

ASSEMBLY BILL NO. 40—ASSEMBLYMAN OCEGUERA

PREFILED JANUARY 31, 2003

Referred to Committee on Judiciary

SUMMARY—Extends period of limitations for commencing civil action after action has been dismissed under certain circumstances. (BDR 2-769)

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 civil practice; extending the period of limitations for commencing a civil action that has been dismissed because the court lacked jurisdiction over the subject matter of the action under certain circumstances; 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 11 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 1. *Notwithstanding any other provision of law, and except as*
4 *otherwise provided in this section, if an action that is commenced*
5 *within the applicable period of limitations is dismissed because the*
6 *court lacked jurisdiction over the subject matter of the action, the*
7 *action may be recommenced in the court having jurisdiction*
8 *within:*
9 (a) *The applicable period of limitations; or*
10 (b) *Thirty days after the action is dismissed,*
11 *whichever is later.*
12 2. *An action may be recommenced only one time pursuant to*
13 *paragraph (b) of subsection 1.*
14 3. *An action may not be recommenced pursuant to paragraph*
15 *(b) of subsection 1 more than 5 years after the date on which the*
16 *original action was commenced.*



* A B 4 0 R 2 *

1 **4. Paragraph (b) of subsection 1 does not apply to a contract**
2 **that is subject to the provisions of chapter 104 of NRS.**

3 **5. If an action is recommended pursuant to paragraph (b) of**
4 **subsection 1, any applicable findings of fact or conclusions of law**
5 **entered by the court that dismissed the action shall be deemed**
6 **binding in the action that is recommenced.**

7 **Sec. 2.** This act applies to any action pending on October 1,
8 2003, or that is filed on or after October 1, 2003.

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