

SENATE BILL NO. 106—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

FEBRUARY 13, 2003

Referred to Committee on Judiciary

SUMMARY—Provides for imposition of certain fees in certain actions and proceedings filed in courts of this state. (BDR 2-614)

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 courts; providing for the imposition of certain additional fees in civil actions; providing that such additional fees constitute costs for the purposes of certain provisions; providing for the imposition of a court automation fee for appeals and other proceedings filed in the Supreme Court; 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 18.005 is hereby amended to read as follows:
- 2 18.005 For the purposes of NRS 18.010 to 18.150, inclusive,
- 3 the term “costs” means:
- 4 1. Clerks’ fees.
- 5 2. Reporters’ fees for depositions, including a reporter’s fee for
- 6 one copy of each deposition.
- 7 3. Jurors’ fees and expenses, together with reasonable
- 8 compensation of an officer appointed to act in accordance with
- 9 NRS 16.120.
- 10 4. Fees for witnesses at trial, pretrial hearings and deposing
- 11 witnesses, unless the court finds that the witness was called at the
- 12 instance of the prevailing party without reason or necessity.



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1 5. Reasonable fees of not more than five expert witnesses in an
2 amount of not more than \$1,500 for each witness, unless the court
3 allows a larger fee after determining that the circumstances
4 surrounding the expert's testimony were of such necessity as to
5 require the larger fee.

6 6. Reasonable fees of necessary interpreters.

7 7. The fee of any sheriff or licensed process server for the
8 delivery or service of any summons or subpoena used in the action,
9 unless the court determines that the service was not necessary.

10 8. The fees of the official reporter or reporter pro tempore.

11 9. Reasonable costs for any bond or undertaking required as
12 part of the action.

13 10. Fees of a court bailiff who was required to work overtime.

14 11. Reasonable costs for telecopies.

15 12. Reasonable costs for photocopies.

16 13. Reasonable costs for long distance telephone calls.

17 14. Reasonable costs for postage.

18 15. Reasonable costs for travel and lodging incurred taking
19 depositions and conducting discovery.

20 16. *Fees charged pursuant to section 2 of this act.*

21 17. Any other reasonable and necessary expense incurred in
22 connection with the action, including reasonable and necessary
23 expenses for computerized services for legal research.

24 **Sec. 2.** Chapter 19 of NRS is hereby amended by adding
25 thereto a new section to read as follows:

26 1. *Except as otherwise provided in NRS 19.034, on the*
27 *commencement of any civil action in the district court for which a*
28 *filing fee is required, the clerk of court shall collect, in addition to*
29 *any other fee required by law, the following fees in any action that*
30 *involves more than one plaintiff and one defendant:*

31 (a) *A fee of \$30 for each additional plaintiff named in a*
32 *complaint when the complaint is filed.*

33 (b) *A fee of \$30 for each additional defendant named in an*
34 *answer when the answer is filed, or a fee of \$30 for each*
35 *additional party appearing in the action when the additional party*
36 *appears in the action.*

37 (c) *If a complaint is amended to name an additional plaintiff, a*
38 *fee of \$30 for each additional plaintiff named when the complaint*
39 *is amended.*

40 2. *On or before the first Monday of each month, the clerk of*
41 *court shall pay over to the county treasurer the amount of all fees*
42 *collected by him pursuant to subsection 1. The county treasurer*
43 *shall distribute, on or before the 15th day of that month, the*
44 *money received in the following amounts for each fee received:*



1 (a) Eight dollars for credit to a special account in the county
2 general fund for the use of the district court for advanced and
3 improved technological purposes. The special account is restricted
4 to the use specified, the money in the special account must not be
5 used to supplant existing budgets for maintenance and support of
6 technology, and the balance in the special account must be carried
7 forward at the end of each fiscal year.

8 (b) Seven dollars for credit to a special account in the county
9 general fund in each county in which legal services are provided
10 without charge to indigent or elderly persons through a program
11 for legal aid organized under the auspices of the State Bar of
12 Nevada, a county or local bar association, a county or municipal
13 program for legal services or other program funded by this state or
14 the United States to provide legal assistance. The county treasurer
15 shall remit quarterly to the organization operating the program for
16 legal services all the money received by him from the clerk of
17 court. The organization operating the program for legal services
18 shall use any money received pursuant to this paragraph as
19 follows:

20 (1) Five dollars for the benefit of indigent persons in the
21 county; and

22 (2) Two dollars for the benefit of elderly persons in the
23 county.

24 (c) Ten dollars to the State Controller for credit to a special
25 account in the State General Fund. The State Controller shall
26 distribute the money received to the Office of Court Administrator
27 for use in support and maintenance of case management systems
28 approved by the Office of Court Administrator, for statewide
29 technological purposes and for distribution to the courts for
30 technological purposes. The special account is restricted to the use
31 specified, and the balance in the special account must be carried
32 forward at the end of each fiscal year.

33 (d) Five dollars to the State Controller for credit to a special
34 account in the State General Fund. The State Controller shall
35 distribute the money received to the Office of Court Administrator
36 for the payment for the services of retired justices and retired
37 district judges. The special account is restricted to the use
38 specified, and the balance in the special account must be carried
39 forward at the end of each fiscal year.

40 3. As used in this section:

41 (a) "Office of Court Administrator" means the Office of Court
42 Administrator created pursuant to NRS 1.320.

