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ASSEMBLY BILL NO. 390—ASSEMBLYMEN PARKS, MANENDO,  
ARBERRY, BUCKLEY, CHOWNING, GOLDWATER, GRIFFIN,  
HORNE, LESLIE, MCCLAIN, MCCLEARY AND PIERCE  
(BY REQUEST)

MARCH 17, 2003

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Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to duties and liability of owner of property whose property includes or abuts public right-of-way. (BDR 22-965)

FISCAL NOTE: Effect on Local Government: Yes.  
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.

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AN ACT relating to real property; prohibiting a governing body from requiring an owner of property that includes or abuts a public right-of-way to maintain any unimproved portion of, or to maintain, reconstruct or repair certain improvements in, the public right-of-way; providing that such prohibition does not preclude the imposition of certain assessments and charges that are otherwise authorized by law; providing certain limitations on civil liability with respect to owners of property whose property abuts a public right-of-way; 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.** Chapter 278 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     ***1. A governing body shall not require an owner of property***  
4     ***that includes or abuts a public right-of-way to:***  
5     ***(a) Maintain any unimproved portion of the public right-of-***  
6     ***way; or***



1     ***(b) Maintain, reconstruct or repair an existing median,***  
2     ***sidewalk, street improvement or other improvement in the public***  
3     ***right-of-way.***

4     ***2. The provisions of subsection 1 do not prohibit a governing***  
5     ***body from imposing an assessment or other charge authorized by***  
6     ***law for any reconstruction described in subsection 1 that the***  
7     ***governing body causes to be performed within a public right-of-***  
8     ***way.***

9     **Sec. 2.** NRS 278.010 is hereby amended to read as follows:

10     278.010 As used in NRS 278.010 to 278.630, inclusive, ***and***  
11     ***section 1 of this act***, unless the context otherwise requires, the  
12     words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
13     have the meanings ascribed to them in those sections.

14     **Sec. 3.** Chapter 41 of NRS is hereby amended by adding  
15     thereto a new section to read as follows:

16     ***No person who owns property that abuts a public right-of-way***  
17     ***is liable in a civil action based on the grounds that the person***  
18     ***failed to:***

19     ***1. Maintain any unimproved portion of the public right-of-***  
20     ***way; or***

21     ***2. Maintain, reconstruct or repair an existing median,***  
22     ***sidewalk, street improvement or other improvement in the public***  
23     ***right-of-way.***

24     **Sec. 4.** This act becomes effective upon passage and approval.

