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ASSEMBLY BILL NO. 100—ASSEMBLYMEN BROWN, KNECHT, GIBBONS, CHRISTENSEN, ANDONOV, BEERS, GEDDES, GOICOECHEA, GRADY, GRIFFIN, GUSTAVSON, HARDY, HETTRICK, MABEY, MARVEL, MCCLEARY, PERKINS, SHERER AND WEBER

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Increases monetary limit of jurisdiction of justices’ courts. (BDR 1-855)

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 justices’ courts; increasing the monetary limit of the jurisdiction of justices’ courts; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 4.060 is hereby amended to read as follows:
- 2 4.060 1. Except as otherwise provided in this section and
- 3 NRS 33.017 to 33.100, inclusive, each justice of the peace shall
- 4 charge and collect the following fees:
- 5 (a) On the commencement of any action or proceeding
- 6 in the justice’s court, other than in actions commenced
- 7 pursuant to chapter 73 of NRS, to be paid by the party
- 8 commencing the action:
- 9 If the sum claimed does not exceed \$1,000 \$28.00
- 10 If the sum claimed exceeds \$1,000 but does not
- 11 exceed \$2,500 50.00
- 12 If the sum claimed exceeds \$2,500 but does not
- 13 exceed \$4,500 100.00
- 14 If the sum claimed exceeds \$4,500 but does not
- 15 exceed \$6,500 125.00



1 If the sum claimed exceeds \$6,500 but does not
2 exceed ~~[\$7,500]~~ \$10,000..... \$150.00
3 In all other civil actions..... 28.00
4 (b) For the preparation and filing of an affidavit and
5 order in an action commenced pursuant to chapter 73 of
6 NRS:
7 If the sum claimed does not exceed \$1,000 25.00
8 If the sum claimed exceeds \$1,000 but does not
9 exceed \$2,500 45.00
10 If the sum claimed exceeds \$2,500 but does not
11 exceed \$5,000 65.00
12 (c) On the appearance of any defendant, or any
13 number of defendants answering jointly, to be paid by him
14 or them on filing the first paper in the action, or at the time
15 of appearance:
16 In all civil actions 12.00
17 For every additional defendant, appearing
18 separately 6.00
19 (d) No fee may be charged where a defendant or
20 defendants appear in response to an affidavit and order
21 issued pursuant to the provisions of chapter 73 of NRS.
22 (e) For the filing of any paper in intervention 6.00
23 (f) For the issuance of any writ of attachment, writ of
24 garnishment, writ of execution or any other writ designed
25 to enforce any judgment of the court..... 6.00
26 (g) For filing a notice of appeal, and appeal bonds 12.00
27 One charge only may be made if both papers are
28 filed at the same time.
29 (h) For issuing supersedeas to a writ designed to
30 enforce a judgment or order of the court 12.00
31 (i) For preparation and transmittal of transcript and
32 papers on appeal 12.00
33 (j) For celebrating a marriage and returning the
34 certificate to the county recorder 50.00
35 (k) For entering judgment by confession 6.00
36 (l) For preparing any copy of any record, proceeding
37 or paper, for each page30
38 (m) For each certificate of the clerk, under the seal of
39 the court 3.00
40 (n) For searching records or files in his office, for each
41 year 1.00
42 (o) For filing and acting upon each bail or property
43 bond 40.00



1 2. A justice of the peace shall not charge or collect any of the
2 fees set forth in subsection 1 for any service rendered by him to the
3 county in which his township is located.

4 3. A justice of the peace shall not charge or collect the fee
5 pursuant to paragraph (j) of subsection 1 if he performs a marriage
6 ceremony in a commissioner township.

7 4. Except as otherwise provided by an ordinance adopted
8 pursuant to the provisions of NRS 244.207, the justice of the peace
9 shall, on or before the fifth day of each month, account for and pay
10 to the county treasurer all fees collected during the preceding month,
11 except for the fees he may retain as compensation and the fees he is
12 required to pay to the State Controller pursuant to subsection 5.

13 5. The justice of the peace shall, on or before the fifth day of
14 each month, pay to the State Controller:

15 (a) An amount equal to \$5 of each fee collected pursuant to
16 paragraph (j) of subsection 1 during the preceding month. The State
17 Controller shall deposit the money in the Account for Aid for
18 Victims of Domestic Violence in the State General Fund.

19 (b) One-half of the fees collected pursuant to paragraph (o) of
20 subsection 1 during the preceding month. The State Controller shall
21 deposit the money in the fund for the compensation of victims of
22 crime.

23 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

24 4.370 1. Except as otherwise provided in subsection 2,
25 justices' courts have jurisdiction of the following civil actions and
26 proceedings and no others except as otherwise provided by specific
27 statute:

28 (a) In actions arising on contract for the recovery of money only,
29 if the sum claimed, exclusive of interest, does not exceed ~~[\$7,500.]~~
30 **\$10,000.**

31 (b) In actions for damages for injury to the person, or for taking,
32 detaining or injuring personal property, or for injury to real property
33 where no issue is raised by the verified answer of the defendant
34 involving the title to or boundaries of the real property, if the
35 damage claimed does not exceed ~~[\$7,500.]~~ **\$10,000.**

36 (c) Except as otherwise provided in paragraph (l) in actions for a
37 fine, penalty or forfeiture not exceeding ~~[\$7,500.]~~ **\$10,000,** given by
38 statute or the ordinance of a county, city or town, where no issue is
39 raised by the answer involving the legality of any tax, impost,
40 assessment, toll or municipal fine.

