risk, the court shall not require the applicant to comply with the provisions of subsection 1 and shall order the records concerning the petition and any proceedings concerning the petition to be sealed and to be opened for inspection only upon an order of the court for good cause shown or upon the request of the applicant.

[2:16:1869; A 1941, 12; 1943, 87; 1943 NCL § 9458]—(NRS A [2003.1755](#))

NRS 41.290 Order of court; hearing on objections; disposition and rescission of order.

1. If, within 10 days after the last publication of the notice no written objection is filed with the clerk, upon proof of the filing of the petition and publication of notice as required in [NRS 41.280](#), and upon being satisfied by the statements in the petition, or by other evidence, that good reason exists therefor, the court shall make an order changing the name of the applicant as prayed for in the petition. If, within the period an objection is filed, the court shall appoint a day for hearing the proofs, respectively, of the applicant and the objection, upon reasonable notice. Upon that day the court shall hear the proofs, and grant or refuse the prayer of the petitioner, according to whether the proofs show satisfactory reasons for making the change. Before issuing its order, the court shall specifically take into consideration the applicant's criminal record, if any, which is stated in the petition.

2. Upon the making of an order either granting or denying the prayer of the applicant, the order must be recorded as a judgment of the court. If the petition is granted, the name of the applicant must thereupon be as stated in the order and the clerk shall transmit a certified copy of the order to the State Registrar of Vital Statistics.

3. If an order grants a change of name to a person who has a criminal record, the clerk shall transmit a certified copy of the order to the Central Repository for Nevada Records of Criminal History for inclusion in that person's record of criminal history.

4. Upon receiving uncontrovertible proof that an applicant in the petition falsely denied having been convicted of a felony, the court shall rescind its order granting the change of name and the clerk shall transmit a certified copy of the order rescinding the previous order to:

(a) The State Registrar of Vital Statistics for inclusion in the State Registrar's records.

(b) The Central Repository for Nevada Records of Criminal History for inclusion in the applicant's record of criminal history.

[3:16:1869; A 1943, 87; 1943 NCL § 9459]—(NRS A 1960, 157; [1989.488](#))

PROCEEDINGS FOR JUDICIAL DECLARATION OF SANITY

NRS 41.300 Insane persons; presumption of legal capacity on discharge. After a person's insanity has been judicially determined, such person can make no conveyance or other contract, or delegate any power or waive any right until the person's restoration to presumed legal capacity, or until the person has been judicially declared to be sane. A certificate from the superintendent or resident physician of the insane asylum to which such person may have been committed showing that such person had been discharged therefrom shall establish the presumption of legal capacity in such person from the time of such discharge.

[1:23:1941; 1931 NCL § 3536]

NRS 41.310 Adjudication of sanity. The district courts of the several counties shall have jurisdiction to hear and determine the question as to whether or not a person, previously adjudicated to be insane, shall be adjudicated to be sane.

[2:23:1941; 1931 NCL § 3536.01]

NRS 41.320 Petition seeking restoration of status as sane; notice. Any person, on behalf of an alleged insane person, may file a petition in the district court seeking an order restoring the alleged insane person to the status of a sane person. Upon the filing of the petition for that purpose, the clerk shall give such notice of the filing of the same as the court may order.

[3:23:1941; 1931 NCL § 3536.02]

NRS 41.325 Notice of adjudication of sanity to be given to Administrative Officer and Medical Director of Northern Nevada Adult Mental Health Services. After any proceeding in which a person, previously adjudicated to be insane, is adjudicated to be sane, the clerk of the district court shall immediately notify the Administrative Officer and the Medical Director of Northern Nevada Adult Mental Health Services of the adjudication.

(Added to NRS by 1959, 851; A [1973.92](#), [1218](#); [1985.231](#); [2001.1116](#))

NRS 41.330 Conduct of proceedings by county officers; no fees to be charged. All proceedings under [NRS 41.300](#) to [41.330](#), inclusive, shall be conducted by the appropriate county officials, including the district attorney, without cost or expense of any kind to the petitioner or alleged insane person.

[3 1/2:23:1941; added 1945, 105; 1943 NCL § 3536.03 1/2]—(NRS A 1959, 851)

LIBEL IN NEWSPAPER; SLANDER BY RADIO OR TELEVISION BROADCAST

NRS 41.331 Definitions. As used in [NRS 41.331](#) to [41.338](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 41.332](#) to [41.335](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [1969.553](#); [2001.27](#))

NRS 41.332 "Actual malice" defined. "Actual malice" is that state of mind arising from hatred or ill will toward the plaintiff and does not include that state of mind occasioned by a good faith belief in the truth of the publication or broadcast.

(Added to NRS by [1969.553](#))

NRS 41.333 “Exemplary damages” defined. “Exemplary damages” are damages which may, in the discretion of the court or jury, be recovered in addition to general and special damages for the sake of example and by way of punishing a defendant who has made a publication or broadcast with actual malice.

(Added to NRS by [1969, 553](#))

NRS 41.334 “General damages” defined. “General damages” are damages for loss of reputation, shame, mortification and hurt feelings.

(Added to NRS by [1969, 553](#))

NRS 41.335 “Special damages” defined. “Special damages” are only those damages which a plaintiff alleges and proves that the plaintiff has suffered in respect to the plaintiff’s property, business, trade, profession or occupation, including such amounts of money as the plaintiff alleges and proves that the plaintiff has expended as a result of the alleged libel or slander.

(Added to NRS by [1969, 553](#))

NRS 41.336 Special damages; notice and demand for correction.

1. In any action for damages for the publication of a libel in a newspaper, or of a slander by radio or television broadcast, the plaintiff may recover no more than special damages unless a correction is demanded by the plaintiff and not published or broadcast.

2. A demand for correction shall be in writing and shall be served upon the newspaper or broadcaster at its place of business. Such demand shall specify the statements claimed to be libelous or slanderous and shall demand a correction.

3. Such demand for correction must be served within 90 days after the plaintiff has knowledge of the publication or broadcast of the statements claimed to be libelous or slanderous.

(Added to NRS by [1969, 553](#); A [1975, 1521](#))

NRS 41.337 General, special and exemplary damages. If a correction is demanded as provided in [NRS 41.336](#) and is not published or broadcast within 20 days in substantially as conspicuous a manner in the newspaper or by the broadcaster as the statements claimed to be libelous or slanderous, the plaintiff may plead and prove such demand and failure to correct and may recover general and special damages. In addition, the plaintiff may recover exemplary damages if the plaintiff can prove that the defendant published or broadcast the statement with actual malice. Actual malice shall not be presumed or inferred from the publication or broadcast.

(Added to NRS by [1969, 553](#))

NRS 41.338 Correction before demand. A correction published or broadcast in substantially as conspicuous a manner by the newspaper or broadcaster as the statements claimed to be libelous or slanderous, prior to the receipt of a demand therefor, shall have the same effect as though the correction had been published or broadcast as required in [NRS 41.336](#).

(Added to NRS by [1969, 553](#))

LIABILITY FOR DEFAMATORY STATEMENTS PUBLISHED OR UTTERED OVER BROADCASTING STATIONS

NRS 41.340 Liability of owners or operators of broadcasting stations for defamation published by another; exercise of due care. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement or matter published or uttered in or as a part of a visual or sound radio broadcast by one other than such owner, licensee or operator, or agent or employee thereof, if it shall be alleged and proved by such owner, licensee or operator, or agent or employee thereof, that such owner, licensee or operator, or such agent or employee, has exercised due care to prevent the publication or utterance of such statement or matter in such broadcast.

[1:230:1951]

NRS 41.350 Liability of owner or operator originating broadcast. If any defamatory statement or matter is published or uttered in or as a part of a broadcast over the facilities of a network of visual or sound radio broadcasting stations, the owner, licensee or operator of any such station, or network of stations, and the agents or employees thereof other than the owner, licensee or operator of the station, or network of stations, originating such broadcast, and the agents or employees thereof, shall in no event be liable for any damages for any such defamatory statement or matter.

[2:230:1951]

NRS 41.360 Liability when broadcast cannot be censored. In no event, however, shall any owner, licensee or operator of such station or network of stations, or the agents or employees thereof, be liable for any damages for any defamatory statement or matter published or uttered by one other than such owner, licensee or operator, or agent or employee thereof, in or as a part of a visual or sound radio broadcast by or on behalf of any candidate for public office, which broadcast cannot be censored by reason of the provisions of federal statute or regulation of the Federal Communications Commission.

[3:230:1951]

LIABILITY OF PERSONS CONVICTED OF PERJURY OR SUBORNATION OF PERJURY

NRS 41.365 Action for damages.

1. Subject to the provisions of subsection 2, a person who has suffered injury as the proximate result of perjury or subornation of perjury committed by another may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant.

2. There is no cause of action under subsection 1 unless the defendant has been convicted of the perjury or subornation of perjury which caused the injury.

3. As used in this section, “injury” includes deprivation of liberty as well as other harm to the person or property of the plaintiff.

