
ASSEMBLY BILL NO. 65—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 11, 2008

Referred to Committee on Judiciary

SUMMARY—Provides for the collection and disposition of additional court fees. (BDR 2-372)

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

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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 courts; providing for the collection and disposition of additional court fees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

- 1 **Section 2** of this bill: (1) authorizes a district court to charge and collect certain
- 2 additional filing fees; (2) requires the fees to be deposited into a special county
- 3 account maintained for the benefit of the court; and (3) provides that the fees may
- 4 be used only for court staffing, capital costs, debt service, renovation, furniture,
- 5 fixtures, equipment and technology.
- 6 **Section 3** of this bill authorizes a board of county commissioners to impose by
- 7 ordinance a filing fee of not more than \$20 to be paid on the commencement of any
- 8 civil action or proceeding in the district court and provides that the fee may be used
- 9 only for programs for court security and must not supplant existing budgets for
- 10 court security.

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

- 1 **Section 1.** Chapter 19 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 and 3 of this act.
- 3 **Sec. 2. 1. *Except as otherwise provided by specific statute***
- 4 ***and in addition to any other fee required by law, each clerk of the***
- 5 ***court or county clerk, as appropriate, shall charge and collect the***
- 6 ***following fees:***



1 (a) On the commencement of any action or proceeding
2 in the district court, other than those listed in paragraphs
3 (c), (f) and (g), or on the transfer of any action or
4 proceeding from a district court of another county, to be
5 paid by the party commencing the action, proceeding or
6 transfer \$99

7 (b) On the appearance of any defendant or any
8 number of defendants answering jointly, to be paid upon
9 the filing of the first paper in the action by him or them \$99

10 (c) On the filing of a petition for setting aside an estate
11 without administration, which fee does not include the
12 court fee prescribed by NRS 19.020, to be paid by the
13 petitioner:

14 (1) Where the stated value of the estate is \$200,000
15 or more \$352

16 (2) Where the stated value of the estate is more
17 than \$20,000 but less than \$200,000..... \$99

18 (3) Where the stated value of the estate is \$20,000
19 or less, no fee may be charged or collected.

20 (d) On the filing of a motion for summary judgment or
21 a joinder thereto \$200

22 (e) On the filing of a motion other than a motion for
23 summary judgment or a joinder thereto \$35

24 (f) On the commencement of an action defined as a
25 business matter pursuant to the local rules of practice and
26 on the answer or appearance of any party in any such
27 action or proceeding, to be paid by the party commencing,
28 answering or appearing in the action or proceeding
29 thereto..... \$1,359

30 (g) On the commencement of:

31 (1) A class action;

32 (2) An action for a constructional defect pursuant
33 to NRS 40.600 to 40.695, inclusive; or

34 (3) Any other action defined as "complex"
35 pursuant to the local rules of practice,
36 and on the answer or appearance of any party in any
37 such action or proceeding, to be paid by the party
38 commencing, answering or appearing in the action or
39 proceeding \$349

40 (h) On the filing of a third-party complaint, to be paid
41 by the filing party \$135

42 (i) On the filing of a motion to certify or decertify a
43 class, to be paid by the filing party \$250

44 (j) On the filing of a petition for leave to compromise
45 the claim of a minor, to be paid by the petitioner \$250



1 2. *The fees collected pursuant to this section must be*
2 *deposited into a special account maintained for the benefit of the*
3 *court. The money in that account must be used only:*

4 (a) *To offset the costs for adding and maintaining new judicial*
5 *departments, including, without limitation, the cost for additional*
6 *staff; and*

7 (b) *If any money remains in the account in a fiscal year after*
8 *satisfying the purposes set forth in paragraph (a), to:*

9 (1) *Acquire land on which to construct additional facilities*
10 *for the district court or a regional justice center that includes the*
11 *district court;*

12 (2) *Construct or acquire additional facilities for the district*
13 *court or a regional justice center that includes the district court;*

14 (3) *Renovate or remodel existing facilities for the district*
15 *court or a regional justice center that includes the district court;*

16 (4) *Acquire furniture, fixtures and equipment necessitated*
17 *by the construction or acquisition of additional facilities or the*
18 *renovation of an existing facility for the district court or a regional*
19 *justice center that includes the district court, except that money in*
20 *the account may not be used to acquire furniture, fixtures or*
21 *equipment for judicial chambers;*

22 (5) *Acquire advanced technology;*

23 (6) *Pay debt service on any bonds issued pursuant to*
24 *subsection 3 of NRS 350.020 for the acquisition of land or*
25 *facilities or the construction or renovation of facilities for the*
26 *district court or a regional justice center that includes the district*
27 *court; or*

