

SENATE BILL NO. 177—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 10, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes related to fees charged in district courts and justices' courts. (BDR 2-522)

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 that a client of a legal aid program which provides services to indigent persons may be allowed to proceed as an indigent litigant without submitting further proof of indigency to the court; increasing certain fees charged in connection with a civil action in a district court; increasing certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices' courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; establishing and increasing certain fees for certain services provided in justices' courts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law allows a person who desires to prosecute or defend a civil action but is unable to pay the required filing fees or costs to file an affidavit with the court stating with particularity the facts that establish his indigency. (NRS 12.015)

This bill allows a person who is a client of a legal aid program and who desires to prosecute or defend a civil action to indicate to the court that he is such a client. If the court finds that a person is such a client, the person will be allowed to proceed as an indigent litigant and not be required to pay the required filing fees and costs.

Existing law establishes certain fees for filing documents in connection with a civil action in district court. (NRS 19.013) Existing law also imposes an additional



11 filing fee which must be paid upon commencing, answering or appearing in an  
12 action or proceeding. The money collected from the additional fee is used to fund  
13 programs for arbitration in civil actions. (NRS 19.0315)

14 This bill increases the fee imposed for filing an action and the fee for the  
15 appearance of any defendant or defendants appearing jointly in a case. This bill also  
16 increases the additional filing fee that is used to fund programs for arbitration and  
17 provides that the fee may also be used to support other programs for the resolution  
18 of disputes through the use of other alternative methods of resolving disputes.

19 Existing law authorizes certain boards of county commissioners to impose a  
20 filing fee in district and justices' courts to offset the cost of providing pro bono  
21 programs and of providing free legal services to abused and neglected children and  
22 to victims of domestic violence. (NRS 4.071, 19.0312)

23 This bill increases the maximum amount of the fee that those boards of county  
24 commissioners are authorized to impose.

25 Existing law requires a justice of the peace to charge and collect fees for certain  
26 services provided in a justice's court. (NRS 4.060)

27 This bill establishes new fees for retrieving records or files in the justice's court  
28 and increases the fees charged for preparation and transfer of a case to the district  
29 court.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 12.015 is hereby amended to read as follows:

2 12.015 1. Any person who desires to prosecute or defend a  
3 civil action may ~~file~~ :

4 (a) *File* an affidavit with the court setting forth with  
5 particularity facts concerning his income, property and other  
6 resources which establish that he is unable to prosecute or defend  
7 the action because he is unable to pay the costs of so doing ~~he~~ ; or

8 (b) *Submit a statement or otherwise indicate to the court that*  
9 *he is a client of a program for legal aid.*

10 2. If the ~~judge~~ court is satisfied that ~~the~~ a person *who files*  
11 *an affidavit pursuant to subsection 1* is unable to pay the costs ~~he~~  
12 ~~he~~ *of prosecuting or defending the action or if the court finds that*  
13 *a person is a client of a program for legal aid, the court* shall  
14 order:

15 (a) The clerk of the court:

16 (1) To allow the person to commence or defend the action  
17 without costs; and

18 (2) To file or issue any necessary writ, process, pleading or  
19 paper without charge.

20 (b) The sheriff or other appropriate public officer within this  
21 State to make personal service of any necessary writ, process,  
22 pleading or paper without charge.

23 ~~2~~ 3. If the person is required to have proceedings reported or  
24 recorded, or if the court determines that the reporting, recording



1 or transcription of proceedings would be helpful to the adjudication  
2 or appellate review of the case, the court shall order that the  
3 reporting, recording or transcription be performed at the expense of  
4 the county in which the action is pending but at a reduced rate as set  
5 by the county.

6 ~~[3-]~~ 4. If the person prevails in the action, the court shall enter  
7 its order requiring the losing party to pay into court within 5 days  
8 the costs which would have been incurred by the prevailing party,  
9 and those costs must then be paid as provided by law.

10 ~~[4-]~~ 5. Where the affidavit establishes that the person is unable  
11 to defend an action, the running of the time within which to appear  
12 and answer or otherwise defend is tolled during the period between  
13 the filing of the affidavit and the ruling of the court thereon.

14 ~~[5-]~~ 6. An affidavit filed pursuant to this section, and any  
15 application or request for an order filed with the affidavit, does not  
16 constitute a general appearance before the court by the affiant or  
17 give the court personal jurisdiction over him.

18 ~~[6-]~~ 7. The order of the court to which application is made  
19 pursuant to this section is not appealable.