(Added to NRS by [1975, 831](#))

ABOLISHMENT OF CERTAIN CAUSES OF ACTION

NRS 41.370 Public policy against causes of action for breach of promise, alienation of affections and criminal conversation. The remedies provided by law for the enforcement of actions based upon alleged alienation of affections and breach of contract to marry before March 5, 1943, and for alleged criminal conversation before July 1, 1979, having been subjected to grave abuses, caused extreme annoyance, embarrassment, humiliation and pecuniary damage to many persons wholly innocent and free of any wrongdoing, who were merely the victims of circumstances, and having been exercised by unscrupulous persons for their unjust enrichment, and having furnished vehicles for the commission or attempted commission of crime and in many cases having resulted in the perpetration of frauds, it is hereby declared as the public policy of the State that the best interests of the people of this state will be served by the abolition thereof. Consequently, in the public interest, the necessity for the enactment of [NRS 41.370](#) to [41.420](#), inclusive, is hereby declared as a matter of legislative determination.

[1:53:1943; 1943 NCL § 4071]—(NRS A [1979, 1171](#))

NRS 41.380 Causes of action abolished. All civil causes of action for breach of promise to marry, alienation of affections, and criminal conversation, are hereby abolished; but this section does not abolish any cause of action for criminal conversation which accrued before July 1, 1979.

[2:53:1943; 1943 NCL § 4071.01]—(NRS A [1979, 1172](#))

NRS 41.390 Time for commencing accrued causes of action for criminal conversation.

1. All causes of action for criminal conversation which have accrued before July 1, 1979, must be commenced within 60 days after July 1, 1979.

2. All such actions not so commenced are thereafter forever barred.

[3:53:1943; 1943 NCL § 4071.02]—(NRS A [1979, 1172](#))

NRS 41.400 Act or contract gives no right of action. No act done within this state operates to give rise, either within or without this state, to any of the rights of action abolished by [NRS 41.370](#) to [41.420](#), inclusive. No contract to marry made or entered into in this state operates to give rise, either within or without this state, to any cause or right of action for the breach thereof, and no contract to marry, made in any other state, gives rise to any cause of action within this state for the breach thereof.

[4:53:1943; 1943 NCL § 4071.03]—(NRS A [1979, 1172](#))

NRS 41.410 Unlawful to file actions after July 1, 1979. After July 1, 1979, it is unlawful for any person, either as litigant or attorney, to file, cause to be filed, threaten to file, or threaten to cause to be filed, in any court of this state, any pleading or paper setting forth or seeking to recover upon any cause of action abolished or barred by [NRS 41.370](#) to [41.420](#), inclusive, whether such cause of action arose within or without this state.

[5:53:1943; 1943 NCL § 4071.04]—(NRS A [1979, 1172](#))

NRS 41.420 Penalty. Any person who shall violate any of the provisions of [NRS 41.370](#) to [41.420](#), inclusive, upon conviction, shall be deemed guilty of a misdemeanor.

[6:53:1943; 1943 NCL § 4071.05]

JURISDICTION OVER PROCEEDINGS IN WHICH INDIANS ARE PARTIES

NRS 41.430 Conditions for jurisdiction of State of Nevada.

1. Pursuant to the provisions of section 7, chapter 505, Public Law 280 of the 83d Congress, approved August 15, 1953, and being 67 Stat. 588, and sections 401 to 403, inclusive, of Title IV, Public Law 284 of the 90th Congress, approved April 11, 1968, and being 82 Stat. 78, et seq., the State of Nevada does hereby assume jurisdiction over public offenses committed by or against Indians in the areas of Indian country in Nevada, as well as jurisdiction over civil causes of action between Indians or to which Indians are parties which arise in the areas of Indian country in Nevada, subject only to the conditions of subsections 3 and 4 of this section.

2. Any tribal ordinance or custom adopted by an Indian tribe, band or community in the exercise of any authority possessed by it shall, if not inconsistent with any applicable civil law of this state, be given full force and effect in the determination of civil causes of action pursuant to this section.

3. This section applies to all areas of Indian country within this state wherein the Indian tribe occupying any such area has consented to the continuation of state jurisdiction over such area in the manner provided in sections 6 to 14, inclusive, of chapter 601, Statutes of Nevada 1973, or has consented to the assumption of state jurisdiction over such area in the manner provided by section 406 of Title IV of Public Law 284 of the 90th Congress, approved April 11, 1968, and being 82 Stat. 80.

4. This section does not apply to any area of Indian country within this state wherein the Indian tribe occupying any such area has failed or refused to consent to the continuation of state jurisdiction over such area in the manner provided in sections 6 to 14, inclusive, of chapter 601, Statutes of Nevada 1973; and the State of Nevada hereby recedes from and relinquishes jurisdiction over any such area.

[1:198:1955] + [2:198:1955] + [3:198:1955]—(NRS A [1973, 1051](#))

LIABILITY OF OWNER OF MOTOR VEHICLE FOR NEGLIGENT OPERATION BY IMMEDIATE MEMBER OF FAMILY

NRS 41.440 Imposition of liability. Any liability imposed upon a wife, husband, son, daughter, father, mother, brother, sister or other immediate member of a family arising out of his or her driving and operating a motor vehicle with the permission, express or implied, of such owner is hereby imposed upon the owner of the motor vehicle, and such owner shall be jointly and severally liable with his or her wife, husband, son, daughter, father, mother, brother, sister or other immediate member of a family for any damages proximately resulting from such negligence or willful misconduct, and such negligent or willful misconduct shall be imputed to the owner of the motor vehicle for all purposes of civil damages.

(Added to NRS by 1957, 60; A [2009, 3104](#); [2011, 292](#))

NRS 41.450 Operator to be made party defendant; recourse on recovery of judgment. In any action against an owner on account of imputed negligence as imposed by [NRS 41.440](#), the operator of the motor vehicle whose negligence is imputed to the owner shall be made a party defendant if service of process can be had upon the operator as provided by law. Upon recovery of judgment, recourse shall first be had against the property of the operator so served.

(Added to NRS by 1957, 61)

NRS 41.460 When debtor in possession or long-term lessee deemed owner of motor vehicle.

1. For the purpose of imposing liability pursuant to [NRS 41.440](#) and for no other purpose, where a vehicle is subject to:

(a) A security interest, the debtor in possession shall be deemed to be the owner and the secured party out of possession shall not be deemed to be the owner.

(b) A long-term lease, the long-term lessee shall be deemed to be the owner and the long-term lessor shall not be deemed to be the owner.

2. As used in this section:

(a) "Lease," "long-term lessee" and "long-term lessor" have the meanings ascribed to them in [NRS 482.053](#).

(b) "Owner" has only the significance attributed to it by [NRS 41.440](#).

(c) "Secured party" and "security interest" have the meanings ascribed to them by [chapter 104](#) of NRS.

(Added to NRS by 1957, 61; A [1965, 916](#); [1967, 704](#))

LIABILITY OF PARENTS AND GUARDIANS FOR MINOR'S ACT OF NEGLIGENCE OR WILLFUL MISCONDUCT RESULTING IN DAMAGE

NRS 41.470 Imposition of liability for minor's willful misconduct.

1. Except as otherwise provided in [NRS 424.085](#), any act of willful misconduct of a minor which results in any injury or death to another person or injury to the private property of another or to public property is imputed to the parents or guardian having custody and control of the minor for all purposes of civil damages, and the parents or guardian having custody or control are jointly and severally liable with the minor for all damages resulting from the willful misconduct.

2. The joint and several liability of one or both parents or guardian having custody or control of a minor under this section must not exceed \$10,000 for any such act of willful misconduct of the minor.

3. The liability imposed by this section is in addition to any other liability imposed by law.

(Added to NRS by 1957, 8; A [1967, 419](#); [1975, 652](#); [1979, 461](#); [1999, 897](#))

NRS 41.472 Imposition of liability for minor's negligence or willful misconduct regarding firearm.

1. If a parent, guardian or other person legally responsible for a minor under the age of 18 years:

(a) Knows that the minor has previously been adjudicated delinquent or has been convicted of a criminal offense;

(b) Knows that the minor has a propensity to commit violent acts; or

(c) Knows or has reason to know that the minor intends to use the firearm for unlawful purposes,

and permits the minor to use or possess a firearm, any negligence or willful misconduct of the minor in connection with such use or possession is imputed to the person who permits such use or possession for all purposes of civil damages, and, notwithstanding the provisions of subsection 2 of [NRS 41.470](#), that person is jointly and severally liable with the minor for any and all damages caused by such negligence or willful misconduct.

2. As used in this section, "firearm" has the meaning ascribed to it in [NRS 202.253](#).

(Added to NRS by [1995, 1149](#))

LIABILITY OF NONPROFIT CORPORATIONS, ASSOCIATIONS, ORGANIZATIONS OR TRUSTS FOR THEIR ACTS OR ACTS OF AGENTS, EMPLOYEES OR SERVANTS

NRS 41.480 Imposition of liability; conditions and limitations on actions based on acts and omissions of officers or directors. Except as otherwise provided in [NRS 41.519](#):

1. A nonprofit corporation, association or organization formed under the laws of this State is not immune from liability for the injury or damage caused any person, firm or corporation as a result of the negligent or wrongful act of the nonprofit corporation, association or organization, or its agents, employees or servants acting within the scope of their agency or employment.

2. No action may be brought against an officer, trustee, director or other possessor of the corporate powers of a nonprofit association or trust formed under the laws of this State based on any act or omission arising from failure in his or her official capacity to exercise due care regarding the management or operation of the entity unless the act or omission involves intentional misconduct, fraud or a knowing violation of the law.

(Added to NRS by 1957, 63; A [1987, 85](#); [1991, 1309](#); [2015, 1324](#))

NRS 41.485 Conditions and limitations on actions: Acts and omissions of volunteers of charitable organizations.

