

## Amendment No. 1002

Senate Amendment to Assembly Bill No. 396 Second Reprint (BDR 10-1284)

**Proposed by:** Senator Schneider**Amendment Box:** Consistent with Amendment No. 978**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

KEL/BAW



Date: 5/25/2007

A.B. No. 396—Makes various changes to the provisions governing common-interest communities. (BDR 10-1284)



ASSEMBLY BILL NO. 396--ASSEMBLYWOMAN ALLEN

MARCH 16, 2007

Referred to Committee on Judiciary

SUMMARY—Makes various changes to the provisions governing common-interest communities. (BDR 10-1284)

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 common-interest communities; requiring a member of an executive board who stands to profit personally from a matter before the board to disclose and abstain from voting on the matter; prohibiting an association in a common-interest community from imposing an assessment against the owners of certain tax-exempt property; providing that official publications related to issues of official interest must provide equal space for opposing views and opinions; revising the provisions governing the regulation of certain streets in certain common-interest communities; making various other changes to the provisions governing common-interest communities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 1.1** of this bill provides additional ethical requirements for members of an executive board by requiring a member who stands to gain any personal profit or compensation from a matter before the executive board to disclose the matter to the executive board and to abstain from voting on the matter. (NRS 116.31185, 116.31187)

**Section 1.15 of this bill: (1) states that the provisions of chapter 116 of NRS do not invalidate or modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility.**

**Section 2.5** of this bill prohibits an association from imposing an assessment against the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. **Section 13** of this bill provides that this prohibition applies to such owners who are not obligated to pay assessments as of January 1, 2007.

**Section 3** of this bill amends existing law to increase the maximum term of office for a member of an executive board from 2 years to 3 years. (NRS 116.31034)

**Section 6.5** of this bill revises existing provisions relating to financial statements by allowing the Commission on Common-Interest Communities to waive the qualification requirements of auditors for certain associations. (NRS 116.31144)

**Section 9** of this bill provides that if an official publication contains the views or opinions of the association concerning an issue of official interest, the official publication must, upon request, provide equal space and equivalent exposure to opposing views and opinions. In addition, **section 9** provides that if an official publication contains any mention of a candidate

or ballot question, the official publication must provide equal space in the same issue to the candidate or a representative of an organization which advocates the passage or defeat of the ballot question.

**Section 9.5** of this bill revises existing law by including financing as a prohibited activity for members of the executive board and officers. (NRS 116.31187)

**Section 9.6** of this bill provides additional rights to units' owners by mandating notice before an association may interrupt utility service to a unit's owner. (NRS 116.345)

Existing law provides that certain common-interest communities are prohibited from regulating motor vehicles on thoroughfares accepted by the State or local governments for public use. (NRS 116.350) **Section 9.8** of this bill permits an association to restrict parking on such thoroughfares if the parking prohibition was a condition for approval of the subdivision's final map or included in the terms of a zoning ordinance, permit or approval. (NRS 116.350) **Section 9.8** also adds inoperable vehicles to the types of vehicles for which an association may restrict parking or storage in a common-interest community. (NRS 116.350) Finally, **section 9.8** prohibits a common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles.

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

**Section 1.** Chapter 116 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.1 and 1.15 of this act.**

**Sec. 1.1. 1. A member of an executive board who stands to gain any personal profit or compensation of any kind from a matter before the executive board shall:**

- (a) *Disclose the matter to the executive board; and*
- (b) *Abstain from voting on any such matter.*

**2. For the purposes of this section, an employee of a declarant or an affiliate of a declarant who is a member of the executive board shall not, solely by reason of such employment or affiliation, be deemed to gain any personal profit or compensation.**

**Sec. 1.15. 1. The provisions of this chapter do not invalidate or modify the tariffs, rules and standards of a public utility.**

**2. The governing documents of an association must be consistent and not conflict with the tariffs, rules and standards of a public utility. Any provision of the governing documents which conflicts with the tariffs, rules and standards of a public utility is void and may not be enforced against a purchaser.**

**3. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.**

**Sec. 1.2.** NRS 116.021 is hereby amended to read as follows:

**116.021 1. "Common-interest community"** means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate other than that unit. ~~["Ownership"]~~

**2. As used in this section, "ownership" of a unit** does not include holding a leasehold interest of less than 20 years in a unit, including options to renew.

