

ASSEMBLY BILL NO. 100—ASSEMBLYMEN BROWN, KNECHT,  
GIBBONS, CHRISTENSEN, ANDONOV, BEERS, GEDDES,  
GOICOECHEA, GRADY, GRIFFIN, GUSTAVSON, HARDY,  
HETTRICK, MABEY, MARVEL, MCCLEARY, PERKINS,  
SHERER AND WEBER

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Increases monetary limit of justices' courts and provides for establishment of mandatory short trial program for civil cases in justices' courts. (BDR 1-855)

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 justices' courts; increasing the monetary limit of the jurisdiction of justices' courts; providing for the establishment of a mandatory short trial program for civil cases in the justices' courts; 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 4.060 is hereby amended to read as follows:  
2     4.060 1. Except as otherwise provided in this section and  
3     NRS 33.017 to 33.100, inclusive, each justice of the peace shall  
4     charge and collect the following fees:  
5     (a) On the commencement of any action or proceeding  
6     in the justice's court, other than in actions commenced  
7     pursuant to chapter 73 of NRS, to be paid by the party  
8     commencing the action:  
9         If the sum claimed does not exceed \$1,000 ..... \$28.00  
10        If the sum claimed exceeds \$1,000 but does not  
11        exceed \$2,500 ..... 50.00



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1	If the sum claimed exceeds \$2,500 but does not	
2	exceed \$4,500 .....	\$100.00
3	If the sum claimed exceeds \$4,500 but does not	
4	exceed \$6,500 .....	125.00
5	If the sum claimed exceeds \$6,500 but does not	
6	exceed \$7,500 .....	150.00
7	<i>If the sum claimed exceeds \$7,500 but does not</i>	
8	<i>exceed \$10,000 .....</i>	<i>175.00</i>
9	In all other civil actions .....	28.00
10	(b) For the preparation and filing of an affidavit and	
11	order in an action commenced pursuant to chapter 73 of	
12	NRS:	
13	If the sum claimed does not exceed \$1,000 .....	25.00
14	If the sum claimed exceeds \$1,000 but does not	
15	exceed \$2,500 .....	45.00
16	If the sum claimed exceeds \$2,500 but does not	
17	exceed \$5,000 .....	65.00
18	(c) On the appearance of any defendant, or any	
19	number of defendants answering jointly, to be paid by him	
20	or them on filing the first paper in the action, or at the time	
21	of appearance:	
22	In all civil actions .....	12.00
23	For every additional defendant, appearing	
24	separately .....	6.00
25	(d) No fee may be charged where a defendant or	
26	defendants appear in response to an affidavit and order	
27	issued pursuant to the provisions of chapter 73 of NRS.	
28	(e) For the filing of any paper in intervention .....	6.00
29	(f) For the issuance of any writ of attachment, writ of	
30	garnishment, writ of execution or any other writ designed	
31	to enforce any judgment of the court .....	6.00
32	(g) For filing a notice of appeal, and appeal bonds .....	12.00
33	One charge only may be made if both papers are	
34	filed at the same time.	
35	(h) For issuing supersedeas to a writ designed to	
36	enforce a judgment or order of the court .....	12.00
37	(i) For preparation and transmittal of transcript and	
38	papers on appeal .....	12.00
39	(j) For celebrating a marriage and returning the	
40	certificate to the county recorder .....	50.00
41	(k) For entering judgment by confession .....	6.00
42	(l) For preparing any copy of any record, proceeding	
43	or paper, for each page .....	.30
44	(m) For each certificate of the clerk, under the seal of	
45	the court .....	3.00



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1 (n) For searching records or files in his office, for each  
2 year ..... \$1.00

3 (o) For filing and acting upon each bail or property  
4 bond ..... 40.00

5 2. A justice of the peace shall not charge or collect any of the  
6 fees set forth in subsection 1 for any service rendered by him to the  
7 county in which his township is located.

8 3. A justice of the peace shall not charge or collect the fee  
9 pursuant to paragraph (j) of subsection 1 if he performs a marriage  
10 ceremony in a commissioner township.

11 4. Except as otherwise provided by an ordinance adopted  
12 pursuant to the provisions of NRS 244.207, the justice of the peace  
13 shall, on or before the fifth day of each month, account for and pay  
14 to the county treasurer all fees collected during the preceding month,  
15 except for the fees he may retain as compensation and the fees he is  
16 required to pay to the State Controller pursuant to subsection 5.

