

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 relating to sidewalks in public  
right-of-way abutting his property. (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 to maintain,  
reconstruct or repair a sidewalk in a public right-of-way  
that abuts his property except in certain circumstances;  
providing certain limitations on the civil liability of an  
owner of property with respect to such sidewalks; 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. *Except as otherwise provided in subsection 2, a governing*  
4     *body shall not require an owner of property to maintain,*  
5     *reconstruct or repair a sidewalk in a public right-of-way that abuts*  
6     *his property.*  
7     2. *The provisions of subsection 1 do not prohibit a governing*  
8     *body from:*  
9     (a) *Imposing an assessment or other charge authorized by law*  
10    *for any reconstruction or repair of a sidewalk that the governing*  
11    *body causes to be performed within a public right-of-way;*



1       ***(b) Requiring any reconstruction or repair of a sidewalk as a***  
2 ***condition of approval for a change in the use of the land;***

3       ***(c) Requiring an owner of property to maintain a sidewalk in a***  
4 ***public right-of-way that abuts his property if the sidewalk was***  
5 ***constructed pursuant to standards that exceed the general***  
6 ***standards of the governing body for sidewalks; or***

7       ***(d) Requiring, by ordinance, owners of property to be***  
8 ***responsible for:***

9       ***(1) The repair and reconstruction of a sidewalk in the***  
10 ***public right-of-way that abuts the property of the owner if the***  
11 ***owner caused the need for such repair or reconstruction.***

12       ***(2) The general maintenance of a sidewalk in the public***  
13 ***right-of-way that abuts the property of the owner, including,***  
14 ***without limitation, sweeping, removal of snow, ice and weeds, and***  
15 ***maintenance of any grass, shrubs or trees that encroach on the***  
16 ***sidewalk.***

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

18       278.010 As used in NRS 278.010 to 278.630, inclusive, ***and***  
19 ***section 1 of this act,*** unless the context otherwise requires, the  
20 words and terms defined in NRS 278.0105 to 278.0195, inclusive,  
21 have the meanings ascribed to them in those sections.

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

24       ***No person who owns property is liable in a civil action for any***  
25 ***injury or damage that occurs as a result of the use of a sidewalk in***  
26 ***a public right-of-way that abuts his property, unless he failed to***  
27 ***comply with an ordinance adopted pursuant to paragraph (d) of***  
28 ***subsection 2 of section 1 of this act.***

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