**3. For the purposes of determining whether real estate is a "common-interest community" pursuant to this section, the fact that the real estate is subject to covenants, conditions or restrictions is not relevant or determinative.**

**Sec. 1.3.** (Deleted by amendment.)

**Sec. 1.7.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

1       **Sec. 2.5.** NRS 116.3102 is hereby amended to read as follows:  
2       116.3102 1. Except as otherwise provided in ~~subsection 2.~~ *this section*,  
3 and subject to the provisions of the declaration, the association may do any or all of  
4 the following:  
5       (a) Adopt and amend bylaws, rules and regulations.  
6       (b) Adopt and amend budgets for revenues, expenditures and reserves and  
7 collect assessments for common expenses from the units' owners.  
8       (c) Hire and discharge managing agents and other employees, agents and  
9 independent contractors.  
10       (d) Institute, defend or intervene in litigation or administrative proceedings in  
11 its own name on behalf of itself or two or more units' owners on matters affecting  
12 the common-interest community.  
13       (e) Make contracts and incur liabilities.  
14       (f) Regulate the use, maintenance, repair, replacement and modification of  
15 common elements.  
16       (g) Cause additional improvements to be made as a part of the common  
17 elements.  
18       (h) Acquire, hold, encumber and convey in its own name any right, title or  
19 interest to real estate or personal property, but:  
20       (1) Common elements in a condominium or planned community may be  
21 conveyed or subjected to a security interest only pursuant to NRS 116.3112; and  
22       (2) Part of a cooperative may be conveyed, or all or part of a cooperative  
23 may be subjected to a security interest, only pursuant to NRS 116.3112.  
24       (i) Grant easements, leases, licenses and concessions through or over the  
25 common elements.  
26       (j) Impose and receive any payments, fees or charges for the use, rental or  
27 operation of the common elements, other than limited common elements described  
28 in subsections 2 and 4 of NRS 116.2102, and for services provided to the units'  
29 owners.  
30       (k) Impose charges for late payment of assessments.  
31       (l) Impose construction penalties when authorized pursuant to  
32 NRS 116.310305.  
33       (m) Impose reasonable fines for violations of the governing documents of the  
34 association only if the association complies with the requirements set forth in  
35 NRS 116.31031.  
36       (n) Impose reasonable charges for the preparation and recordation of any  
37 amendments to the declaration or any statements of unpaid assessments, and  
38 impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109,  
39 for preparing and furnishing the documents and certificate required by that section.  
40       (o) Provide for the indemnification of its officers and executive board and  
41 maintain directors' and officers' liability insurance.  
42       (p) Assign its right to future income, including the right to receive assessments  
43 for common expenses, but only to the extent the declaration expressly so provides.  
44       (q) Exercise any other powers conferred by the declaration or bylaws.  
45       (r) Exercise all other powers that may be exercised in this State by legal  
46 entities of the same type as the association.  
47       (s) Direct the removal of vehicles improperly parked on property owned or  
48 leased by the association, as authorized pursuant to NRS 487.038, or improperly  
49 parked on any road, street, alley or other thoroughfare within the common-interest  
50 community in violation of the governing documents. In addition to complying with  
51 the requirements of NRS 487.038 and any requirements in the governing  
52 documents, if a vehicle is improperly parked as described in this paragraph, the  
53 association must post written notice in a conspicuous place on the vehicle or

1 provide oral or written notice to the owner or operator of the vehicle at least 48  
2 hours before the association may direct the removal of the vehicle, unless the  
3 vehicle:

4 (1) Is blocking a fire hydrant, fire lane or parking space designated for the  
5 handicapped; or

6 (2) Poses an imminent threat of causing a substantial adverse effect on the  
7 health, safety or welfare of the units' owners or residents of the common-interest  
8 community.

9 (t) Exercise any other powers necessary and proper for the governance and  
10 operation of the association.

11 2. The declaration may not impose limitations on the power of the association  
12 to deal with the declarant which are more restrictive than the limitations imposed  
13 on the power of the association to deal with other persons.