17 5. The justice of the peace shall, on or before the fifth day of  
18 each month, pay to the State Controller:

19 (a) An amount equal to \$5 of each fee collected pursuant to  
20 paragraph (j) of subsection 1 during the preceding month. The State  
21 Controller shall deposit the money in the Account for Aid for  
22 Victims of Domestic Violence in the State General Fund.

23 (b) One-half of the fees collected pursuant to paragraph (o) of  
24 subsection 1 during the preceding month. The State Controller shall  
25 deposit the money in the fund for the compensation of victims of  
26 crime.

27 **Sec. 2.** NRS 4.370 is hereby amended to read as follows:

28 4.370 1. Except as otherwise provided in subsection 2,  
29 justices' courts have jurisdiction of the following civil actions and  
30 proceedings and no others except as otherwise provided by specific  
31 statute:

32 (a) In actions arising on contract for the recovery of money only,  
33 if the sum claimed, exclusive of interest, does not exceed ~~[\$7,500.]~~  
34 **\$10,000.**

35 (b) In actions for damages for injury to the person, or for taking,  
36 detaining or injuring personal property, or for injury to real property  
37 where no issue is raised by the verified answer of the defendant  
38 involving the title to or boundaries of the real property, if the  
39 damage claimed does not exceed ~~[\$7,500.]~~ **\$10,000.**

40 (c) Except as otherwise provided in paragraph (l) in actions for a  
41 fine, penalty or forfeiture not exceeding ~~[\$7,500.]~~ **\$10,000**, given by  
42 statute or the ordinance of a county, city or town, where no issue is  
43 raised by the answer involving the legality of any tax, impost,  
44 assessment, toll or municipal fine.



- 1 (d) In actions upon bonds or undertakings conditioned for the  
2 payment of money, if the sum claimed does not exceed ~~[\$7,500.]~~  
3 ~~\$10,000.~~ though the penalty may exceed that sum. Bail bonds and  
4 other undertakings posted in criminal matters may be forfeited  
5 regardless of amount.
- 6 (e) In actions to recover the possession of personal property, if  
7 the value of the property does not exceed ~~[\$7,500.]~~ ~~\$10,000.~~
- 8 (f) To take and enter judgment on the confession of a defendant,  
9 when the amount confessed, exclusive of interest, does not exceed  
10 ~~[\$7,500.]~~ ~~\$10,000.~~
- 11 (g) Of actions for the possession of lands and tenements where  
12 the relation of landlord and tenant exists, when damages claimed do  
13 not exceed ~~[\$7,500.]~~ ~~\$10,000~~ or when no damages are claimed.
- 14 (h) Of actions when the possession of lands and tenements has  
15 been unlawfully or fraudulently obtained or withheld, when  
16 damages claimed do not exceed ~~[\$7,500.]~~ ~~\$10,000~~ or when no  
17 damages are claimed.
- 18 (i) Of suits for the collection of taxes, where the amount of the  
19 tax sued for does not exceed ~~[\$7,500.]~~ ~~\$10,000.~~
- 20 (j) Of actions for the enforcement of mechanics' liens, where the  
21 amount of the lien sought to be enforced, exclusive of interest, does  
22 not exceed ~~[\$7,500.]~~ ~~\$10,000.~~
- 23 (k) Of actions for the enforcement of liens of owners of facilities  
24 for storage, where the amount of the lien sought to be enforced,  
25 exclusive of interest, does not exceed ~~[\$7,500.]~~ ~~\$10,000.~~
- 26 (l) In actions for a fine imposed for a violation of NRS 484.757.
- 27 (m) Except in a judicial district that includes a county whose  
28 population is 100,000 or more, in any action for the issuance of a  
29 temporary or extended order for protection against domestic  
30 violence.
- 31 (n) In an action for the issuance of a temporary or extended  
32 order for protection against harassment in the workplace pursuant to  
33 NRS 33.200 to 33.360, inclusive.
- 34 (o) In small claims actions under the provisions of chapter 73 of  
35 NRS.
- 36 (p) In actions to contest the validity of liens on mobile homes or  
37 manufactured homes.
- 38 (q) In any action pursuant to NRS 200.591 for the issuance of a  
39 protective order against a person alleged to be committing the crime  
40 of stalking, aggravated stalking or harassment.
- 41 2. The jurisdiction conferred by this section does not extend to  
42 civil actions, other than for forcible entry or detainer, in which the  
43 title of real property or mining claims or questions affecting the  
44 boundaries of land are involved.



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

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

10       5. In the case of any arrest made by a member of the Nevada  
11 Highway Patrol, the jurisdiction of the justices of the peace extends  
12 to the limits of their respective counties and to the limits of all  
13 counties which have common boundaries with their respective  
14 counties.

