

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 certain provisions governing fees charged
and duties performed by constables and revises
certain provisions relating to motor vehicle
registration. (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 motor vehicles; 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; revising the penalties for failure to register
certain motor vehicles; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill specifically authorizes constables to issue citations for the
- 2 failure to register a vehicle that is required by existing law to be registered in this
- 3 State and requires constables to charge and collect a fee from the person to whom
- 4 the citation is issued. The citation is to be issued to the owner of the vehicle or the
- 5 driver if the driver is not the owner but is the party responsible for registering the
- 6 vehicle pursuant to existing law. (NRS 258.070) **Sections 3 and 4** of this bill
- 7 clarify that constables are entitled to demand and to view the certificate of



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8 registration and to request information to determine whether the vehicle is required
9 to be registered in this State. (NRS 482.255, 482.385)

10 **Section 2** of this bill increases the fee to which constables are entitled for their
11 services of removing or causing the removal of an abandoned vehicle from public
12 property from \$50 to \$100. **Section 2** also increases the amount the constable may
13 collect when collecting all sums on execution or writ charged against a defendant
14 from 2 percent of the first \$3,500 to 2 percent of the first \$10,000. (NRS 258.125)

15 Existing law requires a person, within 60 days of becoming a resident of this
16 State or at the time he obtains his driver's license, to apply for registration for each
17 vehicle he owns which is operated in this State. (NRS 482.385) **Section 4** of this
18 bill increases the fine for failing to comply with that requirement from a minimum
19 of \$250 and a maximum of \$500 to a \$1,000 fine, and provides that the fine may be
20 reduced to not less than \$200 if the person provides proof of registration of the
21 vehicle in Nevada at the time of his hearing.

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. The constable shall,*
15 *upon the issuance of such citation, charge and collect a fee of*
16 *\$100 from the person to whom the citation is issued, which may be*
17 *retained by the constable as compensation.*

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



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1 **Sec. 2.** NRS 258.125 is hereby amended to read as follows:
2 258.125 1. Constables are entitled to the following fees for
3 their services:

4		
5	For serving a summons or other process by which a	
6	suit is commenced in civil cases	\$17
7	For summoning a jury before a justice of the peace	7
8	For taking a bond or undertaking	5
9	For serving an attachment against the property of a	
10	defendant.....	9
11	For serving subpoenas, for each witness.....	15
12	For a copy of any writ, process or order or other paper,	
13	when demanded or required by law, per folio	3
14	For drawing and executing every constable's deed, to	
15	be paid by the grantee, who must also pay for the	
16	acknowledgment thereof.....	20
17	For each certificate of sale of real property under	
18	execution.....	5
19	For levying any writ of execution or writ of	
20	garnishment, or executing an order of arrest in civil	
21	cases, or order for delivery of personal property,	
22	with traveling fees as for summons	9
23	For serving one notice required by law before the	
24	commencement of a proceeding for any type of	
25	eviction.....	26
26	For serving not fewer than 2 nor more than 10 such	
27	notices to the same location, each notice	20
28	For serving not fewer than 11 nor more than 24 such	
29	notices to the same location, each notice	17
30	For serving 25 or more such notices to the same	
31	location, each notice.....	15
32	For mileage in serving such a notice, for each mile	
33	necessarily and actually traveled in going only	2
34	But if two or more notices are served at the same	
35	general location during the same period, mileage	
36	may only be charged for the service of one	
37	notice.	
38	For each service in a summary eviction, except service	
39	of any notice required by law before	
40	commencement of the proceeding, and for serving	
41	notice of and executing a writ of restitution	21
42	For making and posting notices, and advertising	
43	property for sale on execution, not to include the	
44	cost of publication in a newspaper.....	9
45	For each warrant lawfully executed	48



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For mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only \$2

But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.

For mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only 2

But mileage may not exceed \$20 for any 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,~~ \$10,000, 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,



1 trailer or semitrailer, he shall carry the certificate in the tool bag or
2 other convenient receptacle attached to the vehicle.