20 8. *As used in this section, "client of a program for legal aid"*  
21 *means a person:*

22 (a) *Who is represented by an attorney who is employed by or*  
23 *volunteering for a program for legal aid organized under the*  
24 *auspices of the State Bar of Nevada, a county or local bar*  
25 *association, a county or municipal program for legal services or*  
26 *other program funded by this State or the United States to provide*  
27 *legal assistance to indigent persons; and*

28 (b) *Whose eligibility for such representation is based upon*  
29 *indigency.*

30 **Sec. 2.** NRS 19.013 is hereby amended to read as follows:

31 19.013 1. Except as otherwise provided by specific statute,  
32 each county clerk shall charge and collect the following fees:

33  
34 On the commencement of any action or  
35 proceeding in the district court, or on the  
36 transfer of any action or proceeding from a  
37 district court of another county, except probate  
38 or guardianship proceedings, to be paid by the  
39 party commencing the action, proceeding or  
40 transfer ..... ~~[\$56]~~ \$65

41 On an appeal to the district court of any case from  
42 a justice's court or a municipal court, or on the  
43 transfer of any case from a justice's court or a  
44 municipal court ..... 42



1	On the filing of a petition for letters testamentary,	
2	letters of administration, setting aside an estate	
3	without administration, or a guardianship,	
4	which fee includes the court fee prescribed by	
5	NRS 19.020, to be paid by the petitioner:	
6	Where the stated value of the estate is more	
7	than \$2,500 .....	\$72
8	Where the stated value of the estate is	
9	\$2,500 or less, no fee may be charged or	
10	collected.	
11	On the filing of a petition to contest any will or	
12	codicil, to be paid by the petitioner.....	44
13	On the filing of an objection or cross-petition to	
14	the appointment of an executor, administrator	
15	or guardian, or an objection to the settlement	
16	of account or any answer in an estate or	
17	guardianship matter.....	44
18	On the appearance of any defendant or any	
19	number of defendants answering jointly, to be	
20	paid upon the filing of the first paper in the	
21	action by him or them .....	[44] 50
22	For filing a notice of appeal .....	24
23	For issuing a transcript of judgment and certifying	
24	thereto .....	3
25	For preparing any copy of any record, proceeding	
26	or paper, for each page.....	1
27	For each certificate of the clerk, under the seal of	
28	the court .....	3
29	For examining and certifying to a copy of any	
30	paper, record or proceeding prepared by	
31	another and presented for his certificate .....	5
32	For filing all papers not otherwise provided for,	
33	other than papers filed in actions and	
34	proceedings in court and papers filed by public	
35	officers in their official capacity .....	5
36	For issuing any certificate under seal, not	
37	otherwise provided for .....	6
38	For searching records or files in his office, for	
39	each year .....	1
40	For filing and recording a bond of a notary public,	
41	per name .....	15
42	For entering the name of a firm or corporation in	
43	the register of the county clerk.....	20



2. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the county clerk.

3. The fees set forth in subsection 1 are payment in full for all services rendered by the county clerk in the case for which the fees are paid, including the preparation of the judgment roll, but the fees do not include payment for typing, copying, certifying or exemplifying or authenticating copies.

4. No fee may be charged any attorney at law admitted to practice in this State for searching records or files in the office of the clerk. No fee may be charged for any services rendered to a defendant or his attorney in any criminal case or in habeas corpus proceedings.

5. Each county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month.

**Sec. 3.** NRS 19.0312 is hereby amended to read as follows:

19.0312 1. Except as otherwise provided in subsection 2, in addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed:

(a) ~~Five~~ *Ten* dollars to be paid on the commencement of any civil action or proceeding in the district court for which a filing fee is required and on the filing of any answer or appearance in any such action or proceeding for which a filing fee is required.

(b) Twenty-five dollars to be paid on the filing of any motion or other paper that seeks to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and on the filing of any answer or response to such a motion or other paper.

2. A board of county commissioners may not by ordinance impose a filing fee pursuant to paragraph (b) of subsection 1 for:

(a) A motion filed solely to adjust the amount of support for a child set forth in a final order; or

(b) A motion for reconsideration or for a new trial that is filed within 10 days after a final judgment or decree has been issued.

3. On or before the first Monday of each month, in a county in which a fee has been imposed pursuant to subsection 1, the county



1 clerk shall account for and pay over to the county treasurer any such  
2 fees collected by him during the preceding month. The county  
3 treasurer shall remit quarterly to the organization to which the fees  
4 are to be paid pursuant to subsection 1 all the money received by  
5 him from the county clerk.

6 4. Any fees collected pursuant to this section must be used for  
7 the benefit of the persons to whom the organization operating the  
8 program for legal services that receives money pursuant to this  
9 section provides legal services without a charge.

10 **Sec. 4.** NRS 19.0315 is hereby amended to read as follows:

11 19.0315 1. Except as otherwise provided in NRS 19.034, on  
12 the commencement of any civil action or proceeding in the district  
13 court for which a filing fee is required, and on the filing of any  
14 answer or appearance in any such action or proceeding for which a  
15 filing fee is required, the county clerk shall charge and collect a fee  
16 of ~~[\$\$]~~ \$15 from the party commencing, answering or appearing in  
17 the action or proceeding. These fees are in addition to any other fee  
18 required by law.