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

18       **Sec. 3.** Chapter 38 of NRS is hereby amended by adding  
19 thereto a new section to read as follows:

20       1. *The Supreme Court shall adopt rules to provide for the*  
21 *establishment of a mandatory short trial program for civil cases in*  
22 *the justices' courts.*

23       2. *This section does not apply to the following actions and*  
24 *proceedings:*

25       (a) *Actions for the possession of lands and tenements where*  
26 *the relation of landlord and tenant exists, when damages claimed*  
27 *do not exceed \$10,000 or when no damages are claimed.*

28       (b) *Actions when the possession of lands and tenements has*  
29 *been unlawfully or fraudulently obtained or withheld, when*  
30 *damages claimed do not exceed \$10,000 or when no damages are*  
31 *claimed.*

32       (c) *Any action for the issuance of a temporary or extended*  
33 *order for protection against domestic violence.*

34       (d) *An action for the issuance of a temporary or extended*  
35 *order for protection against harassment in the workplace pursuant*  
36 *to NRS 33.200 to 33.360, inclusive.*

37       (e) *Small claims actions under the provisions of chapter 73 of*  
38 *NRS.*

39       (f) *Any action pursuant to NRS 200.591 for the issuance of a*  
40 *protective order against a person alleged to be committing the*  
41 *crime of stalking, aggravated stalking or harassment.*

42       3. *As used in this section, "short trial" means a trial that is*  
43 *conducted in accordance with procedures designed to limit the*  
44 *length of the trial, including, without limitation, restrictions on the*  
45 *amount of discovery requested by each party, the use of a jury*



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1 *composed of not more than six persons, and a specified limit on*  
2 *the amount of time each party may use to present his case.*

3 **Sec. 4.** NRS 38.250 is hereby amended to read as follows:

4 38.250 1. Except as otherwise provided in NRS 38.310 ~~and~~  
5 *and section 3 of this act:*

6 (a) All civil actions filed in district court for damages, if the  
7 cause of action arises in the State of Nevada and the amount in issue  
8 does not exceed \$40,000, must be submitted to nonbinding  
9 arbitration in accordance with the provisions of NRS 38.250 to  
10 38.259, inclusive, unless the parties have agreed to submit the action  
11 to an alternative method of resolving disputes established by the  
12 Supreme Court pursuant to NRS 38.258, including, without  
13 limitation, a settlement conference, mediation or a binding short  
14 trial, and that method has resulted in a binding disposition of the  
15 action. If an action is submitted to an alternative method of  
16 resolving disputes pursuant to this paragraph and a binding  
17 disposition of the case does not result, the action must be submitted  
18 to nonbinding arbitration, but the parties may agree to submit the  
19 action to another alternative method of resolving disputes while the  
20 nonbinding arbitration is pending or after the nonbinding arbitration  
21 has been completed.

22 (b) A civil action for damages filed in justice's court may be  
23 submitted to arbitration or to an alternative method of resolving  
24 disputes, including, without limitation, a settlement conference,  
25 mediation or a binding short trial, if the parties agree to the  
26 submission.

27 2. An agreement entered into pursuant to this section must be:

28 (a) Entered into at the time of the dispute and not be a part of  
29 any previous agreement between the parties;

30 (b) In writing; and

31 (c) Entered into knowingly and voluntarily.

32 An agreement entered into pursuant to this section that does not  
33 comply with the requirements set forth in this subsection is void.

34 3. As used in this section, "short trial" means a trial that is  
35 conducted, with the consent of the parties to the action, in  
36 accordance with procedures designed to limit the length of the trial,  
37 including, without limitation, restrictions on the amount of  
38 discovery requested by each party, the use of a jury composed of not  
39 more than six persons, and a specified limit on the amount of time  
40 each party may use to present his case.

41 **Sec. 5.** NRS 487.039 is hereby amended to read as follows:

42 487.039 1. If ~~the owner of~~ a vehicle ~~which~~ is towed from  
43 private property upon the request of the owner of the private  
44 property, or a person in lawful possession of that property, *and the*  
45 *owner of the vehicle* believes that the vehicle was unlawfully towed,



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1 ~~the~~ *the owner of the vehicle* may file a civil action pursuant to  
2 paragraph (b) of subsection 1 of NRS 4.370 in the justice's court of  
3 the township where the private property is located, on a form  
4 provided by the court, to determine whether the towing of the  
5 vehicle was lawful.