28 (7) *Enter into long-term interlocal agreements to pay for*
29 *capital costs incurred by the county.*

30 3. *Except as otherwise provided by specific statute, all fees*
31 *prescribed in this section are payable in advance if demanded by*
32 *the clerk of the court or county clerk.*

33 4. *Each clerk of the court or county clerk shall, on or before*
34 *the fifth day of each month, account for and pay to the county*
35 *treasurer all fees collected pursuant to this section during the*
36 *preceding month.*

37 **Sec. 3.** *1. In any county, the board of county*
38 *commissioners may, in addition to any other fee required by law,*
39 *impose by ordinance a filing fee of not more than \$20 to be paid*
40 *on the commencement of any civil action or proceeding in the*
41 *district court for which a filing fee is required and on the filing of*
42 *any answer or appearance in any such action or proceeding for*
43 *which a filing fee is required, except as otherwise required*
44 *pursuant to NRS 19.034.*



1 2. *On or before the fifth day of each month, in a county*
2 *where a fee has been imposed pursuant to subsection 1, the clerk*
3 *of the court shall account for and pay over to the county treasurer*
4 *any such fees collected by him during the preceding month for*
5 *credit to an account for programs for court security in the county*
6 *general fund. The money in that account may be used only for*
7 *programs for court security and must not be used to supplant*
8 *existing budgets for court security. Any remaining balance in the*
9 *account may be carried forward to the next fiscal year.*

10 3. *As used in this section, "programs for court security"*
11 *includes, without limitation:*

12 (a) *Funding for additional positions for bailiffs, marshals,*
13 *security guards or similar personnel;*

14 (b) *Supplementing existing funding used to pay bailiffs,*
15 *marshals, security guards and similar personnel;*

16 (c) *Acquiring necessary capital goods for court security;*

17 (d) *Providing security training and education to personnel;*

18 (e) *Conducting security audits;*

19 (f) *Acquiring or using appropriate technology relating to court*
20 *security; and*

21 (g) *Other purposes relating to court security, as approved by*
22 *the chief judge or his designee.*

23 **Sec. 4.** NRS 41.200 is hereby amended to read as follows:

24 41.200 1. If an unemancipated minor has a disputed claim for
25 money against a third person, either parent, or if the parents of the
26 minor are living separate and apart, then the custodial parent, or if
27 no custody award has been made, the parent with whom the minor is
28 living, or if a general guardian or guardian of the estate of the minor
29 has been appointed, then that guardian, has the right to compromise
30 the claim. Such a compromise is not effective until it is approved by
31 the district court of the county where the minor resides, or if the
32 minor is not a resident of the State of Nevada, then by the district
33 court of the county where the claim was incurred, upon a verified
34 petition in writing, regularly filed with the court.

35 2. The petition must set forth:

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

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

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

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

43 (3) If the claim is the result of an accident, the date, place
44 and facts of the accident;



1 (c) The names and residence of the parents or the legal guardian
2 of the minor;

3 (d) The name and residence of the person or persons having
4 physical custody or control of the minor;

5 (e) The name and residence of the petitioner and the relationship
6 of the petitioner to the minor;

7 (f) The total amount of the proceeds of the proposed
8 compromise and the apportionment of those proceeds, including the
9 amount to be used for:

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

13 (2) Medical expenses; and

14 (3) Other expenses,

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

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

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

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

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

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

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

40 5. Upon receiving the proceeds of the compromise, the parent
41 or guardian to whom the proceeds of the compromise are ordered to
42 be paid shall establish a blocked financial investment for the
43 benefit of the minor with the proceeds of the compromise. Money
44 may be obtained from the blocked financial investment only
45 pursuant to subsection 6. Within 30 days after receiving the



1 proceeds of the compromise, the parent or guardian shall file with
2 the court proof that the blocked financial investment has been
3 established. If the balance of the investment is more than \$10,000,
4 the parent, guardian or person in charge of managing the investment
5 shall annually file with the court a verified report detailing the
6 activities of the investment during the previous 12 months. If the
7 balance of the investment is \$10,000 or less, the court may order
8 the parent, guardian or person in charge of managing the investment
9 to file such periodic verified reports as the court deems appropriate.
10 The court may hold a hearing on a verified report only if it deems a
11 hearing necessary to receive an explanation of the activities of the
12 investment.

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

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

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

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

25 ~~—8.~~ As used in this section, the term “blocked financial
26 investment” means a savings account established in a depository
27 institution in this State, a certificate of deposit, a United States
28 savings bond, a fixed or variable annuity contract ~~or~~ or another
29 reliable investment that is approved by the court.

30 **Sec. 5.** This act becomes effective on July 1, 2009.