1. Except as otherwise provided in subsection 2, a volunteer of a charitable organization is immune from liability for civil damages as a result of an act or omission:

(a) Of an agent of the charitable organization; or

(b) Concerning services the volunteer performs for the charitable organization that are not supervisory in nature and are not part of any duties or responsibilities the volunteer may have as an officer, director or trustee of the charitable organization, unless the act is intentional, willful, wanton or malicious.

2. This section does not restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf.

3. As used in this section:

(a) "Agent" means an officer, director, trustee or employee, whether or not compensated, or a volunteer;

(b) "Charitable organization" means a nonprofit corporation, association or organization, or a licensed medical facility or facility for the dependent, but does not include a fire department, law enforcement agency or auxiliary thereof; and

(c) "Volunteer" means an officer, director, trustee or other person who performs services without compensation, other than reimbursement for actual and necessary expenses on behalf of or to benefit a charitable organization.

(Added to NRS by [1987, 1066](#))

LIABILITY OF PERSONS IN CONNECTION WITH FOOD DISTRIBUTED WITHOUT CHARGE

NRS 41.491 Limitations on liability.

1. No civil action for an injury or illness which results from the consumption or use of wholesome food or a grocery product that is fit for human use may be brought against:

(a) A person or an employee of a person who, in good faith, donates the food or grocery product to a nonprofit charitable organization for free distribution or to any other person for consumption or use;

(b) A nonprofit charitable organization or an employee of a nonprofit charitable organization which, in good faith, receives or distributes without charge, the food or grocery product;

(c) A person who harvests wholesome food and who, in good faith, donates that food to a nonprofit charitable organization for free distribution or to any other person for consumption; or

(d) A person to whom wholesome food or a grocery product that is fit for human use has been donated without charge who, in good faith, distributes without charge that food or grocery product to a member of the person's immediate family, unless the injury or illness directly resulted from the gross negligence or willful misconduct of the donor, donee, organization or employee.

2. If an owner or a manager of property allows a person to glean food from that property in order to distribute that food without charge to other persons or donate the food to a nonprofit charitable organization for free distribution, no civil action for an injury or death resulting from that gleaning may be brought against the owner or manager of the property unless the injury or death directly resulted from the gross negligence or willful misconduct of the owner or manager.

3. No civil action for an injury or illness which results from the consumption or use of food or a grocery product which does not comply with all of the applicable standards for quality and labeling imposed by federal and state statutes and regulations and local ordinances, may be brought against:

(a) A person or an employee of a person who, in good faith, donates the food or grocery product to a nonprofit charitable organization for free distribution if, before the food or grocery product is donated:

(1) The person or employee fully informs the organization that the food or grocery product does not comply with the applicable standards; and

(2) The organization agrees to recondition the food or grocery product before it is distributed so that it complies with the applicable standards; or

(b) A nonprofit organization which receives and distributes without charge the food or grocery product if the organization, or any officer, employee or volunteer of the organization, reconditions the food or grocery product before it is distributed so that it complies with the applicable standards,

unless the injury or illness directly resulted from the gross negligence or willful misconduct of the donor, organization, officer, employee or volunteer.

4. As used in this section:

(a) "Donate" means to:

(1) Give food or a grocery product to another person without requiring anything of monetary value from that person; or

- (2) Sell food or a grocery product for a fee that is significantly less than the cost of the item sold.
- (b) "Glean" means to gather or collect an agricultural crop which is donated by an owner or manager of property.
- (c) "Grocery product that is fit for human use" means a grocery product, other than food, which complies with all the applicable standards for quality and labeling imposed by federal and state statutes and regulations and local ordinances. The term includes:
- (1) Products which are not readily marketable because of packaging, appearance, age, surplus, size or other condition; and
 - (2) Household or industrial cleaning products, personal hygiene products, cleaning equipment and cooking utensils.
- (d) "Perishable food" means any food that may spoil or otherwise become unfit for human consumption after a period of time because of its nature, type or physical condition. The term includes, without limitation, fresh or processed meats, poultry, seafood, dairy products, eggs in the shell, fresh fruits or vegetables, and food that has been:
- (1) Noncommercially packaged;
 - (2) Frozen or otherwise requires refrigeration to remain nonperishable for a reasonable length of time; or
 - (3) Prepared at a public food service establishment.
- (e) "Wholesome food" means any raw, cooked, processed or prepared food or beverage which is intended for human consumption and which complies with all the applicable standards for quality and labeling imposed by federal and state statutes and regulations and local ordinances. The term includes, without limitation, perishable food and food which is not readily marketable because of packaging, appearance, age, freshness, grade, surplus, size or other condition.
- (Added to NRS by [1981, 694](#); A [1995, 248](#); [2009, 146](#))

LIABILITY OF BOARD OF TRUSTEES OF SCHOOL DISTRICT OR GOVERNING BODY OF CHARTER SCHOOL IN CONNECTION WITH SCHOOL-BASED HEALTH CENTER

NRS 41.495 Limitations on liability.

1. The board of trustees of a school district or the governing body of a charter school that allows or establishes a school-based health center is not liable for any civil damages as a result of any act or omission by a person employed by or volunteering for or affiliated with a school-based health center or a sponsoring entity of the school-based health center.
 2. As used in this section, "school-based health center" means a health center located on or in school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person.
- (Added to NRS by [2015, 2526](#))

LIABILITY OF PERSONS WHO RENDER EMERGENCY CARE OR GRATUITOUS CARE

NRS 41.500 General rule; volunteers; members of search and rescue organization; persons rendering cardiopulmonary resuscitation or using defibrillator; presumptions relating to emergency care rendered on public school grounds or in connection with public school activities; business or organization that has defibrillator for use on premises.

1. Except as otherwise provided in [NRS 41.505](#), any person in this State who renders emergency care or assistance in an emergency, gratuitously and in good faith, except for a person who is performing community service as a result of disciplinary action pursuant to any provision in title 54 of NRS, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured person.
2. Any person in this State who acts as a driver of an ambulance or attendant on an ambulance operated by a volunteer service or as a volunteer driver or attendant on an ambulance operated by a political subdivision of this State, or owned by the Federal Government and operated by a contractor of the Federal Government, and who in good faith renders emergency care or assistance to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.
3. Any person who is an appointed member of a volunteer service operating an ambulance or an appointed volunteer serving on an ambulance operated by a political subdivision of this State, other than a driver or attendant of an ambulance, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person whenever the person is performing his or her duties in good faith.
4. Any person who is a member of a search and rescue organization in this State under the direct supervision of any county sheriff who in good faith renders care or assistance in an emergency to any injured or ill person, whether at the scene of an emergency or while transporting an injured or ill person to or from any clinic, doctor's office or other medical facility, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance, or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.
5. Any person who is employed by or serves as a volunteer for a public fire-fighting agency and who is authorized pursuant to [chapter 450B](#) of NRS to render emergency medical care at the scene of an emergency is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care or as a result of any act or failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person.
6. Any person who:
 - (a) Has successfully completed a course in cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association;
 - (b) Has successfully completed the training requirements of a course in basic emergency care of a person in cardiac arrest conducted in accordance with the standards of the American Heart Association; or
 - (c) Is directed by the instructions of a dispatcher for an ambulance, air ambulance or other agency that provides emergency medical services before its arrival at the scene of the emergency,
 and who in good faith renders cardiopulmonary resuscitation in accordance with the person's training or the direction, other than in the course of the person's regular employment or profession, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.
7. For the purposes of subsection 6, a person who:
 - (a) Is required to be certified in the administration of cardiopulmonary resuscitation pursuant to [NRS 391.092](#); and
 - (b) In good faith renders cardiopulmonary resuscitation on the property of a public school or in connection with a transportation of pupils to or from a public school or while on activities that are part of the program of a public school,
 shall be presumed to have acted other than in the course of the person's regular employment or profession.
8. Any person who gratuitously and in good faith renders emergency medical care involving the use of an automated external defibrillator is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering that care.
9. A business or organization that has placed an automated external defibrillator for use on its premises is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by the person rendering such care or for providing the automated external defibrillator to the person for the purpose of rendering such care if the business or organization:
 - (a) Complies with all current federal and state regulations governing the use and placement of an automated external defibrillator;
 - (b) Ensures that the automated external defibrillator is maintained and tested according to the operational guidelines established by the manufacturer; and

(c) Establishes requirements for the notification of emergency medical assistance and guidelines for the maintenance of the equipment.
10. As used in this section, “gratuitously” means that the person receiving care or assistance is not required or expected to pay any compensation or other remuneration for receiving the care or assistance.

(Added to NRS by 1963, 359; A [1965, 674](#); [1973, 433, 1432](#); [1975, 403](#); [1985, 1702, 1753](#); [1991, 2165](#); [1997, 1716, 1790](#); [1999, 484, 934](#); [2005, 2558](#); [2009, 871](#))

NRS 41.503 Hospital care or assistance necessitated by traumatic injury; presumption regarding follow-up care.

