

SENATE BILL NO. 532—COMMITTEE ON NATURAL RESOURCES

MARCH 26, 2001

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing fencing of certain land that is used to graze or herd livestock. (BDR 50-1168)

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 livestock; requiring an owner or manager of livestock to enclose certain private land with a legal fence under certain circumstances; providing that such an owner or manager of livestock is liable for double damages for a trespass 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 569 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *If an owner or manager of livestock grazes or herds any livestock*
4 *owned or managed by him on private land that is located outside of a city*
5 *or town, and if, at the time the livestock are grazed or herded on the*
6 *private land, the owner or manager of the livestock is not the holder of a*
7 *license, lease or permit to graze or herd the livestock on any public land*
8 *adjoining the private land, the owner or manager shall:*

9 1. *Before grazing or herding the livestock on the private land,*
10 *enclose the private land with a legal fence; and*

11 2. *Ensure that the livestock remain within the area enclosed by the*
12 *legal fence during any period in which the livestock are grazed or herded*
13 *on the private land.*

14 **Sec. 2.** NRS 569.431 is hereby amended to read as follows:

15 569.431 As used in NRS ~~569.440~~ **569.431** to 569.471, inclusive, *and*
16 *section 1 of this act*, “legal fence” means a fence with not less than four
17 horizontal barriers, consisting of wires, boards, poles or other fence
18 material in common use in the neighborhood, with posts set not more than
19 20 feet apart. The lower barrier must be not more than 12 inches from the
20 ground and the space between any two barriers must be not more than 12
21 inches and the height of *the* top barrier must be at least 48 inches above the



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1 ground. ~~Every~~ *Each* post must be so set as to withstand a horizontal
2 strain of 250 pounds at a point 4 feet from the ground, and each barrier
3 must be capable of withstanding a horizontal strain of 250 pounds at any
4 point midway between the posts.

5 **Sec. 3.** NRS 569.440 is hereby amended to read as follows:

6 569.440 1. Except as otherwise provided in NRS 569.461 and
7 569.471:

8 (a) If any livestock break into any grounds enclosed by a legal fence,
9 the owner or manager of the livestock is liable to the owner of the enclosed
10 premises for all damages sustained by the trespass. If the trespass is
11 repeated by neglect of the owner or manager of the livestock, *or if the*
12 *trespass is repeated because the owner or manager of the livestock, if he*
13 *was required to comply with section 1 of this act concerning the livestock*
14 *at the time of the trespass, failed to enclose the livestock in accordance*
15 *with that section,* he is for the second and ~~every~~ *each* subsequent offense
16 or trespass, liable for double the damages of the trespass to the owner of
17 the premises.

18 (b) If any owner or occupier of any grounds or crops trespassed upon by
19 livestock entering upon or breaking into his grounds, whether enclosed by
20 a legal fence or not, kills, maims or materially injures the livestock so
21 trespassing, he is liable to the owner of the livestock for all damages, and
22 for the costs accruing from a suit for ~~such damages, when~~ *those damages,*
23 *if* necessarily resorted to for their recovery.

24 (c) The owner or occupier of grounds or crops so damaged and
25 trespassed upon may take up and safely keep, at the expense of the owner
26 ~~or owners~~ thereof, after due notice to the ~~owners,~~ *owner,* if known, the
27 livestock, or so many of them as may be necessary to cover the damages he
28 may have sustained, for 10 days, and if not applied for by the ~~proper~~
29 ~~owner or owners~~ *owner of the livestock* before the expiration of 10 days,
30 the livestock may be posted under the estray laws of ~~the~~ *this* state, and
31 before restitution may be had by the owner ~~or owners~~ of the livestock, all
32 damages done by them, ~~as well also as~~ *including, without limitation,* the
33 expense of posting and keeping them, must be paid. Any justice of the
34 peace in the township has jurisdiction of all such reclamation of livestock,
35 together with the damages, and *the* expense of keeping and posting the
36 ~~same, when~~ *livestock, if* the amount claimed does not exceed \$2,500.

37 2. ~~When~~ *If* two or more persons cultivate lands under one enclosure,
38 neither of them may place or cause to be placed any livestock on his
39 ground, to the injury or damage of the other ~~or others,~~ *person,* but is
40 liable for all damages thus sustained by the other ~~or others,~~ *person.* If
41 repeated, after due notice is given, and for ~~every~~ *each* subsequent
42 repetition, double damages are recoverable in any court having jurisdiction.

43 **Sec. 4.** NRS 569.450 is hereby amended to read as follows:

44 569.450 ~~No~~

45 1. *Except as otherwise provided in subsection 2,* a person is *not*
46 entitled to collect damages, and ~~no~~ a court in this state ~~may~~ *must not*
47 award damages, for any trespass of livestock on cultivated land in this state
48 if the land, at the time of the trespass, was not enclosed by a legal fence.



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1 2. *If an owner or manager of livestock is required to enclose any*
2 *livestock he owns or manages by a legal fence pursuant to section 1 of*
3 *this act, and as a result of the failure of the owner or manager of the*
4 *livestock to enclose the livestock in accordance with that section, the*
5 *livestock trespass on cultivated land in this state that, at the time of the*
6 *trespass, was not enclosed by a legal fence, the owner of the cultivated*
7 *land is entitled to collect damages from the owner or manager of the*
8 *livestock for that trespass.*

