
SENATE BILL NO. 218—SENATORS PARKS, COFFIN, CARE, NOLAN,
HORSFORD; BREEDEN, COPENING, LEE, SCHNEIDER,
WIENER AND WOODHOUSE

MARCH 13, 2009

JOINT SPONSORS: ASSEMBLYMEN SPIEGEL, ATKINSON, KOIVISTO,
ANDERSON, BOBZIEN; CLABORN, MANENDO,
MASTROLUCA, MCCLAIN, OHRENSCHALL, PIERCE,
SEGERBLOM, SETTELMAYER AND STEWART

Referred to Committee on Taxation

SUMMARY—Revises provisions governing certain fees charged by
and certain duties performed by constables.
(BDR 20-846)

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 constables; specifically authorizing constables
to issue citations for failure to register vehicles that are
required to be registered in this State; increasing the fee to
which constables are entitled for removing or causing the
removal of abandoned vehicles from public property; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill specifically authorizes constables to issue citations for the failure to register a vehicle that is required by existing law to be registered in this State. The citation is to be issued to the owner of the vehicle or the driver if the driver is not the owner but is the party responsible for registering the vehicle pursuant to existing law. (NRS 258.070) **Sections 3 and 4** of this bill clarify that constables are entitled to demand and to view the certificate of registration and to request information to determine whether the vehicle is required to be registered in this State. (NRS 482.255, 482.385)

Section 2 of this bill increases the fee to which constables are entitled for their services of removing or causing the removal of an abandoned vehicle from public property from \$50 to \$100. (NRS 258.125)



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

1 **Section 1.** NRS 258.070 is hereby amended to read as follows:
2 258.070 1. Each constable shall:

3 (a) Be a peace officer in his township.

4 (b) Serve all mesne and final process issued by a court of
5 competent jurisdiction.

6 (c) Execute the process, writs or warrants that he is authorized to
7 receive pursuant to NRS 248.100.

8 (d) Discharge such other duties as are or may be prescribed by
9 law.

10 2. *Pursuant to the procedures and subject to the limitations*
11 *set forth in chapters 482 and 484 of NRS, a constable may issue a*
12 *citation to an owner or driver, as appropriate, of a vehicle that is*
13 *required to be registered in this State if the constable determines*
14 *that the vehicle is not properly registered.*

15 3. If a sheriff or his deputy in any county in this State arrests a
16 person charged with a criminal offense or in the commission of an
17 offense, the sheriff or his deputy shall serve all process, whether
18 mesne or final, and attend the court executing the order thereof in
19 the prosecution of the person so arrested, whether in a justice court
20 or a district court, to the conclusion, and whether the offense is an
21 offense of which a justice of the peace has jurisdiction, or whether
22 the proceeding is a preliminary examination or hearing. The sheriff
23 or his deputy shall collect the same fees and in the same manner
24 therefor as the constable of the township in which the justice court is
25 held would receive for the same service.

26 **Sec. 2.** NRS 258.125 is hereby amended to read as follows:

27 258.125 1. Constables are entitled to the following fees for
28 their services:

29
30 For serving a summons or other process by which a
31 suit is commenced in civil cases \$17
32 For summoning a jury before a justice of the peace 7
33 For taking a bond or undertaking 5
34 For serving an attachment against the property of a
35 defendant 9
36 For serving subpoenas, for each witness 15
37 For a copy of any writ, process or order or other paper,
38 when demanded or required by law, per folio 3
39 For drawing and executing every constable's deed, to
40 be paid by the grantee, who must also pay for the
41 acknowledgment thereof 20



1	For each certificate of sale of real property under	
2	execution.....	\$5
3	For levying any writ of execution or writ of	
4	garnishment, or executing an order of arrest in civil	
5	cases, or order for delivery of personal property,	
6	with traveling fees as for summons	9
7	For serving one notice required by law before the	
8	commencement of a proceeding for any type of	
9	eviction.....	26
10	For serving not fewer than 2 nor more than 10 such	
11	notices to the same location, each notice	20
12	For serving not fewer than 11 nor more than 24 such	
13	notices to the same location, each notice	17
14	For serving 25 or more such notices to the same	
15	location, each notice.....	15
16	For mileage in serving such a notice, for each mile	
17	necessarily and actually traveled in going only	2
18	But if two or more notices are served at the same	
19	general location during the same period, mileage	
20	may only be charged for the service of one	
21	notice.	
22	For each service in a summary eviction, except service	
23	of any notice required by law before	
24	commencement of the proceeding, and for serving	
25	notice of and executing a writ of restitution	21
26	For making and posting notices, and advertising	
27	property for sale on execution, not to include the	
28	cost of publication in a newspaper.....	9
29	For each warrant lawfully executed	48
30	For mileage in serving summons, attachment,	
31	execution, order, venire, subpoena, notice, summary	
32	eviction, writ of restitution or other process in civil	
33	suits, for each mile necessarily and actually	
34	traveled, in going only	2
35	But when two or more persons are served in the	
36	same suit, mileage may only be charged for the	
37	most distant, if they live in the same direction.	
38	For mileage in making a diligent but unsuccessful	
39	effort to serve a summons, attachment, execution,	
40	order, venire, subpoena or other process in civil	
41	suits, for each mile necessarily and actually	
42	traveled, in going only	2
43	But mileage may not exceed \$20 for any	
44	unsuccessful effort to serve such process.	



