

ASSEMBLY BILL NO. 390—ASSEMBLYMEN PARKS, MANENDO,
ARBERRY, BUCKLEY, CHOWNING, GOLDWATER, GRIFFIN,
HORNE, LESLIE, MCCLAIN, MCCLEARY AND PIERCE
(BY REQUEST)

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to duties and liability of
owner of property relating to sidewalks in public
right-of-way abutting his property. (BDR 22-965)

FISCAL NOTE: Effect on Local Government: Yes.
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 real property; prohibiting a governing body
from requiring an owner of property to maintain,
reconstruct or repair a sidewalk in a public right-of-way
that abuts his property except in certain circumstances;
providing certain limitations on the civil liability of an
owner of property with respect to such sidewalks; 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 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2, a governing***
4 ***body shall not require an owner of property to maintain,***
5 ***reconstruct or repair a sidewalk in a public right-of-way that abuts***
6 ***his property.***
7 ***2. The provisions of subsection 1 do not prohibit a governing***
8 ***body from:***
9 ***(a) Imposing an assessment or other charge authorized by law***
10 ***for any reconstruction or repair of a sidewalk that the governing***
11 ***body causes to be performed within a public right-of-way;***



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- 1 **(b) Requiring any reconstruction or repair of a sidewalk as a**
2 **condition of approval for a change in the use of the land;**
3 **(c) Requiring an owner of property to maintain a sidewalk in a**
4 **public right-of-way that abuts his property if the sidewalk was**
5 **constructed pursuant to standards that exceed the general**
6 **standards of the governing body for sidewalks; or**
7 **(d) Requiring, by ordinance, owners of property to be**
8 **responsible for:**
9 **(1) The repair and reconstruction of a sidewalk in the**
10 **public right-of-way that abuts the property of the owner if the**
11 **owner caused the need for such repair or reconstruction.**
12 **(2) The general maintenance of a sidewalk in the public**
13 **right-of-way that abuts the property of the owner, including,**
14 **without limitation, sweeping, removal of snow, ice and weeds, and**
15 **maintenance of any grass, shrubs or trees that encroach on the**
16 **sidewalk.**
17 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:
18 278.010 As used in NRS 278.010 to 278.630, inclusive, **and**
19 **section 1 of this act**, unless the context otherwise requires, the
20 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
21 have the meanings ascribed to them in those sections.
22 **Sec. 3.** Chapter 41 of NRS is hereby amended by adding
23 thereto a new section to read as follows:
24 **No person who owns property is liable in a civil action for any**
25 **injury or damage that occurs as a result of the use of a sidewalk in**
26 **a public right-of-way that abuts his property, unless he:**
27 1. **Failed to comply with an ordinance adopted pursuant to**
28 **paragraph (d) of subsection 2 of section 1 of this act; or**
29 2. **Created a dangerous condition that caused the injury or**
30 **damage.**
31 **Sec. 4.** This act becomes effective upon passage and approval.

