
SENATE BILL NO. 22—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED DECEMBER 13, 2010

Referred to Committee on Government Affairs

SUMMARY—Authorizes a board of county commissioners to prescribe certain fees by ordinance. (BDR 20-281)

FISCAL NOTE: Effect on Local Government: No.
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 counties; authorizing a board of county commissioners to prescribe certain fees by ordinance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prescribes certain fees that may be charged and collected by
2 county clerks, county recorders, sheriffs and constables for various services and
3 documents they provide. (NRS 246.180, 247.305, 247.310, 248.275, 258.125) This
4 bill authorizes a board of county commissioners, if the board determines that a fee
5 so prescribed is insufficient to cover the cost of providing the service or document,
6 to prescribe a different fee. The different fee may not exceed the actual cost of
7 providing the service or document.

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

1 **Section 1.** NRS 246.130 is hereby amended to read as follows:
2 246.130 1. Except as otherwise provided in NRS 246.120, if
3 a board of county commissioners adopts an ordinance pursuant to
4 NRS 246.100, the county clerk shall, upon the payment of the fees
5 prescribed in *or pursuant to* NRS 246.180, file separately, in a
6 manner which will allow a legible copy to be made, certificates of
7 marriage.
8 2. Before accepting for filing any certificate of marriage, the
9 county clerk shall require that a certificate of marriage be suitable



* S B 2 2 *

1 for filing by a method used by the county clerk to preserve the
2 county clerk's records. If any rights may be adversely affected
3 because of a delay in filing caused by this requirement, the county
4 clerk shall accept the certificate of marriage conditionally subject to
5 submission of a suitable certificate of marriage at a later date.
6 Before accepting a certificate of marriage conditionally, the county
7 clerk shall require the person who requests the filing to sign a
8 statement that the person has been advised of the requirements
9 described in this subsection and shall file the statement with the
10 certificate of marriage.

11 **Sec. 2.** NRS 246.180 is hereby amended to read as follows:

12 246.180 1. If the board of county commissioners has adopted
13 an ordinance pursuant to NRS 246.100, *except as otherwise*
14 *provided in subsection 2*, the county clerk shall charge and collect
15 the following fees:

16 (a) For filing any certificate of marriage, \$10.

17 (b) For copying any certificate of marriage, \$1 per page.

18 (c) For a certified copy of a certificate of marriage, \$10.

19 (d) For a certified abstract of a certificate of marriage, \$10.

20 (e) For a certified copy of a certificate of marriage or for a
21 certified abstract of a certificate of marriage, the additional sum of
22 \$5 for the Account for Aid for Victims of Domestic Violence in the
23 State General Fund. The fees collected for this purpose must be paid
24 over to the county treasurer by the county clerk on or before the fifth
25 day of each month for the preceding calendar month, and must be
26 credited to that Account. The county treasurer shall, on or before the
27 15th day of each month, remit those fees deposited by the clerk to
28 the State Controller for credit to that Account.

29 2. *If the board of county commissioners determines that a fee*
30 *prescribed in subsection 1 is insufficient to cover the actual cost to*
31 *the county clerk for providing the service or document listed for*
32 *that fee, the board of county commissioners may, by ordinance,*
33 *prescribe a different fee, which must not exceed that cost.*

34 3. In addition to the fees described in ~~subsection~~ *subsections*
35 *1 and 2*, a county clerk may charge and collect an additional fee
36 not to exceed \$3 for filing a certificate of marriage, if the board of
37 county commissioners has adopted an ordinance authorizing the
38 additional fee. The county clerk shall pay to the county treasurer the
39 amount of fees collected by the county clerk pursuant to this
40 subsection for credit to the account established pursuant to
41 NRS 246.190.

42 ~~3.3~~ 4. A county clerk shall charge and collect the fees
43 specified in this section for copying a document specified in this
44 section at the request of the State of Nevada or any city or town



1 within the county. For copying, and for the county clerk's certificate
2 and seal upon the copy, the county clerk shall charge the regular fee.

3 ~~[4.]~~ 5. Except as otherwise provided in an ordinance adopted
4 pursuant to NRS 244.207, county clerks shall, on or before the fifth
5 working day of each month, account for and pay to the county
6 treasurer all fees related to filing certificates of marriage collected
7 during the preceding month.

8 ~~[5.]~~ 6. For purposes of this section, "State of Nevada,"
9 "county," "city" and "town" include any department or agency
10 thereof and any officer thereof in his or her official capacity.

11 **Sec. 3.** NRS 246.190 is hereby amended to read as follows:

12 246.190 1. If a county clerk imposes an additional fee
13 pursuant to subsection ~~[2.]~~ 3 of NRS 246.180, the proceeds collected
14 from such a fee must be accounted for separately in the county
15 general fund. Any interest earned on money in the account, after
16 deducting any applicable charges, must be credited to the account.
17 Money that remains in the account at the end of a fiscal year does
18 not revert to the county general fund, and the balance in the account
19 must be carried forward to the next fiscal year.

20 2. The money in the account must be used only to acquire
21 technology for or to improve the technology used in the office of the
22 county clerk for the issuance of marriage licenses and the filing of
23 certificates of marriage, including, without limitation, costs related
24 to acquiring or improving technology for converting and archiving
25 records, purchasing hardware and software, maintaining the
26 technology, training employees in the operation of the technology
27 and contracting for professional services relating to the technology.