14 *3. Notwithstanding any provision of this chapter or the governing*  
15 *documents to the contrary, an association may not impose any assessment*  
16 *pursuant to this chapter or the governing documents on the owner of any*  
17 *property in the common-interest community that is exempt from taxation*  
18 *pursuant to NRS 361.125.*

19 **Sec. 3.** NRS 116.31034 is hereby amended to read as follows:

20 116.31034 1. Except as otherwise provided in subsection 5 of NRS  
21 116.212, not later than the termination of any period of declarant's control, the  
22 units' owners shall elect an executive board of at least three members, at least a  
23 majority of whom must be units' owners. Unless the governing documents provide  
24 otherwise, the remaining members of the executive board do not have to be units'  
25 owners. The executive board shall elect the officers of the association. The  
26 members of the executive board and the officers of the association shall take office  
27 upon election.

28 2. The term of office of a member of the executive board may not exceed ~~2~~  
29 **3** years, except for members who are appointed by the declarant. Unless the  
30 governing documents provide otherwise, there is no limitation on the number of  
31 terms that a person may serve as a member of the executive board.

32 3. The governing documents of the association must provide for terms of  
33 office that are staggered in such a manner that, to the extent possible, an equal  
34 number of members of the executive board are elected at each election. The  
35 provisions of this subsection do not apply to:

36 (a) Members of the executive board who are appointed by the declarant; and

37 (b) Members of the executive board who serve a term of 1 year or less.

38 4. Not less than 30 days before the preparation of a ballot for the election of  
39 members of the executive board, the secretary or other officer specified in the  
40 bylaws of the association shall cause notice to be given to each unit's owner of his  
41 eligibility to serve as a member of the executive board. Each unit's owner who is  
42 qualified to serve as a member of the executive board may have his name placed on  
43 the ballot along with the names of the nominees selected by the members of the  
44 executive board or a nominating committee established by the association.

45 5. Each person whose name is placed on the ballot as a candidate for a  
46 member of the executive board must:

47 (a) Make a good faith effort to disclose any financial, business, professional or  
48 personal relationship or interest that would result or would appear to a reasonable  
49 person to result in a potential conflict of interest for the candidate if the candidate  
50 were to be elected to serve as a member of the executive board; and

51 (b) Disclose whether the candidate is a member in good standing. For the  
52 purposes of this paragraph, a candidate shall not be deemed to be in "good

standing” if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

↳ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established in the bylaws of the association.

6. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, his spouse or his parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

7. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, he shall file proof in the records of the association that:

(a) He is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

8. The election of any member of the executive board must be conducted by secret written ballot unless the declaration of the association provides that voting rights may be exercised by delegates or representatives as set forth in NRS 116.31105. If the election of any member of the executive board is conducted by secret written ballot:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit’s owner.

(b) Each unit’s owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit’s owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

9. Each member of the executive board shall, within 90 days after his appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that he has read and understands the governing documents of the association and the provisions of this chapter to the best of his ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. (Deleted by amendment.)

Sec. 6.5. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in ~~subsection 2,~~ *this section*, the executive board shall:

(a) If the annual budget of the association is less than \$75,000, cause the financial statement of the association to be audited by an independent certified public accountant at least once every 4 fiscal years.

(b) If the annual budget of the association is \$75,000 or more but less than \$150,000, cause the financial statement of the association to be:

(1) Audited by an independent certified public accountant at least once every 4 fiscal years; and

(2) Reviewed by an independent certified public accountant every fiscal year for which an audit is not conducted.

(c) If the annual budget of the association is \$150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year for which an audit of the financial statement of the association will not be conducted pursuant to subsection 1, the executive board shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of *the* financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; ~~and~~

(b) The standards and format to be followed in auditing or reviewing financial statements of an association ~~;~~;

*(c) The requirement that an audit or review of the financial statements of an association be completed within 180 days after the end of the fiscal year; and*

*(d) The ability of the Commission to grant an exemption to the requirement of an audit or review of the financial statements of an association with an annual budget that is less than \$75,000. To receive an exemption pursuant to this paragraph, an association must submit a request to the Commission which includes a written statement of the reasons for requesting the exemption. If the Commission grants the exemption, the Commission shall notify the association within 30 days after receipt of the request for exemption.*