6 2. An action may be filed pursuant to this section only if the  
7 cost of towing and storing the vehicle does not exceed ~~[\$7,500.]~~  
8 *\$10,000.*

9 3. Upon the filing of a civil action pursuant to subsection 1, the  
10 court shall schedule a date for a hearing. The hearing must be held  
11 not later than 7 days after the action is filed. The court shall affix the  
12 date of the hearing to the form and order a copy served by the  
13 sheriff, constable or other process server upon the person who  
14 authorized the towing of the vehicle.

15 4. The court shall:

16 (a) If it determines that the vehicle was:

17 (1) Lawfully towed, order the owner of the vehicle to pay the  
18 cost of towing and storing the vehicle and order the person who is  
19 storing the vehicle to release the vehicle to the owner upon payment  
20 of that cost; or

21 (2) Unlawfully towed, order the person who authorized the  
22 towing to pay the cost of towing and storing the vehicle and order  
23 the person who is storing the vehicle to release the vehicle to the  
24 owner immediately; and

25 (b) Determine the actual cost incurred in towing and storing the  
26 vehicle.

27 5. The operator of any facility or other location where vehicles  
28 which are towed from private property are stored shall display  
29 conspicuously at that facility or location a sign which sets forth the  
30 provisions of this section.

31 **Sec. 6.** Section 1 of Senate Bill No. 88 of this session is  
32 hereby amended to read as follows:

33 Section 1. Chapter 3 of NRS is hereby amended by  
34 adding thereto a new section to read as follows:

35 ~~[1.]~~ If an action is filed in the district court and a district  
36 judge determines that the ~~[sum claimed, exclusive of interest,~~  
37 ~~does not exceed \$7,500.]~~ *action is properly within the*  
38 *jurisdiction of the justice's court pursuant to NRS 4.370*, the  
39 district judge may transfer original jurisdiction of the action  
40 to the justice's court.

41 ~~[2.—For the purposes of this section, “action” includes the~~  
42 ~~following civil cases and proceedings and no others except as~~  
43 ~~otherwise provided by specific statute;~~



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1 ~~—(a) An action arising on contract for the recovery of~~  
2 ~~money only, if the sum claimed, exclusive of interest, exceeds~~  
3 ~~\$7,500.~~

4 ~~—(b) An action for damages for injury to the person, or for~~  
5 ~~taking, detaining or injuring personal property, or for injury~~  
6 ~~to real property where no issue is raised by the verified~~  
7 ~~answer of the defendant involving the title to or boundaries of~~  
8 ~~the real property, if the damage claimed exceeds \$7,500.~~

9 ~~—(c) Except in actions for a fine imposed for a violation of~~  
10 ~~NRS 484.757, an action for a fine, penalty or forfeiture~~  
11 ~~exceeding \$7,500, given by statute or the ordinance of a~~  
12 ~~county, city or town, where no issue is raised by the answer~~  
13 ~~involving the legality of any tax, impost, assessment, toll or~~  
14 ~~municipal fine.~~

15 ~~—(d) An action upon bonds or undertakings conditioned for~~  
16 ~~the payment of money, if the sum claimed exceeds \$7,500.~~

17 ~~—(e) An action to recover the possession of personal~~  
18 ~~property, if the value of the property exceeds \$7,500.~~

19 ~~—(f) To take and enter judgment on the confession of a~~  
20 ~~defendant, when the amount confessed, exclusive of interest,~~  
21 ~~exceeds \$7,500.~~

22 ~~—(g) Of actions for the possession of lands and tenements~~  
23 ~~where the relation of landlord and tenant exists, when~~  
24 ~~damages claimed exceed \$7,500.~~

25 ~~—(h) Of actions when the possession of lands and~~  
26 ~~tenements has been unlawfully or fraudulently obtained or~~  
27 ~~withheld, when damages claimed exceed \$7,500.~~

28 ~~—(i) Of suits for the collection of taxes, where the amount~~  
29 ~~of the tax sued for exceeds \$7,500.~~

30 ~~—(j) Of actions for the enforcement of mechanics' liens,~~  
31 ~~where the amount of the lien sought to be enforced, exclusive~~  
32 ~~of interest, exceeds \$7,500.~~

33 ~~—(k) Of actions for the enforcement of liens of owners of~~  
34 ~~facilities for storage, where the amount of the lien sought to~~  
35 ~~be enforced, exclusive of interest, exceeds \$7,500.]~~

36 **Sec. 7.** The amendatory provisions of sections 1 to 5,  
37 inclusive, of this act apply to civil actions and proceedings filed on  
38 or after January 1, 2005.

39 **Sec. 8.** 1. This section and section 6 of this act become  
40 effective upon passage and approval.

41 2. Sections 1 to 5, inclusive, and 7 of this act become effective  
42 on January 1, 2005.