41 (d) In actions upon bonds or undertakings conditioned for the
42 payment of money, if the sum claimed does not exceed ~~[\$7,500.]~~
43 **\$10,000,** though the penalty may exceed that sum. Bail bonds and
44 other undertakings posted in criminal matters may be forfeited
45 regardless of amount.



- 1 (e) In actions to recover the possession of personal property, if
2 the value of the property does not exceed ~~[\$7,500.]~~ **\$10,000.**
- 3 (f) To take and enter judgment on the confession of a defendant,
4 when the amount confessed, exclusive of interest, does not exceed
5 ~~[\$7,500.]~~ **\$10,000.**
- 6 (g) Of actions for the possession of lands and tenements where
7 the relation of landlord and tenant exists, when damages claimed do
8 not exceed ~~[\$7,500]~~ **\$10,000** or when no damages are claimed.
- 9 (h) Of actions when the possession of lands and tenements has
10 been unlawfully or fraudulently obtained or withheld, when
11 damages claimed do not exceed ~~[\$7,500]~~ **\$10,000** or when no
12 damages are claimed.
- 13 (i) Of suits for the collection of taxes, where the amount of the
14 tax sued for does not exceed ~~[\$7,500.]~~ **\$10,000.**
- 15 (j) Of actions for the enforcement of mechanics' liens, where the
16 amount of the lien sought to be enforced, exclusive of interest, does
17 not exceed ~~[\$7,500.]~~ **\$10,000.**
- 18 (k) Of actions for the enforcement of liens of owners of facilities
19 for storage, where the amount of the lien sought to be enforced,
20 exclusive of interest, does not exceed ~~[\$7,500.]~~ **\$10,000.**
- 21 (l) In actions for a fine imposed for a violation of NRS 484.757.
- 22 (m) Except in a judicial district that includes a county whose
23 population is 100,000 or more, in any action for the issuance of a
24 temporary or extended order for protection against domestic
25 violence.
- 26 (n) In an action for the issuance of a temporary or extended
27 order for protection against harassment in the workplace pursuant to
28 NRS 33.200 to 33.360, inclusive.
- 29 (o) In small claims actions under the provisions of chapter 73 of
30 NRS.
- 31 (p) In actions to contest the validity of liens on mobile homes or
32 manufactured homes.
- 33 (q) In any action pursuant to NRS 200.591 for the issuance of a
34 protective order against a person alleged to be committing the crime
35 of stalking, aggravated stalking or harassment.
- 36 2. The jurisdiction conferred by this section does not extend to
37 civil actions, other than for forcible entry or detainer, in which the
38 title of real property or mining claims or questions affecting the
39 boundaries of land are involved.
- 40 3. Justices' courts have jurisdiction of all misdemeanors and no
41 other criminal offenses except as otherwise provided by specific
42 statute. Upon approval of the district court, a justice's court may
43 transfer original jurisdiction of a misdemeanor to the district court
44 for the purpose of assigning an offender to a program established
45 pursuant to NRS 176A.250.



1 4. Except as otherwise provided in subsections 5 and 6, in
2 criminal cases the jurisdiction of justices of the peace extends to the
3 limits of their respective counties.

4 5. In the case of any arrest made by a member of the Nevada
5 Highway Patrol, the jurisdiction of the justices of the peace extends
6 to the limits of their respective counties and to the limits of all
7 counties which have common boundaries with their respective
8 counties.

9 6. Each justice's court has jurisdiction of any violation of a
10 regulation governing vehicular traffic on an airport within the
11 township in which the court is established.

12 **Sec. 3.** NRS 487.039 is hereby amended to read as follows:

13 487.039 1. If ~~the owner of~~ a vehicle ~~which~~ is towed from
14 private property upon the request of the owner of the private
15 property, or a person in lawful possession of that property, *and the*
16 *owner of the vehicle* believes that the vehicle was unlawfully towed,
17 ~~he~~ *the owner of the vehicle* may file a civil action pursuant to
18 paragraph (b) of subsection 1 of NRS 4.370 in the justice's court of
19 the township where the private property is located, on a form
20 provided by the court, to determine whether the towing of the
21 vehicle was lawful.

22 2. An action may be filed pursuant to this section only if the
23 cost of towing and storing the vehicle does not exceed ~~[\$7,500.]~~
24 *\$10,000.*

25 3. Upon the filing of a civil action pursuant to subsection 1, the
26 court shall schedule a date for a hearing. The hearing must be held
27 not later than 7 days after the action is filed. The court shall affix the
28 date of the hearing to the form and order a copy served by the
29 sheriff, constable or other process server upon the person who
30 authorized the towing of the vehicle.

31 4. The court shall:

32 (a) If it determines that the vehicle was:

33 (1) Lawfully towed, order the owner of the vehicle to pay the
34 cost of towing and storing the vehicle and order the person who is
35 storing the vehicle to release the vehicle to the owner upon payment
36 of that cost; or

37 (2) Unlawfully towed, order the person who authorized the
38 towing to pay the cost of towing and storing the vehicle and order
39 the person who is storing the vehicle to release the vehicle to the
40 owner immediately; and

41 (b) Determine the actual cost incurred in towing and storing the
42 vehicle.

43 5. The operator of any facility or other location where vehicles
44 which are towed from private property are stored shall display



1 conspicuously at that facility or location a sign which sets forth the
2 provisions of this section.
3 **Sec. 4.** The amendatory provisions of this act apply to civil
4 actions and proceedings filed on or after October 1, 2003.

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