

Amendment No. 198

Assembly Amendment to Assembly Bill No. 334	(BDR 57-949)
Proposed by: Assembly Committee on Commerce and Labor	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 334--ASSEMBLYWOMAN BROWN-MAY

MARCH 17, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to insurance for motor vehicles. (BDR 57-949)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: Yes.

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

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~60~~ 8 business days after receiving the claim and accepting liability: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection. **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~60~~ 8 business days after making such determination: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so, ~~or fails to provide the required estimate,~~ the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes, ~~under certain circumstances, an insured or claimant, as applicable, or the repair facility to file a complaint against the insurer with~~ the Division of Insurance of the Department of Business and Industry, to impose an administrative fine of not more than \$1,200 for each violation of section 1.

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

1 **Section 1.** Chapter 690B of NRS is hereby amended by adding thereto a new
2 section to read as follows:

3 1. *If an insurer requires the inspection for repair of a motor vehicle relating*
4 *to a claim by the insured or a claimant, the insurer shall, within ~~60~~ 8 business*
5 *days after receiving the claim, ~~and~~ accepting liability ~~and~~ and confirming*
6 *coverage.*

7 (a) *Request that the insured or claimant, as applicable, make the motor*
8 *vehicle available for inspection; and*

9 (b) *Except as otherwise provided in subsection 3, inspect the motor vehicle.*

10 ➔ *The insurer shall furnish a copy of the estimate at the time of the inspection*
11 *which includes, without limitation, an indication of the extent of known damages*
12 *and manner of repair.*

13 2. *If, in response to a request for a supplemental estimate, the insurer*
14 *determines that a motor vehicle requires further inspection, the insurer shall,*
15 *within ~~60~~ 8 business days after making such determination:*

16 (a) *Request that the insured or claimant, as applicable, make the motor*
17 *vehicle available for further inspection; and*

18 (b) *Except as otherwise provided in subsection 3, conduct such further*
19 *inspection of the motor vehicle.*

20 ➔ *The insurer shall furnish a copy of the estimate at the time of the inspection*
21 *which includes, without limitation, an indication of the extent of known damages*
22 *and manner of repair.*

23 3. *If the insured or claimant does not make a motor vehicle available for*
24 *inspection or further inspection within ~~60~~ 8 business days after receiving a*
25 *request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect*
26 *or further inspect the vehicle as soon as practicable after the insured or claimant*
27 *makes the motor vehicle available.*

28 4. *If an insurer fails to inspect the motor vehicle during the period required*
29 *pursuant to subsection 1, 2 or 3, as applicable, or fails to furnish a copy of the*
30 *estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives*
31 *its right to inspect or further inspect the motor vehicle before any repairs are*
32 *made to the vehicle. Unless the repair facility or, as applicable, the insured or*
33 *claimant allows an inspection or further inspection of the vehicle after the period*
34 *required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim*
35 *are limited to the cost of labor and the price of parts unless the insurer provides*
36 *objective evidence to dispute the existence of damage or the chosen manner of*
37 *repair.*

38 5. *The insured or ~~complainant~~ claimant, as applicable, or a repair facility*
39 *may file a complaint against the insurer with the Division if the insurer waives its*
40 *right to inspect or further inspect the vehicle and does not limit negotiations for*
41 *payment of the claim to the cost of labor and the price of parts or provide*
42 *objective evidence to dispute the existence of the damage or the chosen manner of*
43 *repair.*

44 6. ~~*If the Division finds the complaint may have a basis in law or fact, the*~~
45 ~~*Division shall order a hearing to be conducted in accordance with the provisions*~~
46 ~~*of chapter 233B of NRS that apply to a contested case. If the Division or a*~~
47 ~~*hearing officer finds that the insurer waived its right to inspect or further the*~~
48 ~~*vehicle and did not limit negotiations for payment of the claim to the cost of labor*~~
49 ~~*and the price of parts or provide objective evidence to dispute the existence of the*~~

1 ~~damage or the chosen manner of repair, the~~ The Division ~~for hearing officer, as~~
2 ~~applicable,] may [require the insurer to pay]~~ impose against an insurer an
3 administrative fine of not more than ~~[\$1,500.]~~ \$1,200 for a violation of the
4 provisions of this section.