19 2. On or before the first Monday of each month, the county  
20 clerk shall pay over to the county treasurer the amount of all fees  
21 collected by him pursuant to subsection 1 for credit to an account  
22 for *court* programs of arbitration *and other alternative methods of*  
23 *resolving disputes* in the county general fund. The money in the  
24 account must be used only to support programs for the arbitration of  
25 civil actions pursuant to NRS 38.250 ~~§~~ *and programs for the*  
26 *resolution of disputes through the use of other alternative methods*  
27 *of resolving disputes pursuant to NRS 38.258.*

28 3. The provisions of this section apply only in judicial districts  
29 in which a program of arbitration has been established pursuant to  
30 NRS 38.250.

31 **Sec. 5.** NRS 4.060 is hereby amended to read as follows:

32 4.060 1. Except as otherwise provided in this section and  
33 NRS 33.017 to 33.100, inclusive, each justice of the peace shall  
34 charge and collect the following fees:

35 (a) On the commencement of any action or proceeding in the  
36 justice's court, other than in actions commenced pursuant to chapter  
37 73 of NRS, to be paid by the party commencing the action:

38  
39 If the sum claimed does not exceed \$1,000 ..... \$28.00  
40 If the sum claimed exceeds \$1,000 but does not  
41 exceed \$2,500 ..... 50.00  
42 If the sum claimed exceeds \$2,500 but does not  
43 exceed \$4,500 ..... 100.00



1	If the sum claimed exceeds \$4,500 but does not	
2	exceed \$6,500 .....	\$125.00
3	If the sum claimed exceeds \$6,500 but does not	
4	exceed \$7,500 .....	150.00
5	If the sum claimed exceeds \$7,500 but does not	
6	exceed \$10,000 .....	175.00
7	In all other civil actions .....	28.00
8		
9	(b) For the preparation and filing of an affidavit and order in an	
10	action commenced pursuant to chapter 73 of NRS:	
11		
12	If the sum claimed does not exceed \$1,000 .....	25.00
13	If the sum claimed exceeds \$1,000 but does not	
14	exceed \$2,500 .....	45.00
15	If the sum claimed exceeds \$2,500 but does not	
16	exceed \$5,000 .....	65.00
17		
18	(c) On the appearance of any defendant, or any number of	
19	defendants answering jointly, to be paid by him or them on filing the	
20	first paper in the action, or at the time of appearance:	
21		
22	In all civil actions .....	12.00
23	For every additional defendant, appearing separately .....	6.00
24		
25	(d) No fee may be charged where a defendant or defendants	
26	appear in response to an affidavit and order issued pursuant to the	
27	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 to	
31	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 filed at the	
34	same time.	
35	(h) For issuing supersedeas to a writ designed to enforce	
36	a judgment or order of the court .....	12.00
37	(i) For preparation and <del>transmittal of transcript and</del>	
38	<del>papers on appeal</del> <i>transfer of a case or file to the district</i>	
39	<i>court</i> .....	<del>[12.00]</del> <i>16.00</i>
40	(j) For celebrating a marriage and returning the	
41	certificate to the county recorder .....	50.00
42	(k) For entering judgment by confession .....	6.00
43	(l) For preparing any copy of any record, proceeding or	
44	paper, for each page .....	<del>[.30]</del> <i>1.00</i>



(m) For each certificate of the clerk, under the seal of the court..... \$3.00

(n) For *electronically* searching records or files ~~[in his]~~ *within the* office, for each ~~[year]~~ *search*..... 1.00

(o) *For retrieving records or files in his office:*

*For the first record or file ..... 5.00*

*For each additional record or file..... 2.50*

(p) For filing and acting upon each bail or property bond..... 40.00

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

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

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

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

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

(b) One-half of the fees collected pursuant to paragraph ~~[(a)]~~ (p) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

**Sec. 6.** NRS 4.071 is hereby amended to read as follows:

4.071 1. In addition to any other fee required by law, in each county that charges a fee pursuant to NRS 19.031 to offset a portion of the costs of providing legal services without a charge to indigent or elderly persons, a board of county commissioners may impose by ordinance a filing fee to offset a portion of the costs of providing pro bono programs and of providing legal services without a charge to abused or neglected children and victims of domestic violence to be remitted to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for programs for the indigent in an amount not to exceed ~~[\$5]~~ *\$10* to be paid on





1 the commencement of any action or proceeding in the justice's court  
2 for which a filing fee is required and on the filing of any answer or  
3 appearance in any such action or proceeding for which a filing fee is  
4 required.

5 2. On or before the first Monday of each month, in a county in  
6 which a fee has been imposed pursuant to subsection 1, the justice  
7 of the peace shall account for and pay over to the county treasurer  
8 any such fees collected by him during the preceding month. The  
9 county treasurer shall remit quarterly to the organization to which  
10 the fees are to be paid pursuant to subsection 1 all the money  
11 received by him from the justice of the peace.

12 3. Any fees collected pursuant to this section must be used for  
13 the benefit of the persons to whom the organization operating the  
14 program for legal services that receives money pursuant to this  
15 section provides legal services without a charge.







