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## Office of the Governor

June 7, 2013

The Honorable Ross Miller  
Secretary of State  
Capitol Building  
101 South Carson Street  
Carson City, NV 89701

**RE: Assembly Bill 240 of the 77<sup>th</sup> Legislative Session**

Dear Secretary Miller:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 240, which is entitled:

**AN ACT relating to civil actions; revising provisions governing comparative negligence; and providing other matters properly relating thereto.**

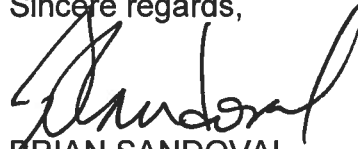
This bill revises longstanding Nevada law related to liability in actions to recover damages for death or injury to persons or for injury to property. Under current law, the doctrine of several liability applies to such actions if defendants assert a comparative negligence defense. This doctrine ensures that a negligent defendant's liability is limited to his or her proportionate share of fault. Assembly Bill 240 removes current language that permits comparative negligence to be asserted as a defense, and replaces it with language that would apply comparative negligence only to actions in which comparative negligence is a "bona fide issue." The bill states that comparative negligence is not a bona fide issue if the trier of fact finds no comparative negligence on the part of the plaintiff or the plaintiff's decedent.

The effect of Assembly Bill 240 is to reinstate joint and several liability for defendants as the general rule in negligence actions, except in cases where the plaintiff or plaintiff's decedent were contributorily negligent. This radical change alters the landscape of tort litigation in Nevada and undermines the thirty-year trend in Nevada and other states to move away from the doctrine of joint and several liability, which unfairly exposes defendants to liability based upon their ability to pay and not their share of fault.

Moreover, the Nevada Supreme Court, in *Donahue Schriber Realty Group vs. Tyrin Salinas*, is currently considering this very issue of comparative negligence and the liability of multiple defendants in civil actions, and will be able to provide clarity for all litigants.

For these reasons, I veto this bill and return it to you without my signature and without my approval.

Sincere regards,



BRIAN SANDOVAL  
Governor

*Enclosure*

cc: *The Honorable Brian Krolicki, President of the Assembly (without enclosure)*  
*The Honorable Moises Denis, Assembly Majority Leader (without enclosure)*  
*The Honorable Marilyn Kirkpatrick, Speaker of the Assembly (without enclosure)*  
*David A. Byerman, Secretary of the Assembly (without enclosure)*  
*Susan Furlong, Chief Clerk of the Assembly (without enclosure)*  
*Brenda Erdoes, Esq., Legislative Counsel (without enclosure)*