

ASSEMBLY BILL NO. 279—ASSEMBLYMEN EVANS, DE BRAGA, PERKINS, DINI,
LESLIE, CLABORN, MORTENSON, CHOWNING, HETTRICK, CEGAVSKE,
GIUNCHIGLIANI, SEGERBLOM, CARPENTER, GIBBONS, FREEMAN, ARBERRY,
WILLIAMS, LEE, NEIGHBORS, BUCKLEY, BACHE AND PARKS

FEBRUARY 18, 1999

JOINT SPONSORS: SENATORS CARLTON, MCGINNESS,
NEAL, TITUS AND WIENER

Referred to Committee on Commerce and Labor

SUMMARY—Establishes certain rights of lessee of safe-deposit box that is improperly opened.
(BDR 55-5)

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 financial institutions; establishing certain rights of a lessee of a safe-deposit
box that is improperly opened; 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 663 of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 3, if a lessor opens a***
4 ***safe-deposit box without complying with subsection 1 of NRS 663.085 or***
5 ***opens it for any other reason without giving the lessee an opportunity to***
6 ***consent to the opening or to remove the contents, the lessee may demand***
7 ***the following relief in addition to any other relief appropriate under the***
8 ***circumstances, and require the lessor to submit the claim to arbitration,***
9 ***mediation or factfinding:***
10 ***(a) A complete explanation of the circumstances of the opening of the***
11 ***box by the lessor and of an examination of the contents;***

1 (b) An adjudication of whether any items have been found to be
2 missing and a determination of the value of any missing items;

3 (c) A determination of the compensation owed to the lessee if the
4 factfinder determines that an unjustified invasion of his privacy has
5 occurred; and

6 (d) An allocation of the costs of arbitration, mediation or factfinding.

7 2. The commissioner:

8 (a) Shall provide a form for the submission of a claim to arbitration,
9 mediation or factfinding pursuant to subsection 1;

10 (b) Shall adopt regulations that establish appropriate procedures for
11 conducting the arbitration, mediation or factfinding required by
12 subsection 1; and

13 (c) May maintain a list of persons in this state who are qualified to
14 conduct such a proceeding.

15 3. A lessor may refuse to submit a claim to arbitration, mediation or
16 factfinding pursuant to subsection 1 if the lessor gives notice to the lessee
17 in its written procedures for the rental of a safe-deposit box which clearly
18 states that it does not intend to comply with the provisions of subsection 1
19 and contains a copy of the provisions of this section and a description of
20 the procedures that it will follow in such a case.

21 **Sec. 2.** Chapter 673 of NRS is hereby amended by adding thereto a
22 new section to read as follows:

23 1. Except as otherwise provided in subsection 3, if a lessor opens a
24 safe-deposit box without complying with subsection 1 of NRS 673.373 or
25 opens it for any other reason without giving the lessee an opportunity to
26 consent to the opening or to remove the contents, the lessee may demand
27 the following relief in addition to any other relief appropriate under the
28 circumstances, and require the lessor to submit the claim to arbitration,
29 mediation or factfinding:

30 (a) A complete explanation of the circumstances of the opening of the
31 box by the lessor and of an examination of the contents;

32 (b) An adjudication of whether any items have been found to be
33 missing and a determination of the value of any missing items;

34 (c) A determination of the compensation owed to the lessee if the
35 factfinder determines that an unjustified invasion of his privacy has
36 occurred; and

37 (d) An allocation of the costs of arbitration, mediation or factfinding.

38 2. The commissioner:

39 (a) Shall provide a form for the submission of a claim to arbitration,
40 mediation or factfinding pursuant to subsection 1;

41 (b) Shall adopt regulations that establish appropriate procedures for
42 conducting the arbitration, mediation or factfinding required by
43 subsection 1;

and

1 (c) *May maintain a list of persons in this state who are qualified to*
2 *conduct such a proceeding.*

3 3. *A lessor may refuse to submit a claim to arbitration, mediation or*
4 *factfinding pursuant to subsection 1 if the lessor gives notice to the lessee*
5 *in its written procedures for the rental of a safe-deposit box which clearly*
6 *states that it does not intend to comply with the provisions of subsection 1*
7 *and contains a copy of the provisions of this section and a description of*
8 *the procedures that it will follow in such a case.*

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