

ASSEMBLY BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 13, 2010

Referred to Committee on Judiciary

SUMMARY—Provides for the collection of additional fees in justice courts. (BDR 1-322)

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 courts; requiring a justice of the peace to charge and collect certain additional fees; revising certain civil filing fees in the justice court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. (NRS 4.060) **Section 2** of this bill increases the amount of the fees charged and collected by revising the tiers upon which the fees are based.

Section 1 of this bill requires each justice of the peace to charge and collect additional fees for various civil actions, proceedings and filings in the justice court. Fifty percent of the additional fees collected must be deposited in a special account administered by the county for the sole benefit of the justice courts in the county, subject to judicial oversight, and must not be used to supplant existing appropriations made to the justice courts within the county.

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

Section 1. Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section and by specific statute and in addition to any other fee required by law, including,



1 without limitation, any fees required by NRS 4.060, each justice of
2 the peace shall charge and collect the following fees:

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

6
7 If the sum claimed does not exceed \$1,000 \$22.00

8 If the sum claimed exceeds \$1,000 but does not
9 exceed \$10,000 50.00

10 In all civil actions for unlawful detainer pursuant to
11 NRS 40.250 to 40.254, inclusive 225.00

12 In all other civil actions 22.00

13
14 (b) For the preparation and filing of an affidavit and
15 order in an action commenced pursuant to chapter 73 of
16 NRS, if the sum claimed does not exceed \$5,000 \$20.00

17 (c) On the appearance of any defendant, or any number of
18 defendants answering jointly, to be paid by the defendant or
19 defendants on filing the first paper in the action, or at the time of
20 appearance:

21
22 In all civil actions \$13.00

23 For every additional defendant, appearing separately ... 9.00

24
25 (d) No fee may be charged where a defendant or
26 defendants appear in response to an affidavit and order
27 issued pursuant to the provisions of chapter 73 of NRS.

28 (e) For the filing of any paper in intervention \$9.00

29 (f) For the issuance of any writ of attachment, writ of
30 garnishment, writ of execution or any other writ designed
31 to enforce any judgment of the court, other than a writ of
32 restitution \$19.00

33 (g) For filing a notice of appeal, and appeal bonds \$8.00

34 One charge only may be made if both papers are filed at the
35 same time.

36 (h) For issuing supersedeas to a writ designed to
37 enforce a judgment or order of the court \$8.00

38 (i) For preparation and transmittal of transcript and
39 papers on appeal \$8.00

40 (j) For entering judgment by confession \$44.00

41 (k) For preparing any copy of any record, proceeding
42 or paper, for each page \$.20

43 (l) For each certificate of the clerk, under the seal of
44 the court \$2.00



(m) For searching records or files in his or her office,
for each year \$2.00

(n) For filing and acting upon each bail or property
bond..... \$10.00

(o) For the issuance of any writ of restitution..... \$75.00

2. A justice of the peace shall not charge or collect any of the
fees set forth in subsection 1 for any service rendered by the
justice of the peace to the county in which his or her township is
located.

3. The justice of the peace shall, on or before the fifth day of
each month, account for and pay to the county treasurer all fees
collected during the preceding month pursuant to subsection 1.

4. The county treasurer shall deposit 50 percent of the fees
received each month pursuant to subsection 3 into a special
account administered by the county for the sole benefit of the
justice courts within the county, subject to judicial oversight. The
money deposited:

(a) Must not be used to supplant existing appropriations made
to the justice courts within the county;

(b) Must be carried over to the next fiscal year if any balance
remains at the end of the fiscal year; and

(c) Must not revert to the county general fund.

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and
NRS 33.017 to 33.100, inclusive, each justice of the peace shall
charge and collect the following fees:

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

If the sum claimed does not exceed \$1,000 \$28.00

If the sum claimed exceeds \$1,000 but does not
exceed \$2,500 50.00

If the sum claimed exceeds \$2,500 but does not
exceed ~~[\$4,500]~~ \$5,000..... 100.00

~~If the sum claimed exceeds \$4,500 but does not~~
~~exceed \$6,500 125.00~~

~~If the sum claimed exceeds \$6,500 but does not~~
~~exceed \$7,500 150.00]~~

If the sum claimed exceeds ~~[\$7,500]~~ \$5,000 but does
not exceed \$10,000 175.00

In all other civil actions..... 28.00

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



1	If the sum claimed does not exceed \$1,000	\$25.00
2	If the sum claimed exceeds \$1,000 but does not	
3	exceed \$2,500	45.00
4	If the sum claimed exceeds \$2,500 but does not	
5	exceed \$5,000	65.00

6
7 (c) On the appearance of any defendant, or any number of
8 defendants answering jointly, to be paid by the defendant or
9 defendants on filing the first paper in the action, or at the time of
10 appearance:

11		
12	In all civil actions	\$12.00
13	For every additional defendant, appearing separately.....	6.00

14
15 (d) No fee may be charged where a defendant or defendants
16 appear in response to an affidavit and order issued pursuant to the
17 provisions of chapter 73 of NRS.

18 (e) For the filing of any paper in intervention

19 (f) For the issuance of any writ of attachment, writ of
20 garnishment, writ of execution or any other writ designed to
21 enforce any judgment of the court.....

22 (g) For filing a notice of appeal, and appeal bonds

23 One charge only may be made if both papers are filed at the
24 same time.

25 (h) For issuing supersedeas to a writ designed to enforce
26 a judgment or order of the court.....

27 (i) For preparation and transmittal of transcript and
28 papers on appeal

29 (j) For celebrating a marriage and returning the
30 certificate to the county recorder or county clerk.....

31 (k) For entering judgment by confession

32 (l) For preparing any copy of any record, proceeding or
33 paper, for each page.....

34 (m) For each certificate of the clerk, under the seal of
35 the court.....

36 (n) For searching records or files in his or her office, for
37 each year.....

38 (o) For filing and acting upon each bail or property
39 bond

40 2. A justice of the peace shall not charge or collect any of the
41 fees set forth in subsection 1 for any service rendered by the justice
42 of the peace to the county in which his or her township is located.

43 3. A justice of the peace shall not charge or collect the fee
44 pursuant to paragraph (j) of subsection 1 if the justice of the peace
45 performs a marriage ceremony in a commissioner township.



4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected *pursuant to subsection 1* during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

Sec. 3. NRS 4.100 is hereby amended to read as follows:

4.100 1. On the first Mondays of January, April, July and October, the justices of the peace who receive fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065 *and section 1 of this act* shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3 months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.

2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.

Sec. 4. NRS 4.140 is hereby amended to read as follows:

4.140 All fees prescribed in NRS 4.060, 4.063 and 4.065 *and section 1 of this act* must be paid in advance, if demanded. If a justice of the peace has not received any or all of his or her fees, which are due the justice of the peace for services rendered by the justice of the peace in any suit or proceedings, the justice of the peace may have execution therefor in his or her own name against the party from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 5. This act becomes effective on July 1, 2011.

