

Amendment No. 604

Senate Amendment to Assembly Bill No. 129 First Reprint (BDR 10-34)

Proposed by: Senate Committee on Judiciary**Amends:** Summary: No Title: No 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 dashed underlining*** is newly added transitory language.

KEL/BAW



Date: 5/10/2009

A.B. No. 129—Revises provisions governing common-interest communities.
(BDR 10-34)



ASSEMBLY BILL NO. 129—ASSEMBLYMEN CONKLIN, ANDERSON, OCEGUERA;
DONDERO LOOP, GRADY, HORNE, KIRKPATRICK, MORTENSON,
OHRENSCHALL AND PARNELL

FEBRUARY 4, 2009

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing common-interest communities.
(BDR 10-34)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to common-interest communities; providing that the provisions governing common-interest communities do not modify the tariffs, rules and standards of a public utility; requiring the governing documents of an association to be consistent with the tariffs, rules and standards of a public utility; prohibiting an association from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill: (1) states that the provisions of chapter 116 of NRS do not modify the tariffs, rules and standards of a public utility; and (2) provides that the governing documents of associations of common-interest communities must be consistent and not conflict with the tariffs, rules and standards of a public utility.

Section 2 of this bill prohibits an association of any common-interest community from restricting the parking of certain utility service vehicles, law enforcement vehicles and emergency services vehicles, ~~and~~ ***under certain circumstances, (NRS 116.350)***

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:

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. 2. 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 parking or storage of recreational vehicles, watercraft, trailers or commercial ~~motor~~ vehicles in the common-interest community to the extent authorized by law.

3. In any 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:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of ~~for in front of~~ the unit of a subscriber or consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of ~~for in front of~~ his unit, if the person is:

(I) A unit’s owner or a tenant of a unit’s owner; and

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

(b) Parking a law enforcement vehicle or emergency services vehicle:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of ~~for in front of~~ the unit of a person to whom law enforcement or emergency services are being provided, while the person is engaged in his official duties; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of ~~for in front of~~ his unit, if the person is:

(I) A unit’s owner or a tenant of a unit’s owner; and

(II) 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 law enforcement services or emergency services.

4. An association may require that a person parking a utility service vehicle, law enforcement vehicle or emergency services vehicle as set forth in subsection 3 provide written confirmation from his employer that the person is qualified to park his vehicle in the manner set forth in subsection 3.

5. As used in this section:

~~(a) “Commercial motor vehicle” has the meaning ascribed to it in 49 C.F.R. § 350.105.~~

~~(b)~~ “Emergency services vehicle” means a vehicle:

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

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

3 ~~He)~~ (b) "Law enforcement vehicle" means a vehicle:

4 (1) Owned by any governmental agency or political subdivision of this
5 State; and

6 (2) Identified by the entity which owns the vehicle as a vehicle used to
7 provide law enforcement services.

8 ~~He)~~ (c) "Utility service vehicle" means any ~~commercial~~ motor vehicle:

9 (1) Used in the furtherance of repairing, maintaining or operating any
10 structure or any other physical facility necessary for the delivery of public utility
11 services, including, without limitation, the furnishing of electricity, gas, water,
12 sanitary sewer, telephone, cable or community antenna service; and

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