

SENATE BILL NO. 203—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA SUPREME COURT)

FEBRUARY 25, 2003

Referred to Committee on Judiciary

SUMMARY—Enacts provisions concerning separation and adjudication of certain small claims actions. (BDR 6-612)

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 actions; enacting provisions concerning the separation and adjudication of certain small claims actions; 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 73.010 is hereby amended to read as follows:
- 2 73.010 *1.* In all cases arising in the justice’s court for the
- 3 recovery of money only, where the amount claimed does not exceed
- 4 \$5,000 and the defendant named:
- 5 ~~1.~~ *(a)* Is a resident of;
- 6 ~~2.~~ *(b)* Does business in; or
- 7 ~~3.~~ *(c)* Is employed in,
- 8 the township in which the action is to be maintained, the justice of
- 9 the peace may proceed as provided in this chapter and by rules of
- 10 court.
- 11 *2. Except as otherwise provided in subsection 3, if any*
- 12 *counterclaim or other pleading raises any issue or claim which*
- 13 *may not be adjudicated as provided in this chapter, the justice of*
- 14 *the peace shall:*
- 15 *(a) Separate the issues or claims;*



1 ***(b) Adjudicate those issues or claims over which he has***
2 ***jurisdiction; and***

3 ***(c) Require those issues or claims over which he does not have***
4 ***jurisdiction to be filed as separate actions in the justice's court or***
5 ***district court, as appropriate.***

6 ***3. If any counterclaim or other pleading raises any issue or***
7 ***claim which may not be adjudicated as provided in this chapter,***
8 ***the parties to the action may stipulate that the action be treated as***
9 ***not having been filed pursuant to this chapter. If the parties so***
10 ***stipulate and any counterclaim or other pleading raises any issue***
11 ***or claim which may not be adjudicated in the justice's court, the***
12 ***justice of the peace shall proceed as provided in Rule 13 of the***
13 ***Justices' Courts' Rules of Civil Procedure.***

14 **Sec. 2.** The amendatory provisions of this act apply to a small
15 claims action that is:

- 16 1. Pending on October 1, 2003; or
17 2. Filed on or after October 1, 2003.

