

Amendment No. 353

Senate Amendment to Senate Bill No. 291	(BDR 2-1309)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	☐	Lost ☐	Adopted	☐	Lost ☐
Concurred In	☐	Not ☐	Concurred In	☐	Not ☐
Receded	☐	Not ☐	Receded	☐	Not ☐

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.

DP/BAW



Date: 4/18/2007

S.B. No. 291—Revises certain provisions governing civil practice in actions in which plaintiff is a nonresident or foreign corporation.
(BDR 2-1309)



SENATE BILL NO. 291—SENATOR CARE
(BY REQUEST)

MARCH 15, 2007

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions governing civil practice in actions in which **a** plaintiff is a nonresident or **a** foreign corporation. (BDR 2-1309)

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 undertakings in civil actions; **increasing the amount of undertaking and** making mandatory a grant of increased undertaking in civil actions in which plaintiffs are ~~nonresident~~ **nonresidents** or foreign corporations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, upon a defendant's request, a plaintiff who is not a Nevada resident must post up to \$500 security for the costs which the defendant may incur during litigation and which may be awarded to a defendant in the event that the plaintiff does not prevail. (NRS 18.130) Existing law also provides that the defendant may request increased security later in the litigation if it becomes apparent that the security posted is or will become insufficient. (NRS 18.130)

This bill increases to \$1,000 the maximum security which a court may initially impose. This bill also ~~sets forth the showing which a defendant must make in requesting an increase in posted security and~~ makes mandatory a grant of ~~such~~ **an increase in security** once ~~the required showing is made by~~ a defendant ~~who~~ **proves that the original undertaking is insufficient security.**

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

Section 1. NRS 18.130 is hereby amended to read as follows:

18.130 1. When a plaintiff in an action resides out of the State, or is a foreign corporation, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant, by the filing and service on plaintiff of a written demand therefor within the time limited for answering the complaint. When so required, all proceedings in the action ~~shall~~ **must** be stayed until an undertaking, executed by two or more persons, ~~be~~ **is** filed with the clerk, to the effect that they will pay such costs and charges as may be awarded against

4. After the lapse of 30 days from the service of notice that security is required, or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court or judge may order the action to be dismissed.