

## Amendment No. 19

Senate Amendment to Senate Bill No. 106

(BDR 10-497)

**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         | <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 dashed underlining*** is newly added transitory language.

NMB/RRY



Date: 3/30/2009

S.B. No. 106—Revises provisions governing the purchase of a home or improved lot that is adjacent to open range. (BDR 10-497)



## SENATE BILL NO. 106—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

PREFILED DECEMBER 31, 2008

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the purchase of a home or ~~improved~~ lot that is adjacent to open range. (BDR 10-497)

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 real property; requiring the seller of a home or ~~an improved~~ ***or unimproved*** lot that is adjacent to open range to disclose to the purchaser the presence of certain roads or rights-of-way; requiring the seller to ~~file~~ ***record*** a copy of the disclosures with the county recorder and provide a copy to the purchaser; providing that compliance with the requirement of disclosure constitutes an affirmative defense in certain actions brought against the seller; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires the seller of a home or improved lot that is adjacent to open range to  
2 make certain disclosures to the purchaser concerning the livestock that may enter the property  
3 from the adjacent open range. (NRS 113.065) This bill amends the existing law to: (1) require  
4 the seller to disclose to the purchaser ~~whether~~ ***that*** the lot ~~is~~ ***may be*** subject to ~~any~~ R.S.  
5 2477 roads or other rights-of-way; (2) require the seller to provide to the purchaser a copy of  
6 the disclosure document that is signed and acknowledged by the purchaser; (3) require the  
7 seller to ~~file~~ ***record*** a copy of the disclosure document in the office of the county recorder  
8 where the property is located; and (4) provide an affirmative defense to the seller in an action  
9 brought by the purchaser against the seller for damages allegedly suffered as a result of any  
10 right-of-way included in the disclosure. (NRS 113.065)

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

**Section 1.** NRS 113.065 is hereby amended to read as follows:

1 113.065 1. Before the purchaser of a home or ***an improved or unimproved***  
2 lot that is adjacent to open range signs a sales agreement, the seller shall, by  
3 separate written document, disclose to the purchaser ~~information~~ :  
4

(a) **Information** regarding grazing on the open range. The written document must contain a statement with the following language:

This property is adjacent to open range on which livestock are permitted to graze or roam. Unless you construct a fence that will prevent livestock from entering this property, livestock may enter the property and you will not be entitled to collect damages because the livestock entered the property. Regardless of whether you construct a fence, it is unlawful to kill, maim or injure livestock that have entered this property.

~~(b) **Whether** That the parcel ~~is~~ may be subject to ~~any right-of-way~~ claims made by a county or this State of rights-of-way granted by Congress over public lands of the United States not reserved for public uses in chapter 262, section 8, 14 Statutes 253 (former 43 U.S.C. § 932, commonly referred to as R.S. 2477), and accepted by general public use and enjoyment before, on or after July 1, 1979, or ~~any~~ other rights-of-way. Such rights-of-way may be:~~

~~(1) Unrecorded, undocumented or unsurveyed; and~~

~~(2) Used by persons, including, without limitation, miners, ranchers or hunters, for access or recreational use, in a manner which interferes with the use and enjoyment of the parcel.~~

2. The seller shall ~~retain~~ :

(a) **Retain** a copy of the disclosure document that has been signed by the purchaser acknowledging the date of receipt by the purchaser of the original document ~~+~~;

(b) **Provide a copy of the signed disclosure document to the purchaser; and**

(c) ~~File~~ **Record**, in the office of the county recorder in the county where the property is located, the original disclosure document that has been signed by the purchaser.

3. Compliance with this section by a seller constitutes an affirmative defense in any action brought against the seller by the purchaser based upon any damages allegedly suffered as the result of **the presence of the rights-of-way described in subsection 2 or of** livestock entering the property.

4. As used in this section, "open range" has the meaning ascribed to it in NRS 568.355.

**Sec. 2.** This act becomes effective on July 1, 2009.