2. A constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first \$3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, except for execution of warrants, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

(d) For removing or causing the removal of, pursuant to NRS 487.230, a vehicle that has been abandoned on public property, ~~\$50.~~ **\$100.**

3. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the fifth working day of the month next succeeding the month in which the fees were collected.

4. Constables shall, on or before the fifth working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 3. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, he shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, **including a constable, or a** justice of the peace or deputy of the Department.

3. No person charged with violating this section may be convicted if he produces in court a certificate of registration which was previously issued to him and was valid at the time of the demand.

Sec. 4. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsection 4 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the



1 registration license plate issued for the vehicle in the place of
2 residence of the owner, may operate or permit the operation of the
3 vehicle within this State without its registration in this State
4 pursuant to the provisions of this chapter and without the payment
5 of any registration fees to this State.

6 2. This section does not:

7 (a) Prohibit the use of manufacturers', distributors' or dealers'
8 license plates issued by any state or country by any nonresident in
9 the operation of any vehicle on the public highways of this State.

10 (b) Require registration of vehicles of a type subject to
11 registration pursuant to the provisions of this chapter operated by
12 nonresident common motor carriers of persons or property, contract
13 motor carriers of persons or property, or private motor carriers of
14 property as stated in NRS 482.390.

15 (c) Require registration of a vehicle operated by a border state
16 employee.

17 3. When a person, formerly a nonresident, becomes a resident
18 of this State, he shall:

19 (a) Within 60 days after becoming a resident; or

20 (b) At the time he obtains his driver's license,

21 ➔ whichever occurs earlier, apply for the registration of each
22 vehicle he owns which is operated in this State. When a person,
23 formerly a nonresident, applies for a driver's license in this State,
24 the Department shall inform the person of the requirements imposed
25 by this subsection and of the penalties that may be imposed for
26 failure to comply with the provisions of this subsection. A citation
27 may be issued pursuant to this subsection only if the violation is
28 discovered when the vehicle is halted or its driver arrested for
29 another alleged violation or offense. A person who violates the
30 provisions of this subsection is guilty of a misdemeanor and shall be
31 punished by a fine of not less than \$250 nor more than \$500 and
32 such fine is in addition to any fine or penalty imposed for the other
33 alleged violation or offense for which the vehicle was halted or its
34 driver arrested. In addition, the Department shall maintain or cause
35 to be maintained a list or other record of persons who fail to comply
36 with the provisions of this subsection and shall, at least once each
37 month, provide a copy of that list or record to the Department of
38 Public Safety.

39 4. Any resident operating upon a highway of this State a motor
40 vehicle which is owned by a nonresident and which is furnished to
41 the resident operator for his continuous use within this State, shall
42 cause that vehicle to be registered within 60 days after beginning its
43 operation within this State.

44 5. A person registering a vehicle pursuant to the provisions of
45 subsection 3, 4 or 6 or pursuant to NRS 482.390:



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1 (a) Must be assessed the registration fees and governmental
2 services tax, as required by the provisions of this chapter and
3 chapter 371 of NRS; and

4 (b) Must not be allowed credit on those taxes and fees for the
5 unused months of his previous registration.

6 6. If a vehicle is used in this State for a gainful purpose, the
7 owner shall immediately apply to the Department for registration,
8 except as otherwise provided in NRS 482.390, 482.395 and 706.801
9 to 706.861, inclusive.

10 7. An owner registering a vehicle pursuant to the provisions of
11 this section shall surrender the existing nonresident license plates
12 and registration certificates to the Department for cancellation.

13 8. A vehicle may be cited for a violation of this section
14 regardless of whether it is in operation or is parked on a highway, in
15 a public parking lot or on private property which is open to the
16 public if, after communicating with the owner or operator of the
17 vehicle, the peace officer issuing the citation determines that:

18 (a) The owner of the vehicle is a resident of this State; or

19 (b) The vehicle is used in this State for a gainful purpose.

20 ➡ *As used in this subsection, “peace officer” includes a constable.*

