

Amendment No. 158

Assembly Amendment to Assembly Bill No. 261

(BDR 6-1029)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold underlining*** is newly added transitory language.

MNM/BAW



Date: 4/11/2011

A.B. No. 261—Increases the monetary limit in actions for small claims adjudicated in a justice court. (BDR 6-1029)



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:

Under existing law, the jurisdiction of a justice court includes actions for small claims in which the amount claimed does not exceed \$5,000 and in which the defendant is within the personal jurisdiction of the justice court. (NRS 73.010) ~~[This]~~ **Section 1 of this bill increases this monetary limit for small claims from \$5,000 to ~~(\$9,000)~~ \$7,500. Existing law also requires each justice of the peace to charge and collect certain fees. (NRS 4.060) Section 2 of this bill establishes the fee that each justice of the peace must charge and collect for the preparation and filing of an affidavit and order in an action for small claims in which the sum claimed exceeds \$5,000 but does not exceed \$7,500.**

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

Section 1. NRS 73.010 is hereby amended to read as follows:
73.010 In all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~(\$5,000)~~ ~~(\$9,000)~~ **\$7,500** and the defendant named:
1. Is a resident of;
2. Does business in; or
3. Is employed in,
↪ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.

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.....	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 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:

If the sum claimed does not exceed \$1,000.....	\$25.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	45.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000 \$9,000	65.00
<u>If the sum claimed exceeds \$5,000 but does not exceed \$7,500.....</u>	<u>125.00</u>

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

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

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

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

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court.....\$6.00

(g) For filing a notice of appeal, and appeal bonds.....\$12.00

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

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....\$12.00

(i) For preparation and transmittal of transcript and papers on appeal \$12.00 |

(j) For celebrating a marriage and returning the certificate to the county recorder or county clerk.....\$50.00

(k) For entering judgment by confession\$6.00
(l) For preparing any copy of any record, proceeding or paper,
for each page \$30
(m) For each certificate of the clerk, under the seal of the court\$3.00
(n) For searching records or files in his or her office, for each
year.....\$1.00

(o) For filing and acting upon each bail or property bond\$40.00

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. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if the justice of the peace 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 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. The amendatory provisions of this act apply only to an action filed on or after July 1, 2011.

Sec. 4. This act becomes effective on July 1, 2011.