1. Except as otherwise provided in subsection 2 and [NRS 41.504](#), [41.505](#) and [41.506](#):

(a) A hospital which has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to [NRS 450B.237](#) and which is a nonprofit organization;

(b) A hospital other than a hospital described in paragraph (a);

(c) An employee of a hospital described in paragraph (a) or (b) who renders care or assistance to patients;

(d) A physician or dentist licensed under the provisions of [chapter 630](#), [631](#) or [633](#) of NRS who renders care or assistance in a hospital described in paragraph (a) or (b), whether or not the care or assistance was rendered gratuitously or for a fee; and

(e) A physician or dentist licensed under the provisions of [chapter 630](#), [631](#) or [633](#) of NRS:

(1) Whose liability is not otherwise limited pursuant to [NRS 41.032](#) to [41.0337](#), inclusive; and

(2) Who renders care or assistance in a hospital of a governmental entity that has been designated as a center for the treatment of trauma by the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to [NRS 450B.237](#), whether or not the care or assistance was rendered gratuitously or for a fee,

È that in good faith renders care or assistance necessitated by a traumatic injury demanding immediate medical attention, for which the patient enters the hospital through its emergency room or trauma center, may not be held liable for more than \$50,000 in civil damages, exclusive of interest computed from the date of judgment, to or for the benefit of any claimant arising out of any act or omission in rendering that care or assistance if the care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

2. The limitation on liability provided pursuant to this section does not apply to any act or omission in rendering care or assistance:

(a) Which occurs after the patient is stabilized and is capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation on liability provided by subsection 1 applies to any act or omission in rendering care or assistance which occurs before the stabilization of the patient following the surgery; or

(b) Unrelated to the original traumatic injury.

3. If:

(a) A physician or dentist provides follow-up care to a patient to whom the physician or dentist rendered care or assistance pursuant to subsection 1;

(b) A medical condition arises during the course of the follow-up care that is directly related to the original traumatic injury for which care or assistance was rendered pursuant to subsection 1; and

(c) The patient files an action for malpractice based on the medical condition that arises during the course of the follow-up care, È there is a rebuttable presumption that the medical condition was the result of the original traumatic injury and that the limitation on liability provided by subsection 1 applies with respect to the medical condition that arises during the course of the follow-up care.

4. For the purposes of this section:

(a) “Reckless, willful or wanton conduct,” as it applies to a person to whom subsection 1 applies, shall be deemed to be that conduct which the person knew or should have known at the time the person rendered the care or assistance would be likely to result in injury so as to affect the life or health of another person, taking into consideration to the extent applicable:

(1) The extent or serious nature of the prevailing circumstances;

(2) The lack of time or ability to obtain appropriate consultation;

(3) The lack of a prior medical relationship with the patient;

(4) The inability to obtain an appropriate medical history of the patient; and

(5) The time constraints imposed by coexisting emergencies.

(b) “Traumatic injury” means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.

(Added to NRS by [2002 Special Session, 4](#); A [2007, 31](#))

NRS 41.504 Physicians, physician assistants and registered nurses who give instruction or provide supervision to emergency medical attendant during emergency; emergency medical attendants, physician assistants and nurses who obey instruction given by physician, physician assistant or nurse during emergency.

1. Any physician, physician assistant or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, registered nurse or licensed practical nurse who obeys an instruction given by a physician, physician assistant, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, “emergency medical attendant” means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to [chapter 450B](#) of NRS.

(Added to NRS by [2007, 30](#); A [2013, 952](#))

NRS 41.505 Physicians, physician assistants, nurses and dentists.

1. Any person licensed under the provisions of [chapter 630](#), [632](#) or [633](#) of NRS and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant or nurse from liability for damages resulting from that person’s acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of [chapter 630](#), [632](#) or [633](#) of NRS and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person’s license to an indigent person, È is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of [chapter 630](#) or [633](#) of NRS or licensed to practice dentistry under the provisions of [chapter 631](#) of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, “gratuitously” has the meaning ascribed to it in [NRS 41.500](#).
(Added to NRS by [1973, 610](#); A [1975, 37, 404, 405](#); [1985, 1754](#); [1987, 2217](#); [1989, 21](#); [1995, 2641](#); [1999, 937](#); [2002 Special Session, 5](#); [2005, 2517](#); [2007, 32, 3047](#))

NRS 41.506 Physicians, physician assistants and nurses who render certain emergency obstetrical care; licensed medical facilities in which certain emergency obstetrical care is rendered.

1. Any person licensed under the provisions of [chapter 630, 632](#) or [633](#) of NRS and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

(Added to NRS by [2007, 30](#))

NRS 41.507 Volunteer emergency medical dispatchers and volunteer medical directors of agencies which employ emergency medical dispatchers.

1. In a county whose population is less than 100,000, a volunteer emergency medical dispatcher is immune from civil liability for damages sustained as a result of any act or omission by the dispatcher in the use of a medical priority dispatch system, if:

(a) The dispatcher has, in good faith, followed the protocols of such a system to establish the priority of calls for medical help or to provide preliminary instructions to a person calling for such help;

(b) The protocols for the system have been approved by the medical director of the local emergency medical service; and

(c) The act or omission of the dispatcher does not amount to gross negligence or willful misconduct.

2. In a county whose population is less than 100,000, a volunteer medical director of a public or private agency, including a health facility, which employs an emergency medical dispatcher is immune from civil liability for damages sustained as a result of any act or omission by the agency if:

(a) The agency uses a medical priority dispatch system;

(b) The agency maintains a quality assurance program for that system; and

(c) The act or omission of the agency does not amount to gross negligence or willful misconduct.

3. As used in this section:

(a) “Emergency medical dispatcher” has the meaning ascribed to it in [NRS 450B.063](#).

(b) “Health facility” has the meaning ascribed to it in [NRS 439A.015](#).

(Added to NRS by [1993, 2117](#))

LIABILITY OF PERSONS WHO MAKE OR CAUSE TO BE MADE FALSE REPORTS OF CRIMES OR EMERGENCIES

NRS 41.508 Civil action brought by public agency; award of costs and attorney’s fees.

1. A public agency may commence an action in the name of the agency to recover the expense of an emergency response by the public agency against any person who knowingly:

(a) Makes a false report to a public agency that a felony or misdemeanor has been committed or that an emergency exists; or

(b) Creates the false appearance that a felony or misdemeanor has been committed or that an emergency exists, and that false appearance causes a false report to be made to a public agency that a felony or misdemeanor has been committed or that an emergency exists.

2. A civil action may be brought pursuant to this section even if there has been no criminal conviction for the false report.

3. If a public agency prevails in an action brought pursuant to this section, the court may award the public agency the costs of the action and reasonable attorney’s fees.

4. As used in this section:

(a) “Expense of an emergency response” includes, without limitation, the reasonable costs incurred by a public agency in making an appropriate response to or investigation of a false report, including, without limitation, the salary or wages of any person responding to or investigating a false report, the deemed wages of any volunteer of a public agency participating in the response or investigation, the costs for use or operation of any equipment and the costs for the use or expenditure of any resources, fuel or other materials.

(b) “Public agency” means an agency, bureau, board, commission, department or division of the State of Nevada or a political subdivision of the State of Nevada that provides police, fire-fighting, rescue or emergency medical services.

(Added to NRS by [2001, 2851](#))

LIABILITY OF PERSONS WHO PROVIDE FALSE INFORMATION RELATING TO POSTADOPTIVE CONTACT AGREEMENT

NRS 41.509 Action brought by natural parent; recovery; liability not exclusive.

1. A natural parent of an adopted child who has entered into an agreement that provides for postadoptive contact pursuant to [NRS 127.187](#) may bring a civil action against a person if:

(a) The person knowingly provided false information in response to a question asked by a court pursuant to [NRS 127.188](#); and

(b) The provision of false information caused the court not to incorporate the agreement that provides for postadoptive contact in the order or decree of adoption pursuant to [NRS 127.188](#).

2. If a person is liable to a natural parent of an adopted child pursuant to subsection 1, the natural parent may recover his or her actual damages, costs, reasonable attorney’s fees and any punitive damages that the facts may warrant.

3. The liability imposed by this section is in addition to any other liability imposed by law.

(Added to NRS by [2005, 1682](#))

LIABILITY OF OWNERS, LESSEES AND OCCUPANTS OF PREMISES TO PERSONS USING PREMISES FOR RECREATIONAL PURPOSES

NRS 41.510 Limitation of liability; exceptions for malicious acts if consideration is given or other duty exists.

1. Except as otherwise provided in subsection 3, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty to keep the premises safe for entry or use by others for participating in any recreational activity, or to give warning of any hazardous condition, activity or use of any structure on the premises to persons entering for those purposes.

2. Except as otherwise provided in subsection 3, if an owner, lessee or occupant of premises gives permission to another person to participate in recreational activities upon those premises:

- (a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.
- (b) That person does not thereby acquire any property rights in or rights of easement to the premises.
- 3. This section does not:
 - (a) Limit the liability which would otherwise exist for:
 - (1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.
 - (2) Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to [NRS 502.145](#) by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.
 - (3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.
 - (b) Create a duty of care or ground of liability for injury to person or property.
- 4. As used in this section, "recreational activity" includes, but is not limited to:
 - (a) Hunting, fishing or trapping;
 - (b) Camping, hiking or picnicking;
 - (c) Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;
 - (d) Hang gliding or paragliding;
 - (e) Spelunking;
 - (f) Collecting rocks;
 - (g) Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;
 - (h) Riding animals, riding in vehicles or riding a road or mountain bicycle;
 - (i) Studying nature;
 - (j) Gleaning;
 - (k) Recreational gardening; and
 - (l) Crossing over to public land or land dedicated for public use.
 (Added to NRS by 1963, 799; A [1971.192](#); [1973.898](#); [1981.157](#); [1991.185](#), [2156](#); [1993.1191](#); [1995.54](#), [790](#); [2007.631](#))

LIABILITY OF OWNER, LESSEE OR OCCUPANT OF PREMISES TO TRESPASSERS

NRS 41.515 Limitations on liability; exceptions; "trespasser" defined.