Sec. 6.7. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

1       **Sec. 9.** NRS 116.31175 is hereby amended to read as follows:

2       116.31175 1. Except as otherwise provided in this subsection, the executive  
3 board of an association shall, upon the written request of a unit's owner, make  
4 available the books, records and other papers of the association for review during  
5 the regular working hours of the association, including, without limitation, all  
6 contracts to which the association is a party and all records filed with a court  
7 relating to a civil or criminal action to which the association is a party. The  
8 provisions of this subsection do not apply to:

9       (a) The personnel records of the employees of the association, except for those  
10 records relating to the number of hours worked and the salaries and benefits of  
11 those employees;

12       (b) The records of the association relating to another unit's owner, except for  
13 those records described in subsection 2; and

14       (c) A contract between the association and an attorney.

15       2. The executive board of an association shall maintain a general record  
16 concerning each violation of the governing documents, other than a violation  
17 involving a failure to pay an assessment, for which the executive board has imposed  
18 a fine, a construction penalty or any other sanction. The general record:

19       (a) Must contain a general description of the nature of the violation and the  
20 type of the sanction imposed. If the sanction imposed was a fine or construction  
21 penalty, the general record must specify the amount of the fine or construction  
22 penalty.

23       (b) Must not contain the name or address of the person against whom the  
24 sanction was imposed or any other personal information which may be used to  
25 identify the person or the location of the unit, if any, that is associated with the  
26 violation.

27       (c) Must be maintained in an organized and convenient filing system or data  
28 system that allows a unit's owner to search and review the general records  
29 concerning violations of the governing documents.

30       3. If the executive board refuses to allow a unit's owner to review the books,  
31 records or other papers of the association, the Ombudsman may:

32       (a) On behalf of the unit's owner and upon written request, review the books,  
33 records or other papers of the association during the regular working hours of the  
34 association; and

35       (b) If he is denied access to the books, records or other papers, request the  
36 Commission, or any member thereof acting on behalf of the Commission, to issue a  
37 subpoena for their production.

38       4. The books, records and other papers of an association must be maintained  
39 for at least 10 years. The provisions of this subsection do not apply to:

40       (a) The minutes of a meeting of the units' owners which must be maintained in  
41 accordance with NRS 116.3108; or

42       (b) The minutes of a meeting of the executive board which must be maintained  
43 in accordance with NRS 116.31083.

44       5. The executive board shall not require a unit's owner to pay an amount in  
45 excess of \$10 per hour to review any books, records, contracts or other papers of  
46 the association pursuant to the provisions of this section.

47       6. *If an official publication contains or will contain any mention of a*  
48 *candidate or ballot question, the official publication must, upon request and*  
49 *without charge, provide equal space in the same issue to the candidate or a*  
50 *representative of an organization which supports the passage or defeat of the*  
51 *ballot question.*

52       7. *Except as otherwise provided in this subsection, if an official publication*  
53 *contains or will contain the views or opinions of the association, the executive*



board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner, which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

**Sec. 9.5.** NRS 116.31187 is hereby amended to read as follows:

116.31187 1. Except as otherwise provided in this section, a member of an executive board or an officer of an association shall not:

(a) On or after October 1, 2003, enter into a contract or renew a contract with the association to provide *financing*, goods or services to the association; or

(b) Otherwise accept any commission, personal profit or compensation of any kind from the association for providing *financing*, goods or services to the association.

2. The provisions of this section do not prohibit a declarant, an affiliate of a declarant or an officer, employee or agent of a declarant or an affiliate of a declarant from:

(a) Receiving any commission, personal profit or compensation from the association, the declarant or an affiliate of the declarant for any *financing*, goods or services furnished to the association;

(b) Entering into contracts with the association, the declarant or affiliate of the declarant; or

(c) Serving as a member of the executive board or as an officer of the association.

**Sec. 9.6.** NRS 116.345 is hereby amended to read as follows:

116.345 1. An association of a planned community may not restrict, prohibit or otherwise impede the lawful residential use of any property that is within or encompassed by the boundaries of the planned community and that is not designated as part of the planned community.

