

Assembly Bill No. 60–Committee on Judiciary

CHAPTER.....

AN ACT relating to witnesses; making provisions of a contract or settlement agreement that prohibit or restrict a party to the contract or settlement agreement from testifying at judicial or administrative proceedings concerning criminal conduct, sexual harassment, discrimination or retaliation void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 1 of this bill provides that a provision of a contract or settlement agreement is void and unenforceable if the provision prohibits or restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding concerning another party to the contract or settlement agreement and his or her commission of criminal conduct, sexual harassment, discrimination based on race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex, or retaliation for the reporting of such discrimination. **Section 2** of this bill provides that such provisions are void and unenforceable if contained in a contract or settlement agreement entered into on or after the effective date of this bill. **Section 1** does not apply to a settlement agreement that results from successful mediation or conciliation by the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

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

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

Section 1. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 233.190, a provision of a contract or settlement agreement is void and unenforceable if:

(a) The provision prohibits or otherwise restricts a party to the contract or settlement agreement from testifying at a judicial or administrative proceeding when the party has been required or requested to testify at the proceeding pursuant to:

- (1) A court order;*
- (2) A lawful subpoena; or*
- (3) A written request by an administrative agency; and*

(b) The judicial or administrative proceeding described in paragraph (a) concerns another party to the contract or settlement agreement and his or her commission of:

- (1) A criminal offense;*



(2) An act of sexual harassment, including, without limitation, repeated, unsolicited verbal or physical contact of a sexual nature that is threatening in character;

(3) An act of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex by an employer or a landlord; or

(4) An act of retaliation by an employer or a landlord against another person for the reporting of discrimination on the basis of race, religion, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status, age or sex.

2. As used in this section:

(a) "Employer" has the meaning ascribed to it in NRS 33.220.

(b) "Landlord" means an owner of real property, or the owner's representative, who provides a dwelling unit on the real property for occupancy by another for valuable consideration.

Sec. 2. This act applies to any contract or settlement agreement entered into on or after the effective date of this act.

Sec. 3. This act becomes effective upon passage and approval.