1. Except as otherwise provided in this section, an owner of any estate or interest in any premises, or a lessee or an occupant of any premises, owes no duty of care to a trespasser and is not liable to a trespasser for physical harm caused by the failure to exercise reasonable care to put the premises in a condition that is reasonably safe for the entry or use by a trespasser or to carry on activities on the premises so as not to endanger a trespasser.
2. An owner, lessee or occupant of premises may be subject to liability for harm to a trespasser if:
 - (a) The owner, lessee or occupant willfully or wantonly causes harm to the trespasser;
 - (b) The owner, lessee or occupant fails to exercise reasonable care to prevent harm to the trespasser after discovering the trespasser's presence in a place of danger on the premises; or
 - (c) The trespasser is a child who is injured by an artificial condition on the premises and:
 - (1) The place where the condition exists is one on which the owner, lessee or occupant knows or has reason to know that a child is likely to trespass;
 - (2) The condition is one that the owner, lessee or occupant knows or has reason to know and that the owner, lessee or occupant realizes or should realize involves an unreasonable risk of death or serious bodily harm to a trespassing child;
 - (3) The trespassing child, because of his or her youth, does not discover the condition or realize the risk involved in the condition or coming within the area made dangerous by it;
 - (4) The utility to the owner, lessee or occupant of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the trespassing child; and
 - (5) The owner, lessee or occupant fails to exercise reasonable care to eliminate the danger or to otherwise protect the trespassing child from harm.
3. This section does not affect any immunity from or defenses to civil liability established by specific statute or available at common law to which an owner, lessee or occupant may be entitled.
4. As used in this section, "trespasser" means any person who enters or remains upon any premises owned, leased or occupied by another person without the express or implied consent of the owner, lessee or occupant of the premises.
(Added to NRS by [2015.1526](#))

LIABILITY OF PERSONS IN CONNECTION WITH PUBLIC ART

NRS 41.517 Limitations on liability; exception; "public art" defined.

1. Except as otherwise provided in this section, a person who creates, sponsors, owns or produces public art, or who owns, leases or occupies any estate or interest in any premises where such art is displayed, is not liable for the death or injury of a person or for damage to property caused or sustained by a person who:
 - (a) Defaces or destroys, or attempts to deface or destroy, public art;
 - (b) Uses the public art in an unintended manner; or
 - (c) Fails to heed posted warnings or instructions concerning the public art if such warnings are posted to warn the public against any foreseeable conditions or any misuse of the public art that may pose an unreasonable risk of death or serious bodily injury.
2. This section does not eliminate a person's duty to remedy or mitigate a condition that has actually caused two or more instances of serious bodily injury.
3. As used in this section, "public art":
 - (a) Except as otherwise provided in paragraph (b), means a work of art which:
 - (1) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of stone, clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;
 - (2) Was purchased in an arm's length transaction for \$25,000 or more, or has an appraised value of \$25,000 or more;
 - (3) Is displayed in a building or indoor or outdoor premises generally open to the public, whether publicly or privately owned; and
 - (4) Is made available to be viewed by the public without charge; and
 - (b) Does not include:
 - (1) Performance art;
 - (2) Literary works;
 - (3) Property used in the performing arts, including, without limitation, scenery or props for a stage production;
 - (4) A product of filmmaking or photography, including, without limitation, motion pictures; or
 - (5) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry,

mirrors, doors or windows.
(Added to NRS by [2015, 1527](#))

LIABILITY OF PERSONS IN CONNECTION WITH EQUINE ACTIVITIES

NRS 41.519 Limitations on liability; duties of a participant in an equine activity; exceptions; definitions.

1. Except as otherwise provided in this section, a sponsor, an equine professional, a veterinarian or any other person is immune from civil liability for an injury to or the death of a participant as a result of an inherent risk of an equine activity.
 2. A participant shall:
 - (a) Act in a safe and responsible manner when engaged in an equine activity; and
 - (b) Before engaging in an equine activity, know and be aware of the inherent risks of that activity.
 3. A person is not immune from civil liability pursuant to this section if the person:
 - (a) Provided to the participant defective tack or other equipment that caused the injury or death of the participant and the person knew or should have known of the defective condition of the tack or equipment.
 - (b) Provided to the participant the equine upon or around which the injury or death occurred without making reasonable efforts to determine the ability of the participant to:
 - (1) Engage in the equine activity safely; and
 - (2) Control the equine based upon a representation made to the person by the participant concerning the ability of the participant to control that equine.
 - (c) Owns, leases, rents or is otherwise in lawful possession and control of the property or facility where the injury or death occurred if the injury or death was the result of a dangerous latent condition that was known or should have been known to the person.
 - (d) Committed an act or omission that:
 - (1) Was in willful or wanton disregard for the safety of the participant; and
 - (2) Caused the injury or death of the participant.
 - (e) Intentionally injured or caused the death of the participant.
 - (f) Failed to act responsibly while conducting an equine activity or maintaining an equine.
 4. A person is not immune from civil liability pursuant to this section in an action for product liability.
 5. As used in this section:
 - (a) "Equine" means a horse, pony, mule, hinny or donkey.
 - (b) "Equine activity" means an activity in which an equine is ridden, driven or otherwise used. The term includes, without limitation:
 - (1) Shows, fairs, competitions, performances, parades, rodeos, cutting events, polo matches, steeplechases, endurance rides, trail rides or packing or hunting trips.
 - (2) Lessons, training or other instructional activities.
 - (3) Boarding an equine.
 - (4) Riding, inspecting, evaluating or allowing the use of an equine owned by another person, regardless of whether the owner of the equine receives money or other consideration for the use of the equine.
 - (5) Providing medical treatment for an equine.
 - (6) Placing or measuring gear or tack on an equine.
 - (7) Placing or replacing shoes on an equine.
- Ê The term does not include a race for which a license is required pursuant to the provisions of [chapter 466](#) of NRS.
- (c) "Equine professional" means a person who, for money or other consideration:
 - (1) Provides to a participant lessons, training or instruction relating to an equine activity; or
 - (2) Rents or leases to a participant an equine or tack or other equipment.
 - (d) "Inherent risk of an equine activity" means a danger or condition that is an essential part of an equine activity, including, without limitation:
 - (1) The propensity of an equine to behave in a manner that may result in injury or death to a person who is on or near the equine;
 - (2) The unpredictable reaction of an equine to sounds, sudden movements or unfamiliar objects, persons or other animals;
 - (3) A hazardous surface or subsurface or other hazardous condition;
 - (4) A collision with another animal or object; and
 - (5) The failure of a participant to maintain control of an equine or to engage safely in an equine activity.
 - (e) "Participant" means a person who engages in an equine activity, regardless of whether a fee is paid to engage in that activity. The term includes, without limitation:
 - (1) A person who assists a participant in an equine activity; and
 - (2) A spectator at an equine activity if the spectator is in an unauthorized area that is in the immediate area of the equine activity.
 - (f) "Product liability" has the meaning ascribed to it in [NRS 695E.090](#).
 - (g) "Sponsor" means a person who organizes or provides money or a facility for an equine activity.
(Added to NRS by [2015, 1322](#))

ACTIONS BY SHAREHOLDERS AGAINST CORPORATIONS AND ASSOCIATIONS TO ENFORCE SECONDARY RIGHTS

NRS 41.520 Contents and verification of complaint; motion to require plaintiff to furnish security; order; recourse of corporation or association to security.

1. As used in this section "corporation" includes an unincorporated association, and "board of directors" includes the managing body of an unincorporated association.
 2. In an action brought to enforce a secondary right on the part of one or more shareholders in a corporation or association, incorporated or unincorporated, because the corporation or association refuses to enforce rights which may properly be asserted by it, the complaint must be verified by oath and must aver that the plaintiff was a shareholder at the time of the transaction of which the plaintiff complains or that the plaintiff's share thereafter devolved on the plaintiff by operation of law. The complaint must also set forth with particularity the efforts of the plaintiff to secure from the board of directors or trustees and, if necessary, from the shareholders such action as the plaintiff desires, and the reasons for the plaintiff's failure to obtain such action or the reasons for not making such effort.
 3. In any such action, at any time within 30 days after service of summons upon the corporation or any defendant who is an officer or director of the corporation, or held such office at the time of the acts complained of, the corporation or such defendant may move the court for an order, upon notice and hearing, requiring the plaintiff to furnish security as hereinafter provided. Such motion must be based upon one or more of the following grounds:
 - (a) That there is no reasonable possibility that the prosecution of the cause of action alleged in the complaint against the moving party will benefit the corporation or its security holders.
 - (b) That the moving party, if other than the corporation, did not participate in the transaction complained of in any capacity.
- Ê The court on application of the corporation or any defendant may, for good cause shown, extend the 30-day period for an additional period or periods not exceeding 60 days.
4. At the hearing upon such motion, the court shall consider such evidence, written or oral, by witnesses or affidavit, as may be material:
 - (a) To the ground or grounds upon which the motion is based; or
 - (b) To a determination of the probable reasonable expenses, including attorney's fees, of the corporation and the moving party which will be incurred in the defense of the action. If the court determines, after hearing the evidence adduced by the parties at the hearing, that

the moving party has established a probability in support of any of the grounds upon which the motion is based, the court shall fix the nature and amount of security to be furnished by the plaintiff for reasonable expenses, including attorney's fees, which may be incurred by the moving party and the corporation in connection with such action, including expenses which the corporation may incur by reason of any obligation which it may have to indemnify its officers or directors pursuant to [NRS 78.7502](#) or otherwise. A determination by the court that security either must or must not be furnished or must be furnished as to one or more defendants and not as to others shall not be deemed a determination of any one or more issues in the action or of the merits thereof. The corporation and the moving party have recourse to the security in such amount as the court determines upon the termination of the action. The amount of the security may thereafter from time to time be increased or decreased in the discretion of the court upon showing that the security provided has or may become inadequate or is excessive. If the court, upon any such motion, makes a determination that security must be furnished by the plaintiff as to any one or more defendants, the action must be dismissed as to such defendant or defendants, unless the security required by the court is furnished within such reasonable time as may be fixed by the court.

