
SENATE BILL NO. 88—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE NEVADA SUPREME COURT)

FEBRUARY 11, 2003

Referred to Committee on Judiciary

SUMMARY—Allows district judge to transfer certain civil actions to justice’s court under certain circumstances. (BDR 1-610)

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; allowing a district judge to transfer certain civil actions to the justice’s court 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 3 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. If an action is filed in the district court and a district judge***
4 ***determines that the sum claimed, exclusive of interest, does not***
5 ***exceed \$7,500, the district judge may transfer original jurisdiction***
6 ***of the action to the justice’s court.***
7 ***2. For the purposes of this section, “action” includes the***
8 ***following civil cases and proceedings and no others except as***
9 ***otherwise provided by specific statute:***
10 ***(a) An action arising on contract for the recovery of money***
11 ***only, if the sum claimed, exclusive of interest, exceeds \$7,500.***
12 ***(b) An action for damages for injury to the person, or for***
13 ***taking, detaining or injuring personal property, or for injury to***
14 ***real property where no issue is raised by the verified answer of the***



- 1 *defendant involving the title to or boundaries of the real property,*
- 2 *if the damage claimed exceeds \$7,500.*
- 3 (c) *Except in actions for a fine imposed for a violation of NRS*
- 4 *484.757, an action for a fine, penalty or forfeiture exceeding*
- 5 *\$7,500, given by statute or the ordinance of a county, city or town,*
- 6 *where no issue is raised by the answer involving the legality of any*
- 7 *tax, impost, assessment, toll or municipal fine.*
- 8 (d) *An action upon bonds or undertakings conditioned for the*
- 9 *payment of money, if the sum claimed exceeds \$7,500.*
- 10 (e) *An action to recover the possession of personal property, if*
- 11 *the value of the property exceeds \$7,500.*
- 12 (f) *To take and enter judgment on the confession of a*
- 13 *defendant, when the amount confessed, exclusive of interest,*
- 14 *exceeds \$7,500.*
- 15 (g) *Of actions for the possession of lands and tenements where*
- 16 *the relation of landlord and tenant exists, when damages claimed*
- 17 *exceed \$7,500.*
- 18 (h) *Of actions when the possession of lands and tenements has*
- 19 *been unlawfully or fraudulently obtained or withheld, when*
- 20 *damages claimed exceed \$7,500.*
- 21 (i) *Of suits for the collection of taxes, where the amount of the*
- 22 *tax sued for exceeds \$7,500.*
- 23 (j) *Of actions for the enforcement of mechanics' liens, where*
- 24 *the amount of the lien sought to be enforced, exclusive of interest,*
- 25 *exceeds \$7,500.*
- 26 (k) *Of actions for the enforcement of liens of owners of*
- 27 *facilities for storage, where the amount of the lien sought to be*
- 28 *enforced, exclusive of interest, exceeds \$7,500.*
- 29 **Sec. 2.** Chapter 4 of NRS is hereby amended by adding thereto
- 30 a new section to read as follows:
- 31 *If an action is transferred from the district court to the justice's*
- 32 *court pursuant to section 1 of this act:*
- 33 1. *The transfer of the action shall not be deemed to constitute*
- 34 *the filing of a new action in the justice's court, and a party to the*
- 35 *action may not be required to pay a new filing fee to the justice's*
- 36 *court as the result of the transfer of the action; and*
- 37 2. *The transfer of the action must not be construed to affect*
- 38 *any period of limitation concerning the filing of the action.*
- 39 **Sec. 3.** NRS 4.370 is hereby amended to read as follows:
- 40 4.370 1. Except as otherwise provided in subsection 2,
- 41 justices' courts have jurisdiction of the following civil actions and
- 42 proceedings and no others except as otherwise provided by specific
- 43 statute:
- 44 (a) In actions arising on contract for the recovery of money only,
- 45 if the sum claimed, exclusive of interest, does not exceed \$7,500.