43 (b) "Technological purposes" means the acquisition or
44 improvement of technology, including, without limitation,
45 acquiring or improving technology for converting and archiving



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1 *records, purchasing hardware and software, maintaining the*
2 *technology, training employees in the operation of the technology*
3 *and contracting for professional services relating to the*
4 *technology.*

5 **Sec. 3.** NRS 2.250 is hereby amended to read as follows:

6 2.250 1. The Clerk of the Supreme Court may demand and
7 receive for his services rendered in discharging the duties imposed
8 upon him by law the following fees:

9 (a) Except as otherwise provided in paragraph ~~1(e)~~ (d),
10 whenever an appeal is taken to the Supreme Court, or whenever a
11 special proceeding by way of mandamus, certiorari, prohibition, quo
12 warrant, habeas corpus, or otherwise is brought in or to the
13 Supreme Court, the appellant and any cross-appellant or the party
14 bringing a special proceeding shall, at or before the appeal, cross-
15 appeal or petition for a special proceeding has been entered on the
16 docket, pay to the Clerk of the Supreme Court the sum of \$200.

17 (b) Except as otherwise provided in paragraph ~~1(e)~~ (d), a party
18 to an appeal or special proceeding who petitions the Supreme Court
19 for a rehearing shall, at the time of filing such a petition, pay to the
20 Clerk of the Supreme Court the sum of \$100.

21 (c) *Except as otherwise provided in paragraph (d), in addition*
22 *to the fees required pursuant to paragraphs (a) and (b):*

23 (1) *Whenever an appeal is taken to the Supreme Court, or*
24 *whenever a special proceeding by way of mandamus, certiorari,*
25 *prohibition, quo warrant, habeas corpus, or otherwise is brought*
26 *in or to the Supreme Court, the appellant and any cross-appellant*
27 *or the party bringing a special proceeding shall, at or before the*
28 *appeal, cross-appeal or petition for a special proceeding has been*
29 *entered on the docket, pay to the Clerk of the Supreme Court a*
30 *court automation fee of \$50.*

31 (2) *A party to an appeal or special proceeding who petitions*
32 *the Supreme Court for a rehearing shall, at the time of filing such*
33 *a petition, pay to the Clerk of the Supreme Court a court*
34 *automation fee of \$50.*

35 *The Clerk of the Supreme Court shall remit the fees collected*
36 *pursuant to this paragraph to the State Controller for credit to a*
37 *special account in the State General Fund. The State Controller*
38 *shall distribute the money received to the Office of Court*
39 *Administrator to be used for advanced and improved technological*
40 *purposes in the Supreme Court. The special account is restricted*
41 *to the use specified, and the balance in the special account must*
42 *be carried forward at the end of each fiscal year. As used in this*
43 *paragraph, "technological purposes" means the acquisition or*
44 *improvement of technology, including, without limitation,*
45 *acquiring or improving technology for converting and archiving*



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1 *records, purchasing hardware and software, maintaining the*
2 *technology, training employees in the operation of the technology*
3 *and contracting for professional services relating to the*
4 *technology.*

5 (d) No fees may be charged by the Clerk in:

6 (1) Any action brought in or to the Supreme Court wherein
7 the State of Nevada or any county, city or town thereof, or any
8 officer or commission thereof is a party in his or its official or
9 representative capacity, against the State of Nevada, county, city,
10 town, officer or commission;

11 (2) A habeas corpus proceeding of a criminal or quasi-
12 criminal nature; or

13 (3) An appeal taken from, or a special proceeding arising out
14 of, a criminal proceeding.

15 ~~(d)~~ (e) A fee of \$60 for Supreme Court decisions in pamphlet
16 form for each year, or a fee of \$30 for less than a 6 months' supply
17 of decisions, to be collected from each person who requests such
18 decisions, except those persons and agencies set forth in NRS 2.345.
19 The Clerk may charge a reasonable fee to all parties, including,
20 without limitation, the persons and agencies set forth in NRS 2.345,
21 for access to decisions of the Supreme Court compiled in an
22 electronic format.

23 ~~(e)~~ (f) A fee from a person who requests a photostatic copy or
24 a photocopy print of any paper or document in an amount
25 determined by the justices of the Supreme Court.

26 2. The Clerk of the Supreme Court shall not charge any fee that
27 is not authorized by law.

28 3. The Clerk of the Supreme Court shall keep a fee book in
29 which the Clerk shall enter in detail the title of the matter,
30 proceeding or action, and the fees charged therein. The fee book
31 must be open to public inspection in the office of the Clerk.

32 4. The Clerk of the Supreme Court shall publish and post in
33 some conspicuous place in his office a table of fees for public
34 inspection. The Clerk shall forfeit a sum of not less than \$20 for
35 each day of his omission to do so, which sum with costs may be
36 recovered by any person by filing an action before any justice of the
37 peace of the same county.

38 5. All fees prescribed in this section must be paid in advance, if
39 demanded. If the Clerk of the Supreme Court has not received any
40 or all of the fees which are due to him for services rendered in any
41 suit or proceeding, the Clerk may have execution therefor in his own
42 name against the party from whom they are due, to be issued from
43 the Supreme Court upon order of a justice thereof or from the Court
44 upon affidavit filed.



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1 6. The Clerk of the Supreme Court shall give a receipt on
2 demand of the party paying a fee. The receipt must specify the title
3 of the cause in which the fee is paid and the date and the amount of
4 the payment.

5 7. The Clerk of the Supreme Court shall, when depositing with
6 the State Treasurer money received for Court fees, render to the
7 State Treasurer a brief note of the cases in which the money was
8 received.

9 **Sec. 4.** This act becomes effective on July 1, 2003.

