

Assembly Bill No. 156—Assemblymen Frierson,
Horne, Segerblom and Flores

Joint Sponsor: Senator Wiener

CHAPTER.....

AN ACT relating to process servers; requiring that a proof of service filed with a court contain certain information; revising provisions relating to orders to cease and desist conduct; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who engages in the business of serving legal process within this State must be licensed. (NRS 648.060) **Section 1** of this bill prohibits a person from engaging in the business of a process server if the person is not licensed as a process server and has, because of certain violations of the provisions of chapter 648 of NRS, received a citation and order to cease and desist conduct. **Section 6** of this bill requires a court to treat a proof of service filed in violation of **section 1** as legally insufficient and renders a judgment based upon such proof void. **Section 2** of this bill requires that an order to cease and desist conduct issued to a business state that the order applies to any person acting in the name of the business.

Section 5 of this bill requires that a proof of service of process filed with a court include certain information. **Section 5** also allows a court to construe a proof of service of process that does not include such information as legally insufficient.

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

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

If a person who is not licensed as a process server pursuant to this chapter has been issued a citation pursuant to NRS 648.165 that contains an order to cease and desist conduct, the person shall not continue to engage in the business of a process server after the date on which he or she is served with the citation until the order has been rescinded.

Sec. 2. NRS 648.165 is hereby amended to read as follows:

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.



3. If appropriate, the citation must contain an order ~~of abatement~~ *to cease and desist conduct* fixing a reasonable time for abatement of the violation. *If the order to cease and desist conduct is directed to a business, the order must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.*

4. The Board shall assess an administrative fine of:

- (a) For the first such violation, \$2,500.
- (b) For the second such violation, \$5,000.
- (c) For the third or subsequent such violation, \$10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 3. NRS 648.210 is hereby amended to read as follows:

648.210 A person who violates any of the provisions of NRS 648.060 to 648.205, inclusive ~~§~~, *and section 1 of this act:*

1. For the first violation is guilty of a misdemeanor.

2. For the second and subsequent violations, is guilty of a gross misdemeanor.

Sec. 4. Chapter 14 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. 1. *In addition to any other requirements set forth by law, a proof of service of process filed with a court of competent jurisdiction in Nevada must include:*

(a) The name, residential or business address and telephone number of the person who performed the service of process;

(b) The date and time that the legal process was served;

(c) The manner in which the legal process was served;

(d) If practicable, the name of the person who was personally served or a physical description of that person; and

(e) A notation of:

(1) The license number of the process server or the registration number of the employee of a licensed process server who performed the service of process; or

(2) The reason why the person who performed the service of process was not required to be licensed under chapter 648 of NRS or another provision of law.

2. A proof of service that does not include the information required by subsection 1 may be construed as legally insufficient by a court of competent jurisdiction.

3. As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.



Sec. 6. 1. *If a person who is not licensed as a process server pursuant to chapter 648 of NRS files a proof of service of process with a court of competent jurisdiction in violation of section 1 of this act, the proof of service of process must be treated as legally insufficient by the court and any resulting judgment based upon the proof of service of process is void.*

2. *As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.*

Sec. 7. This act becomes effective upon passage and approval.