5. If any such motion is filed, no pleadings need be filed by the corporation or any other defendants, and the prosecution of the action must be stayed, until 10 days after the motion has been disposed of.

(Added to NRS by [1965, 1411](#); A [1969, 116](#); [1997, 731](#))

PRIVATE ACTIONS TO ENFORCE STATUTORY OR REGULATORY CONTROLS FOR ENVIRONMENTAL PROTECTION

NRS 41.540 Action may be brought against person causing pollution, impairment or destruction of air, water or other natural resources.

1. Any person who is a resident of this state may commence an action in any district court of this state where any violation is alleged to have occurred, to enforce compliance with any statute, regulation or ordinance for the protection of the air, water and other natural resources from pollution, impairment or destruction, if such person has first given 30 days' written notice of the person's intention to file suit.

2. Such action shall be brought against the person, firm, company, corporation, association, county, city or town causing such pollution, impairment or destruction. The State or political subdivision thereof responsible for enforcing such statute, regulation or ordinance shall be named as a necessary party to the action.

(Added to NRS by [1971, 861](#))

NRS 41.550 Security for and apportionment of costs. The court may order the petitioner to post a surety bond or cash in an amount not to exceed \$500 to pay any cost or judgment which might be rendered adverse to the petitioner in any action brought under the provisions of [NRS 41.540](#) to [41.570](#), inclusive. Costs may be apportioned to the parties if the interests of justice require.

(Added to NRS by [1971, 861](#))

NRS 41.560 Relief which may be granted. The court may grant temporary or permanent equitable relief, or may enter such order as may be necessary to enforce compliance with any statute, regulation or ordinance for the protection of the air, water and other natural resources from pollution, impairment or destruction.

(Added to NRS by [1971, 861](#))

NRS 41.570 Provisions supplementary to existing administrative or regulatory provisions. The provisions of [NRS 41.540](#) to [41.570](#), inclusive, shall be supplementary to existing administrative and regulatory procedures provided by law.

(Added to NRS by [1971, 861](#))

LIABILITY OF RECEIVER OF STOLEN PROPERTY

NRS 41.580 Action by owner of property; treble damages. If property has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property and another person buys, receives, possesses or withholds the property under circumstances that make such conduct a violation of subsection 1 of [NRS 205.275](#), the owner of the property may bring a civil action against the person who bought, received, possessed or withheld the property and may recover treble the amount of any damage the owner has suffered, together with the owner's costs in the action and a reasonable attorney's fee.

(Added to NRS by [1973, 1050](#); A [1997, 346](#))

LENDERS' LIABILITY

NRS 41.590 Lender not liable for defects in property acquired with borrowed money. A lender who makes a loan of money, the proceeds of which are used or may be used by the borrower to finance the design, manufacture, construction, repair, modification or improvement of real or personal property, shall not be held liable to the borrower or to third persons for any loss or damage occasioned by any defect in the real or personal property so designed, manufactured, constructed, repaired, modified or improved or for any loss or damage resulting from the failure of the borrower to use due care in the design, manufacture, construction, repair, modification or improvement of such real or personal property, unless the loss or damage is the result of some other action or activity of the lender than the loan transaction.

(Added to NRS by [1973, 1189](#))

FRAUD UPON PURCHASERS; MISREPRESENTATION

NRS 41.600 Actions by victims of fraud.

1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in [NRS 119.330](#);

(b) An unlawful act as defined in [NRS 205.2747](#);

(c) An act prohibited by [NRS 482.36655](#) to [482.36667](#), inclusive;

(d) An act prohibited by [NRS 482.351](#); or

(e) A deceptive trade practice as defined in [NRS 598.0915](#) to [598.0925](#), inclusive.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

(Added to NRS by [1975, 1177](#); A [1985, 2261](#); [1989, 649](#); [1997, 2216](#); [2001, 490](#); [2005, 1425](#); [2007, 743](#); [2011, 268](#); [2013, 1029](#))

NRS 41.610 Actions against seller or manufacturer of unapproved drug for misrepresentation of its therapeutic effect. The purchaser of a substance which has not been approved as a drug by the Food and Drug Administration but which has been licensed for manufacture in this state has a cause of action against the seller or manufacturer for any misrepresentation of its therapeutic effect made directly to the purchaser or by publication.

(Added to NRS by [1977, 1645](#); A [1983, 111](#))

LIABILITY REGARDING NEGOTIABLE INSTRUMENTS AND CREDIT AND DEBIT CARDS

NRS 41.620 Liability for issuance on nonexistent account or drawing on insufficient money; liability for use of invalid credit or debit card.

1. Except as otherwise provided in [NRS 604A.490](#), any person who:

(a) Makes, utters, draws or delivers a check or draft for the payment of money drawn upon any financial institution or other person, when that person has no account with the drawee of the instrument or has insufficient money, property or credit with the drawee to pay; or

(b) Uses a credit card or debit card to obtain money, goods, property, services or anything of value, when that person knows or should have known the credit card or debit card is no longer valid,

and who fails to pay the amount in cash to the payee, issuer or other creditor within 30 days after a demand therefor in writing is mailed to the person by certified mail, is liable to the payee, issuer or other creditor for the amount of the check, draft or extension of credit, and damages equal to three times the amount of the check, draft or extension of credit, but not less than \$100 nor more than \$500.

2. As used in this section, unless the context otherwise requires:

(a) "Credit card" has the meaning ascribed to it in [NRS 205.630](#);

(b) "Debit card" has the meaning ascribed to it in [NRS 205.635](#); and

(c) "Issuer" has the meaning ascribed to it in [NRS 205.650](#).

(Added to NRS by [1985, 1021](#); A [1987, 134, 1191](#); [1999, 50](#); [2005, 1710](#))

LIABILITY OF PERSONS WHO OFFICIATE SPORTING EVENTS

NRS 41.630 Limitations on liability.

1. A sports official who officiates a sporting event at any level of competition in this State is not liable for any civil damages as a result of any unintended act or omission, not amounting to gross negligence, by the sports official in the execution of the officiating duties of the sports official within the facility in which the sporting event takes place.

2. As used in this section:

(a) "Inspector" means an inspector of the Nevada Athletic Commission.

(b) "Sporting event" means any contest, game or other event involving the athletic or physical skills of amateur or professional athletes.

(c) "Sports official" means any person who serves as a referee, umpire, linesman, timekeeper, inspector, judge or in a similar capacity, whether paid or unpaid.

(Added to NRS by [1989, 677](#); A [2005, 176](#))

LIABILITY OF PERSONS WHO ENGAGE IN RIGHT TO PETITION OR FREE SPEECH IN DIRECT CONNECTION WITH AN ISSUE OF PUBLIC CONCERN

NRS 41.635 Definitions. As used in [NRS 41.635](#) to [41.670](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 41.637](#) and [41.640](#) have the meanings ascribed to them in those sections.

(Added to NRS by [1997, 1364](#); A [1997, 2593](#))

NRS 41.637 "Good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" defined. "Good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern" means any:

1. Communication that is aimed at procuring any governmental or electoral action, result or outcome;

2. Communication of information or a complaint to a Legislator, officer or employee of the Federal Government, this state or a political subdivision of this state, regarding a matter reasonably of concern to the respective governmental entity;

3. Written or oral statement made in direct connection with an issue under consideration by a legislative, executive or judicial body, or any other official proceeding authorized by law; or

4. Communication made in direct connection with an issue of public interest in a place open to the public or in a public forum, which is truthful or is made without knowledge of its falsehood.

(Added to NRS by [1997, 1364](#); A [1997, 2593](#); [2013, 623](#))

NRS 41.640 "Political subdivision" defined. "Political subdivision" has the meaning ascribed to it in [NRS 41.0305](#).

(Added to NRS by [1993, 2848](#); A [1997, 1365, 2593](#))

NRS 41.650 Limitation of liability. A person who engages in a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern is immune from any civil action for claims based upon the communication.

(Added to NRS by [1993, 2848](#); A [1997, 1365, 2593](#); [2013, 623](#))

NRS 41.660 Attorney General or chief legal officer of political subdivision may defend or provide support to person sued for engaging in right to petition or free speech in direct connection with an issue of public concern; special counsel; filing special motion to dismiss; stay of discovery; adjudication upon merits.

