

ASSEMBLY BILL NO. 120—COMMITTEE ON JUDICIARY

(ON BEHALF OF ATTORNEY GENERAL)

FEBRUARY 4, 1999

Referred to Committee on Judiciary

SUMMARY—Provides for service of certain legal documents related to criminal cases by means of facsimile machine. (BDR 14-615)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to legal documents; providing for service of certain legal documents related to criminal cases by means of a facsimile machine; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178 of NRS is hereby amended by adding thereto
a new section to read as follows:

***1. Except when personal service of a person is ordered by the court
or required by specific statute, a person who is represented by an attorney
may be lawfully served with any motion, notice or other legal document
by means of a facsimile machine if:***

***(a) The document is transmitted to the office of the attorney
representing the person; and***

***(b) The facsimile machine is operational and is maintained by the
attorney representing the person or the employer of that attorney.***

***2. In addition to any other document required by the court, a person
who uses a facsimile machine pursuant to subsection 1 to serve any
motion, notice or other legal document that is required to be filed with
the court shall attach to or include with the original document filed with
the court a copy of the confirmation report or other comparable evidence
of the transmittal of the legal document.***

1 **3. Service of any motion, notice or other legal document by facsimile**
2 **machine after 5 p.m. on the day that the document is transmitted shall be**
3 **deemed delivered on the next judicial day. The time of transmittal set**
4 **forth in this subsection is determined according to the time at the**
5 **location of the recipient of the legal document.**

6 **4. Service of any motion, notice or other legal document by facsimile**
7 **machine as authorized by this section is supplemental to and does not**
8 **affect the validity of any other manner of service authorized by law.**

9 **5. As used in this section:**

10 **(a) "Facsimile machine" means a device that sends or receives a**
11 **reproduction or facsimile of a document or photograph which is**
12 **transmitted electronically or telephonically by telecommunications lines.**

13 **(b) "Person" includes, without limitation, a government,**
14 **governmental agency or political subdivision of a government.**

15 **Sec. 2.** NRS 178.584 is hereby amended to read as follows:

16 178.584 1. Whenever under this Title or by an order of the court
17 service is required or permitted to be made upon a party represented by an
18 attorney, the service ~~{shall}~~ **must** be made upon the attorney unless service
19 upon the party himself is ordered by the court.

20 2. ~~{Service}~~ **Except as otherwise provided in section 1 of this act,**
21 **service** upon the attorney or upon a party ~~{shall}~~ **must** be made in the
22 manner provided in civil actions.

23 **Sec. 3.** NRS 178.588 is hereby amended to read as follows:

24 178.588 Papers required to be served ~~{shall}~~ **must** be filed with the
25 court. ~~{Papers shall}~~ **Except as otherwise provided in section 1 of this act,**
26 **papers must** be filed in the manner provided in civil actions.