

ASSEMBLY BILL NO. 261—ASSEMBLYMEN HANSEN, KIRNER;
CARRILLO, DIAZ, GOEDHART, HAMMOND, HARDY AND KITE

MARCH 11, 2011

JOINT SPONSOR: SENATOR LEE

Referred to Committee on Judiciary

SUMMARY—Increases the monetary limit in actions for small claims adjudicated in a justice court. (BDR 6-1029)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 courts; increasing the monetary limit in actions for small claims adjudicated in a justice court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the jurisdiction of a justice court includes actions for small
2 claims in which the amount claimed does not exceed \$5,000 and in which the
3 defendant is within the personal jurisdiction of the justice court. (NRS 73.010) This
4 bill increases this monetary limit for small claims from \$5,000 to \$9,000.

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

- 1 **Section 1.** NRS 73.010 is hereby amended to read as follows:
2 73.010 In all cases arising in the justice court for the recovery
3 of money only, where the amount claimed does not exceed ~~[\$5,000]~~
4 **\$9,000** and the defendant named:
5 1. Is a resident of;
6 2. Does business in; or
7 3. Is employed in,
8 ➔ the township in which the action is to be maintained, the justice
9 of the peace may proceed as provided in this chapter and by rules of
10 court.



1 **Sec. 2.** NRS 4.060 is hereby amended to read as follows:
2 4.060 1. Except as otherwise provided in this section and
3 NRS 33.017 to 33.100, inclusive, each justice of the peace shall
4 charge and collect the following fees:

5 (a) On the commencement of any action or proceeding in the
6 justice court, other than in actions commenced pursuant to chapter
7 73 of NRS, to be paid by the party commencing the action:

8

9	If the sum claimed does not exceed \$1,000	\$28.00
10	If the sum claimed exceeds \$1,000 but does not	
11	exceed \$2,500	50.00
12	If the sum claimed exceeds \$2,500 but does not	
13	exceed \$4,500	100.00
14	If the sum claimed exceeds \$4,500 but does not	
15	exceed \$6,500	125.00
16	If the sum claimed exceeds \$6,500 but does not	
17	exceed \$7,500	150.00
18	If the sum claimed exceeds \$7,500 but does not	
19	exceed \$10,000	175.00
20	In all other civil actions.....	28.00

21

22 (b) For the preparation and filing of an affidavit and order in an
23 action commenced pursuant to chapter 73 of NRS:

24

25	If the sum claimed does not exceed \$1,000	\$25.00
26	If the sum claimed exceeds \$1,000 but does not	
27	exceed \$2,500	45.00
28	If the sum claimed exceeds \$2,500 but does not	
29	exceed \$5,000 \$9,000	65.00

30

31 (c) On the appearance of any defendant, or any number of
32 defendants answering jointly, to be paid by the defendant or
33 defendants on filing the first paper in the action, or at the time of
34 appearance:

35

36	In all civil actions	\$12.00
37	For every additional defendant, appearing	
38	separately	6.00

39

40 (d) No fee may be charged where a defendant or defendants
41 appear in response to an affidavit and order issued pursuant to the
42 provisions of chapter 73 of NRS.

43 (e) For the filing of any paper in intervention\$6.00



* A B 2 6 1 *

- 1 (f) For the issuance of any writ of attachment, writ
2 of garnishment, writ of execution or any other writ
3 designed to enforce any judgment of the court.....\$6.00
4 (g) For filing a notice of appeal, and appeal bonds.....\$12.00
5 One charge only may be made if both papers are filed at the
6 same time.
7 (h) For issuing supersedeas to a writ designed to
8 enforce a judgment or order of the court.....\$12.00
9 (i) For preparation and transmittal of transcript and
10 papers on appeal\$12.00
11 (j) For celebrating a marriage and returning the
12 certificate to the county recorder or county clerk.....\$50.00
13 (k) For entering judgment by confession\$6.00
14 (l) For preparing any copy of any record,
15 proceeding or paper, for each page..... \$3.00
16 (m) For each certificate of the clerk, under the seal
17 of the court.....\$3.00
18 (n) For searching records or files in his or her
19 office, for each year\$1.00
20 (o) For filing and acting upon each bail or property
21 bond\$40.00
22 2. A justice of the peace shall not charge or collect any of the
23 fees set forth in subsection 1 for any service rendered by the justice
24 of the peace to the county in which his or her township is located.
25 3. A justice of the peace shall not charge or collect the fee
26 pursuant to paragraph (j) of subsection 1 if the justice of the peace
27 performs a marriage ceremony in a commissioner township.
28 4. Except as otherwise provided by an ordinance adopted
29 pursuant to the provisions of NRS 244.207, the justice of the peace
30 shall, on or before the fifth day of each month, account for and pay
31 to the county treasurer all fees collected during the preceding month,
32 except for the fees the justice of the peace may retain as
33 compensation and the fees the justice of the peace is required to pay
34 to the State Controller pursuant to subsection 5.
35 5. The justice of the peace shall, on or before the fifth day of
36 each month, pay to the State Controller:
37 (a) An amount equal to \$5 of each fee collected pursuant to
38 paragraph (j) of subsection 1 during the preceding month. The State
39 Controller shall deposit the money in the Account for Aid for
40 Victims of Domestic Violence in the State General Fund.
41 (b) One-half of the fees collected pursuant to paragraph (o) of
42 subsection 1 during the preceding month. The State Controller shall
43 deposit the money in the Fund for the Compensation of Victims of
44 Crime.



- 1 **Sec. 3.** The amendatory provisions of this act apply only to an
2 action filed on or after July 1, 2011.
3 **Sec. 4.** This act becomes effective on July 1, 2011.