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

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

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

12 482.385 1. Except as otherwise provided in subsection **4** 5
13 and NRS 482.390, a nonresident owner of a vehicle of a type subject
14 to registration pursuant to the provisions of this chapter, owning any
15 vehicle which has been registered for the current year in the state,
16 country or other place of which the owner is a resident and which at
17 all times when operated in this State has displayed upon it the
18 registration license plate issued for the vehicle in the place of
19 residence of the owner, may operate or permit the operation of the
20 vehicle within this State without its registration in this State
21 pursuant to the provisions of this chapter and without the payment
22 of any registration fees to this State.

23 2. This section does not:

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

27 (b) Require registration of vehicles of a type subject to
28 registration pursuant to the provisions of this chapter operated by
29 nonresident common motor carriers of persons or property, contract
30 motor carriers of persons or property, or private motor carriers of
31 property as stated in NRS 482.390.

32 (c) Require registration of a vehicle operated by a border state
33 employee.

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

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

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

38 ➤ whichever occurs earlier, apply for the registration of each
39 vehicle he owns which is operated in this State. When a person,
40 formerly a nonresident, applies for a driver's license in this State,
41 the Department shall inform the person of the requirements imposed
42 by this subsection and of the penalties that may be imposed for
43 failure to comply with the provisions of this subsection. A citation
44 may be issued pursuant to this subsection only if the violation is
45 discovered when the vehicle is halted or its driver arrested for



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1 another alleged violation or offense. ~~[A person who violates the~~
2 ~~provisions of this subsection is guilty of a misdemeanor and shall be~~
3 ~~punished by a fine of not less than \$250 nor more than \$500 and~~
4 ~~such fine is in addition to any fine or penalty imposed for the other~~
5 ~~alleged violation or offense for which the vehicle was halted or its~~
6 ~~driver arrested. In addition, the]~~ **The** Department shall maintain or
7 cause to be maintained a list or other record of persons who fail to
8 comply with the provisions of this subsection and shall, at least once
9 each month, provide a copy of that list or record to the Department
10 of Public Safety.

11 4. *A person who violates the provisions of subsection 3 is*
12 *guilty of a misdemeanor and, except as otherwise provided in this*
13 *subsection, shall be punished by a fine of \$1,000. The fine*
14 *imposed pursuant to this subsection is in addition to any fine or*
15 *penalty imposed for the other alleged violation or offense for*
16 *which the vehicle was halted or its driver arrested pursuant to*
17 *subsection 3. The fine imposed pursuant to this subsection may be*
18 *reduced to not less than \$200 if the person presents evidence at the*
19 *time of his hearing that he has registered the vehicle pursuant to*
20 *this chapter.*

21 5. Any resident operating upon a highway of this State a motor
22 vehicle which is owned by a nonresident and which is furnished to
23 the resident operator for his continuous use within this State, shall
24 cause that vehicle to be registered within 60 days after beginning its
25 operation within this State.

26 ~~[5-]~~ 6. A person registering a vehicle pursuant to the
27 provisions of subsection 3, ~~[4]~~ 5 or ~~[6]~~ 7 or pursuant to
28 NRS 482.390:

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

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

34 ~~[6-]~~ 7. If a vehicle is used in this State for a gainful purpose,
35 the owner shall immediately apply to the Department for
36 registration, except as otherwise provided in NRS 482.390, 482.395
37 and 706.801 to 706.861, inclusive.

38 ~~[7-]~~ 8. An owner registering a vehicle pursuant to the
39 provisions of this section shall surrender the existing nonresident
40 license plates and registration certificates to the Department for
41 cancellation.

42 ~~[8-]~~ 9. A vehicle may be cited for a violation of this section
43 regardless of whether it is in operation or is parked on a highway, in
44 a public parking lot or on private property which is open to the



- 1 public if, after communicating with the owner or operator of the
- 2 vehicle, the peace officer issuing the citation determines that:
- 3 (a) The owner of the vehicle is a resident of this State; or
- 4 (b) The vehicle is used in this State for a gainful purpose.
- 5 ↪ *As used in this subsection, “peace officer” includes a constable.*