1. If an action is brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern:

(a) The person against whom the action is brought may file a special motion to dismiss; and

(b) The Attorney General or the chief legal officer or attorney of a political subdivision of this State may defend or otherwise support the person against whom the action is brought. If the Attorney General or the chief legal officer or attorney of a political subdivision has a conflict of interest in, or is otherwise disqualified from, defending or otherwise supporting the person, the Attorney General or the chief legal officer or attorney of a political subdivision may employ special counsel to defend or otherwise support the person.

2. A special motion to dismiss must be filed within 60 days after service of the complaint, which period may be extended by the court for good cause shown.

3. If a special motion to dismiss is filed pursuant to subsection 2, the court shall:

(a) Determine whether the moving party has established, by a preponderance of the evidence, that the claim is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern;

(b) If the court determines that the moving party has met the burden pursuant to paragraph (a), determine whether the plaintiff has demonstrated with prima facie evidence a probability of prevailing on the claim;

(c) If the court determines that the plaintiff has established a probability of prevailing on the claim pursuant to paragraph (b), ensure that such determination will not:

(1) Be admitted into evidence at any later stage of the underlying action or subsequent proceeding; or

(2) Affect the burden of proof that is applied in the underlying action or subsequent proceeding;

(d) Consider such evidence, written or oral, by witnesses or affidavits, as may be material in making a determination pursuant to paragraphs (a) and (b);

(e) Except as otherwise provided in subsection 4, stay discovery pending:

(1) A ruling by the court on the motion; and

(2) The disposition of any appeal from the ruling on the motion; and

(f) Rule on the motion within 20 judicial days after the motion is served upon the plaintiff.

4. Upon a showing by a party that information necessary to meet or oppose the burden pursuant to paragraph (b) of subsection 3 is in the possession of another party or a third party and is not reasonably available without discovery, the court shall allow limited discovery for the purpose of ascertaining such information.

5. If the court dismisses the action pursuant to a special motion to dismiss filed pursuant to subsection 2, the dismissal operates as an adjudication upon the merits.

6. The court shall modify any deadlines pursuant to this section or any other deadlines relating to a complaint filed pursuant to this section if such modification would serve the interests of justice.

7. As used in this section:

(a) "Complaint" means any action brought against a person based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern, including, without limitation, a counterclaim or cross-claim.

(b) "Plaintiff" means any person asserting a claim, including, without limitation, a counterclaim or cross-claim.

(Added to NRS by [1993, 2848](#); A [1997, 1365, 2593](#); [2013, 623](#); [2015, 2455](#))

NRS 41.665 Legislative findings and declaration regarding plaintiff's burden of proof under [NRS 41.660](#). The Legislature finds and declares that:

1. [NRS 41.660](#) provides certain protections to a person against whom an action is brought, if the action is based upon a good faith communication in furtherance of the right to petition or the right to free speech in direct connection with an issue of public concern.

2. When a plaintiff must demonstrate a probability of success of prevailing on a claim pursuant to [NRS 41.660](#), the Legislature intends that in determining whether the plaintiff "has demonstrated with prima facie evidence a probability of prevailing on the claim" the plaintiff must meet the same burden of proof that a plaintiff has been required to meet pursuant to California's anti-Strategic Lawsuits Against Public Participation law as of June 8, 2015.

(Added to NRS by [2015, 2455](#))

NRS 41.670 Award of reasonable costs, attorney's fees and monetary relief under certain circumstances; separate action for damages; sanctions for frivolous or vexatious special motion to dismiss; interlocutory appeal.

1. If the court grants a special motion to dismiss filed pursuant to [NRS 41.660](#):

(a) The court shall award reasonable costs and attorney's fees to the person against whom the action was brought, except that the court shall award reasonable costs and attorney's fees to this State or to the appropriate political subdivision of this State if the Attorney General, the chief legal officer or attorney of the political subdivision or special counsel provided the defense for the person pursuant to [NRS 41.660](#).

(b) The court may award, in addition to reasonable costs and attorney's fees awarded pursuant to paragraph (a), an amount of up to \$10,000 to the person against whom the action was brought.

(c) The person against whom the action is brought may bring a separate action to recover:

(1) Compensatory damages;

(2) Punitive damages; and

(3) Attorney's fees and costs of bringing the separate action.

2. If the court denies a special motion to dismiss filed pursuant to [NRS 41.660](#) and finds that the motion was frivolous or vexatious, the court shall award to the prevailing party reasonable costs and attorney's fees incurred in responding to the motion.

3. In addition to reasonable costs and attorney's fees awarded pursuant to subsection 2, the court may award:

(a) An amount of up to \$10,000; and

(b) Any such additional relief as the court deems proper to punish and deter the filing of frivolous or vexatious motions.

4. If the court denies the special motion to dismiss filed pursuant to [NRS 41.660](#), an interlocutory appeal lies to the Supreme Court.

(Added to NRS by [1993, 2848](#); A [1997, 1366, 2593](#); [2013, 624](#))

LIABILITY OF PERSONS WHO COMMIT CRIMINAL VIOLATIONS MOTIVATED BY CHARACTERISTICS OF VICTIM

NRS 41.690 Cause of action for damages resulting from criminal violation if perpetrator was motivated by certain characteristics of victim.

1. A person who has suffered injury as the proximate result of the willful violation of the provisions of [NRS 200.030](#), [200.050](#), [200.280](#), [200.310](#), [200.366](#), [200.380](#), [200.400](#), [200.460](#), [200.463](#), [200.4631](#), [200.464](#), [200.465](#), [200.467](#), [200.468](#), [200.471](#), [200.481](#), [200.508](#), [200.5099](#), [200.571](#), [200.575](#), [203.010](#), [203.020](#), [203.030](#), [203.060](#), [203.080](#), [203.090](#), [203.100](#), [203.110](#), [203.119](#), [205.010](#) to [205.025](#), inclusive, [205.060](#), [205.067](#), [205.075](#), [205.0832](#), [205.220](#), [205.226](#), [205.228](#), [205.240](#), [205.270](#), [205.2715](#), [205.274](#), [205.2741](#), [206.010](#), [206.040](#), [206.125](#), [206.140](#), [206.150](#), [206.200](#), [206.310](#), [206.330](#), [207.180](#), [207.190](#), [207.200](#) or [207.210](#) by a perpetrator who was motivated by the injured person's actual or perceived race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant. If the person who has suffered injury prevails in an action brought pursuant to this subsection, the court shall award the person costs and reasonable attorney's fees.

2. The liability imposed by this section is in addition to any other liability imposed by law.

3. As used in this section, "gender identity or expression" has the meaning ascribed to it in [NRS 193.0148](#).

(Added to NRS by [1995, 2706](#); A [2005, 89](#); [2007, 1269](#); [2013, 65, 1855](#))

LIABILITY OF PERSONS WHO FURNISH OR ALLOW USE OF CONTROLLED SUBSTANCE

NRS 41.700 Liability for damages caused by use of controlled substance; damages; attorney's fees and costs.

1. A person who:

(a) Knowingly and unlawfully serves, sells or otherwise furnishes a controlled substance to another person; or

(b) Knowingly allows another person to use a controlled substance in an unlawful manner on premises or in a conveyance belonging to the person allowing the use or over which the person has control,

is liable in a civil action for any damages caused as a result of the person using the controlled substance.

2. A person who prevails in an action brought pursuant to subsection 1 may recover his or her actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

(Added to NRS by [2007, 588](#))

LIABILITY OF PERSONS WHO TRANSMIT ITEMS OF ELECTRONIC MAIL THAT INCLUDE ADVERTISEMENTS

NRS 41.705 Definitions. As used in [NRS 41.705](#) to [41.735](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 41.710](#) to [41.725](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by [1997, 1255](#))

NRS 41.710 “Advertisement” defined. “Advertisement” means material that:

1. Advertises for commercial purposes the availability or the quality of real property, goods or services; or
2. Is otherwise designed or intended to solicit a person to purchase real property, goods or services.

(Added to NRS by [1997, 1256](#))

NRS 41.715 “Electronic mail” defined. “Electronic mail” means a message, a file or other information that is transmitted through a local, regional or global network, regardless of whether the message, file or other information is:

1. Viewed;
2. Stored for retrieval at a later time;
3. Printed onto paper or other similar material; or
4. Filtered or screened by a computer program that is designed or intended to filter or screen items of electronic mail.

(Added to NRS by [1997, 1256](#))

NRS 41.720 “Network” defined. “Network” means a network comprised of one or more computers that may be accessed by a modem, electronic or optical technology, or other similar means.

(Added to NRS by [1997, 1256](#))

NRS 41.725 “Recipient” defined. “Recipient” means a person who receives an item of electronic mail.

(Added to NRS by [1997, 1256](#))

NRS 41.730 Action for damages; exceptions; injunctive relief.

1. Except as otherwise provided in [NRS 41.735](#), if a person transmits or causes to be transmitted to a recipient an item of electronic mail that includes an advertisement, the person is liable to the recipient for civil damages unless:

- (a) The person has a preexisting business or personal relationship with the recipient;
- (b) The recipient has expressly consented to receive the item of electronic mail from the person; or
- (c) The advertisement is readily identifiable as promotional, or contains a statement providing that it is an advertisement, and clearly and conspicuously provides:

(1) The legal name, complete street address and electronic mail address of the person transmitting the electronic mail;

(2) A notice that the recipient may decline to receive additional electronic mail that includes an advertisement from the person transmitting the electronic mail and the procedures for declining such electronic mail; and

(3) The abbreviation “ADV” or the word “advertisement” as the first word of the subject line of the electronic mail.