- 1 (b) In actions for damages for injury to the person, or for taking,
2 detaining or injuring personal property, or for injury to real property
3 where no issue is raised by the verified answer of the defendant
4 involving the title to or boundaries of the real property, if the
5 damage claimed does not exceed \$7,500.
- 6 (c) Except as otherwise provided in paragraph (l), in actions for
7 a fine, penalty or forfeiture not exceeding \$7,500, given by statute
8 or the ordinance of a county, city or town, where no issue is raised
9 by the answer involving the legality of any tax, impost, assessment,
10 toll or municipal fine.
- 11 (d) In actions upon bonds or undertakings conditioned for the
12 payment of money, if the sum claimed does not exceed \$7,500,
13 though the penalty may exceed that sum. Bail bonds and other
14 undertakings posted in criminal matters may be forfeited regardless
15 of amount.
- 16 (e) In actions to recover the possession of personal property, if
17 the value of the property does not exceed \$7,500.
- 18 (f) To take and enter judgment on the confession of a defendant,
19 when the amount confessed, exclusive of interest, does not exceed
20 \$7,500.
- 21 (g) Of actions for the possession of lands and tenements where
22 the relation of landlord and tenant exists, when damages claimed do
23 not exceed \$7,500 or when no damages are claimed.
- 24 (h) Of actions when the possession of lands and tenements has
25 been unlawfully or fraudulently obtained or withheld, when
26 damages claimed do not exceed \$7,500 or when no damages are
27 claimed.
- 28 (i) Of suits for the collection of taxes, where the amount of the
29 tax sued for does not exceed \$7,500.
- 30 (j) Of actions for the enforcement of mechanics' liens, where the
31 amount of the lien sought to be enforced, exclusive of interest, does
32 not exceed \$7,500.
- 33 (k) Of actions for the enforcement of liens of owners of facilities
34 for storage, where the amount of the lien sought to be enforced,
35 exclusive of interest, does not exceed \$7,500.
- 36 (l) In actions for a fine imposed for a violation of NRS 484.757.
- 37 (m) Except in a judicial district that includes a county whose
38 population is 100,000 or more, in any action for the issuance of a
39 temporary or extended order for protection against domestic
40 violence.
- 41 (n) In an action for the issuance of a temporary or extended
42 order for protection against harassment in the workplace pursuant to
43 NRS 33.200 to 33.360, inclusive.
- 44 (o) In small claims actions under the provisions of chapter 73 of
45 NRS.



1 (p) In actions to contest the validity of liens on mobile homes or
2 manufactured homes.

3 (q) In any action pursuant to NRS 200.591 for the issuance of a
4 protective order against a person alleged to be committing the crime
5 of stalking, aggravated stalking or harassment.

6 *(r) In actions transferred from the district court pursuant to
7 section 1 of this act.*

8 2. The jurisdiction conferred by this section does not extend to
9 civil actions, other than for forcible entry or detainer, in which the
10 title of real property or mining claims or questions affecting the
11 boundaries of land are involved.

12 3. Justices' courts have jurisdiction of all misdemeanors and no
13 other criminal offenses except as otherwise provided by specific
14 statute. Upon approval of the district court, a justice's court may
15 transfer original jurisdiction of a misdemeanor to the district court
16 for the purpose of assigning an offender to a program established
17 pursuant to NRS 176A.250.

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

21 5. In the case of any arrest made by a member of the Nevada
22 Highway Patrol, the jurisdiction of the justices of the peace extends
23 to the limits of their respective counties and to the limits of all
24 counties which have common boundaries with their respective
25 counties.

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

29 **Sec. 4.** The amendatory provisions of this act apply to an
30 action that is:

- 31 1. Pending on the effective date of this act; or
32 2. Filed on or after the effective date of this act.

33 **Sec. 5.** This act becomes effective upon passage and approval.