2. Except as otherwise provided in this subsection, an association may not restrict the access of a person to any of his property. An association may restrict access to and from a unit within a planned community if the right to restrict such access was included in the declaration or in a separate recorded instrument at the time that the owner of the unit acquired title to the unit. The provisions of this subsection do not prohibit an association from charging the owner of the property a reasonable and nondiscriminatory fee to operate or maintain a gate or other similar device designed to control access to the planned community that would otherwise impede ingress or egress to the property.

3. An association may not expand, construct or situate a building or structure that is not part of any plat or plan of the planned community if the expansion,

construction or situation of the building or structure was not previously disclosed to the units' owners of the planned community unless the association obtains the written consent of a majority of the units' owners and residents of the planned community who own property or reside within 500 feet of the proposed location of the building or structure.

4. *An association may not interrupt any utility service furnished to a unit's owner or a tenant of a unit's owner except for the nonpayment of utility charges when due. The interruption of any utility service pursuant to this subsection must be performed in a manner which is consistent with all laws, regulations and governing documents relating to the interruption of any utility service. An association must in every case send a written notice of its intent to interrupt any utility service to the unit's owner or the tenant of the unit's owner at least 10 days before the association interrupts any utility service.*

5. The provisions of this section do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

**Sec. 9.8.** NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict ~~the~~:

(a) *Parking on any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use if the requirement that no parking be allowed is included in the terms of any applicable zoning ordinance, permit or approval or as a condition for approval of any final subdivision map; or*

(b) *The* parking or storage of *inoperable* vehicles, recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. *In a common-interest community, the executive board shall not and the governing documents must not prohibit a person from:*

(a) *Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less on a driveway, road, street, alley or other thoroughfare:*

(1) *While the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or*

(2) *If the person is:*

(I) *A unit's owner;*

(II) *Parking the vehicle within 50 yards of his unit; and*

(III) *Bringing the vehicle to his unit pursuant to his employment with the entity which owns the vehicle for the purpose of responding to requests for public utility services; or*

1       ***(b) Parking a law enforcement vehicle or emergency services vehicle on a***  
2 ***driveway, road, street, alley or other thoroughfare:***

3       ***(1) While the person is engaged in his official duties; or***

4       ***(2) If the person is:***

5           ***(I) A unit's owner;***

6           ***(II) Parking the vehicle within 50 yards of his unit; and***

7           ***(III) Bringing the vehicle to his unit pursuant to his employment***  
8 ***with the entity which owns the vehicle for the purpose of responding to requests***  
9 ***for law enforcement services or emergency services.***

10       ***4. As used in this section:***

11       ***(a) "Commercial motor vehicle" has the meaning ascribed to it in 49 C.F.R.***  
12 ***§ 350.105.***

13       ***(b) "Emergency services vehicle" means a vehicle:***

14           ***(1) Owned by any governmental agency or political subdivision of this***  
15 ***State; and***

16           ***(2) Identified by the entity which owns the vehicle as a vehicle used to***  
17 ***provide emergency services.***

18       ***(c) "Law enforcement vehicle" means a vehicle:***

19           ***(1) Owned by any governmental agency or political subdivision of this***  
20 ***State; and***

21           ***(2) Identified by the entity which owns the vehicle as a vehicle used to***  
22 ***provide law enforcement services.***

23       ***(d) "Utility service vehicle" means any commercial motor vehicle:***

24           ***(1) Used in the furtherance of repairing, maintaining or operating any***  
25 ***structure or any other physical facility necessary for the delivery of public utility***  
26 ***services, including, without limitation, the furnishing of electricity, gas, water,***  
27 ***sanitary sewer, telephone, cable or community antenna service.***

28           ***(2) Except for any emergency use, operated primarily within the service***  
29 ***area of a utility's subscribers or consumers, without regard to whether the***  
30 ***commercial motor vehicle is owned, leased or rented by the utility.***

31       **Sec. 10.** (Deleted by amendment.)

32       **Sec. 11.** (Deleted by amendment.)

33       **Sec. 12.** (Deleted by amendment.)

34       **Sec. 13.** The amendatory provisions of section 2.5 of this act apply to all  
35 owners of property in a common-interest community that is exempt from taxation  
36 pursuant to NRS 361.125 who are not obligated to pay assessments as of January 1,  
37 2007.