2. Unless a greater amount of damages is provided pursuant to subsection 3, if a person is liable to a recipient pursuant to subsection 1, the recipient may recover from the person:

(a) Actual damages or damages of \$50 per item of electronic mail received, whichever is greater; and

(b) Attorney’s fees and costs.

3. If a person is liable to a recipient pursuant to subsection 1 and the person:

(a) Disguised the source of the advertisement;

(b) Used false or misleading information in the subject line of the electronic mail;

(c) Provided a false return address;

(d) Ignored requests made by the recipient to decline receiving additional electronic mail;

(e) Provided a false address for declining additional electronic mail from the person; or

(f) Obtained the electronic mail address of the recipient through a method that was not authorized by the recipient,

the recipient may recover actual damages or damages of \$500 per item of electronic mail received, whichever is greater, and attorney’s fees and costs.

4. In addition to any other recovery that is allowed pursuant to subsection 2 or 3, the recipient may apply to the district court of the county in which the recipient resides for an order enjoining the person from transmitting to the recipient any other item of electronic mail that includes an advertisement.

(Added to NRS by [1997, 1256](#); A [2003, 340](#))

NRS 41.735 Immunity for persons who provide users with access to network; applicability to items of electronic mail obtained voluntarily.

1. If a person provides users with access to a network and, as part of that service, transmits items of electronic mail on behalf of those users, the person is immune from liability for civil damages pursuant to [NRS 41.705](#) to [41.735](#), inclusive, unless the person transmits an item of electronic mail that includes an advertisement the person prepared or caused to be prepared.

2. The provisions of [NRS 41.705](#) to [41.735](#), inclusive, do not apply to an item of electronic mail that is obtained by a recipient voluntarily. This subsection includes, but is not limited to, an item of electronic mail that is obtained by a recipient voluntarily from an electronic bulletin board.

(Added to NRS by [1997, 1256](#))

LIABILITY OF PERSONS WHO KILL OR INJURE PET OF ANOTHER PERSON

NRS 41.740 Damages for which person who kills or injures pet of another person is liable; punitive and noneconomic damages may not be awarded; limitation on amount of damages; exceptions.

1. Except as otherwise provided in subsection 4, if a natural person intentionally, willfully, recklessly or negligently injures or kills the pet of another natural person, the person is liable for the following:

(a) The cost of veterinary care incurred by the owner because of the injury or death of the pet.

(b) If the pet is injured, any reduction in the market value of the pet caused by the injury.

(c) If the pet is killed, the market value of the pet and reasonable burial expenses.

(d) Reasonable attorney’s fees and costs incurred by the owner in bringing an action pursuant to this section.

2. Punitive damages and noneconomic damages may not be awarded in an action brought under this section.

3. In an action brought under this section, the award of damages must not exceed \$5,000 for each pet.

4. The provisions of this section do not authorize an award of damages pursuant to subsection 1 if:

(a) A nonprofit organization, society for the prevention of cruelty to animals established pursuant to [NRS 574.010](#) or governmental entity, or an employee or agent thereof, injures or kills a pet while acting in furtherance of public health or animal welfare.

(b) The action is based on the killing of a dog that had been or was killing or causing damage to livestock.

(c) The person reasonably believed that:

(1) The pet presented a risk to the person’s safety or to the safety of another person; and

(2) The action was necessary to protect himself or herself or another person.

5. As used in this section:

- (a) "Livestock" has the meaning ascribed to it in [NRS 569.0085](#).
 - (b) "Owner" means a natural person who owns, possesses, harbors, keeps or has control or custody of a pet.
 - (c) "Pet" means any domesticated dog or cat normally maintained in or near the household of its owner.
- (Added to NRS by [2007, 2471](#))

LIABILITY OF EMPLOYERS FOR CERTAIN ACTS

NRS 41.745 Liability of employer for intentional conduct of employee; limitations.

1. An employer is not liable for harm or injury caused by the intentional conduct of an employee if the conduct of the employee:

- (a) Was a truly independent venture of the employee;
- (b) Was not committed in the course of the very task assigned to the employee; and

(c) Was not reasonably foreseeable under the facts and circumstances of the case considering the nature and scope of his or her employment.

È For the purposes of this subsection, conduct of an employee is reasonably foreseeable if a person of ordinary intelligence and prudence could have reasonably anticipated the conduct and the probability of injury.

2. Nothing in this section imposes strict liability on an employer for any unforeseeable intentional act of an employee.

3. For the purposes of this section:

(a) "Employee" means any person who is employed by an employer, including, without limitation, any present or former officer or employee, immune contractor, an employee of a university school for profoundly gifted pupils described in [chapter 388C](#) of NRS or a member of a board or commission or Legislator in this State.

(b) "Employer" means any public or private employer in this State, including, without limitation, the State of Nevada, a university school for profoundly gifted pupils described in [chapter 388C](#) of NRS, any agency of this State and any political subdivision of the State.

(c) "Immune contractor" has the meaning ascribed to it in subsection 3 of [NRS 41.0307](#).

(d) "Officer" has the meaning ascribed to it in subsection 4 of [NRS 41.0307](#).

(Added to NRS by [1997, 1357](#); A [2005, 2430](#))

NRS 41.750 Limitations on liability of employer for damages arising from or relating to child care provided to children of employee. If an employer:

1. Pays money directly to an employee for use by the employee to pay all or a portion of the cost of child care and the employee selects the child care facility independent of and without any input from the employer;

2. Provides to an employee one or more vouchers for use by the employee to pay all or a portion of the cost of child care at a child care facility licensed and in good standing pursuant to [chapter 432A](#) of NRS;

3. Directs or refers an employee to a child care facility licensed and in good standing pursuant to [chapter 432A](#) of NRS; or

4. Negotiates a discount or other benefit for an employee at a child care facility licensed and in good standing pursuant to [chapter 432A](#) of NRS,

È the employer is immune from civil liability for damages arising from or relating to the child care provided to the children of the employee if the damages are caused by an act or omission that constitutes simple negligence.

(Added to NRS by [1997, 3321](#))

NRS 41.755 Limitations on liability of employer who discloses information regarding employee to prospective employer of employee; exceptions.

1. Except as otherwise provided in subsection 3, an employer who, at the request of an employee, discloses information regarding:

- (a) The ability of the employee to perform the employee's job;
- (b) The diligence, skill or reliability with which the employee carried out the duties of the employee's job; or
- (c) An illegal or wrongful act committed by the employee,

È to a prospective employer of that employee is immune from civil liability for such disclosure and its consequences.

2. Except as otherwise provided in subsection 3, an employer who discloses information regarding an employee to a public safety agency pursuant to [NRS 239B.020](#) is immune from civil liability for such disclosure and its consequences.

3. An employer is not immune from civil liability for a disclosure made pursuant to subsection 1 or [NRS 239B.020](#) or for the consequences of a disclosure made pursuant to subsection 1 or [NRS 239B.020](#) if the employer:

- (a) Acted with malice or ill will;
- (b) Disclosed information that the employer believed was inaccurate;
- (c) Disclosed information which the employer had no reasonable grounds for believing was accurate;
- (d) Recklessly or intentionally disclosed inaccurate information;
- (e) Deliberately disclosed misleading information; or
- (f) Disclosed information in violation of a state or federal law or in violation of an agreement with the employee.

4. As used in this section:

(a) "Employee" means a person who currently renders or previously rendered time and services to an employer.

(b) "Employer" includes an employee or agent of an employer who is authorized by the employer to disclose information

regarding an employee.

(c) "Public safety agency" has the meaning ascribed to it in [NRS 239B.020](#).

(Added to NRS by [1997, 1235](#); A [1999, 1909](#); [2007, 1048](#))

LIABILITY OF PERSONS WHO INTENTIONALLY OBSTRUCT INGRESS OR EGRESS TO PUBLIC OR PRIVATE PROPERTY OR WHO INTENTIONALLY OBSTRUCT PUBLIC OR PRIVATE ROADWAYS

NRS 41.800 Acts for which person is liable; remedies; no criminal liability for violation of section.

1. A person shall not intentionally obstruct:

(a) The ingress or egress to any public or private property from any other public or private place in such a manner as not to leave a free passageway for persons and vehicles lawfully seeking to enter or leave the property via the public or private place; or

(b) Any public or private roadway, including, without limitation, intersections, so as to prevent the safe passage of vehicles thereon or therethrough.

2. In addition to any other remedy, a person aggrieved by a violation of subsection 1 may bring a civil action in a court of competent jurisdiction against any person who commits the violation to seek any or all of the following relief:

(a) Declaratory and injunctive relief, including, without limitation, injunctive relief to enjoin any ongoing activity that violates any provision of subsection 1. For the purposes of injunctive relief, a person who brings an action pursuant to this subsection is entitled to a rebuttable presumption of irreparable harm.

(b) Actual damages.

(c) Reasonable attorney's fees and costs.

(d) Any other legal or equitable relief that the court deems appropriate.

3. A person who violates the provisions of this section is not subject to criminal liability.

(Added to NRS by [2015, 2977](#))