28 3. The county clerk shall submit an annual report to the board
29 of county commissioners which contains:

30 (a) An estimate of the proceeds that the county clerk will collect
31 from the additional fee imposed pursuant to subsection ~~[2.]~~ 3 of NRS
32 246.180 in the following fiscal year; and

33 (b) A proposal for expenditures of the proceeds from the
34 additional fee imposed pursuant to subsection ~~[2.]~~ 3 of NRS 246.180
35 for the costs related to the technology required for the office of the
36 county clerk for the following fiscal year.

37 **Sec. 4.** NRS 247.110 is hereby amended to read as follows:

38 247.110 1. When a document authorized, entitled or required
39 by law to be recorded is deposited in the county recorder's office for
40 recording, the county recorder shall:

41 (a) Endorse upon it the time when it was received, noting:

42 (1) The year, month, day, hour and minute of its reception;

43 (2) The document number; and

44 (3) The amount of fees collected for recording the document.



(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section, subsection ~~4~~ 5 of NRS 247.305 and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.

(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or



* S B 2 2 *

1 (4) More than nine lines of text per vertical inch.

2 4. The provisions of subsection 3 do not apply to a document
3 submitted for recording that has been filed with a court and which
4 conforms to the formatting requirements established by the court.

5 5. A document is recorded when the information required
6 pursuant to this section is placed on the document and is entered in
7 the record of the county recorder.

8 **Sec. 5.** NRS 247.120 is hereby amended to read as follows:

9 247.120 1. Except as otherwise provided in NRS 247.145,
10 each county recorder shall, upon the payment of the prescribed
11 [statutory] fees, record separately, in a manner which will allow a
12 legible copy to be made, the following specified documents:

13 (a) Deeds, grants, patents issued by the State of Nevada or by
14 the United States, transfers and mortgages of real estate, releases of
15 mortgages of real estate, powers of attorney to convey real estate,
16 and leases of real estate which have been acknowledged or proved.

17 (b) Except as otherwise provided in NRS 246.100, certificates of
18 marriage and marriage contracts.

19 (c) Wills admitted to probate.

20 (d) Official bonds.

21 (e) Notice of mechanics' liens.

22 (f) Transcripts of judgments which by law are made liens upon
23 real estate in this State and affidavits of renewal of those judgments.

24 (g) Notices of attachment upon real estate.

25 (h) Notices of the pendency of an action affecting real estate, the
26 title thereto or the possession thereof.

27 (i) Instruments describing or relating to the separate property of
28 married persons.

29 (j) Notice of preemption claims.

30 (k) Notices and certificates of location of mining claims.

31 (l) Affidavits of proof of annual labor on mining claims.

32 (m) Affidavits of intent to hold mining claims recorded pursuant
33 to subsection 3 of NRS 517.230.

34 (n) Certificates of sale.

35 (o) Judgments or decrees.

36 (p) Declarations of homesteads.

37 (q) Such other writings as are required or permitted by law to be
38 recorded.

39 2. Each of the documents named in paragraph (a) of subsection
40 1 may be recorded in separate books in the discretion of the county
41 recorder.

42 3. Except as otherwise provided in this subsection, before
43 accepting for recording any document enumerated in subsection 1,
44 the county recorder shall require a document suitable for recording
45 by a method used by the recorder to preserve the recorder's records.



* S B 2 2 *

1 The county recorder may conform the size of a declaration of
2 homestead that does not meet the formatting requirements set forth
3 in subsection 3 of NRS 247.110 so that the declaration is suitable
4 for recording by a method used by the recorder to preserve the
5 recorder's records. If any rights may be adversely affected because
6 of a delay in recording caused by this requirement, the county
7 recorder shall accept the document conditionally subject to
8 submission of a suitable document at a later date. Before accepting a
9 document conditionally, the recorder shall require the person who
10 requests the recording to sign a statement that the person has been
11 advised of the requirements described in this subsection and record
12 the statement with the document.

13 **Sec. 6.** NRS 247.305 is hereby amended to read as follows:

14 247.305 1. If another statute specifies the fee to be charged
15 for a service, county recorders shall charge and collect only the fee
16 specified. Otherwise, unless prohibited by NRS 375.060, county
17 recorders shall charge and collect the following fees ~~to~~, *except as*
18 *otherwise provided in subsection 2:*

19 (a) For recording any document, for the first page, \$10.

20 (b) For each additional page, \$1.

21 (c) For recording each portion of a document which must be
22 separately indexed, after the first indexing, \$3.

23 (d) For copying any record, for each page, \$1.

24 (e) For certifying, including certificate and seal, \$4.

25 (f) For a certified copy of a certificate of marriage, \$10.

26 (g) For a certified abstract of a certificate of marriage, \$10.

27 (h) For a certified copy of a certificate of marriage or for a
28 certified abstract of a certificate of marriage, the additional sum of
29 \$5 for the Account for Aid for Victims of Domestic Violence in the
30 State General Fund. The fees collected for this purpose must be paid
31 over to the county treasurer by the county recorder on or before the
32 fifth day of each month for the preceding calendar month, and must
33 be credited to that Account. The county treasurer shall, on or before
34 the 15th day of each month, remit those fees deposited by the
35 recorder to the State Controller for credit to that Account.

36 2. *If the board of county commissioners of the county in*
37 *which the county recorder is located determines that a fee*
38 *prescribed in subsection 1 is insufficient to cover the actual cost to*
39 *the county recorder for providing the service or document listed*
40 *for that fee, the board of county commissioners may, by*
41 *ordinance, prescribe a different fee, which must not exceed that*
42 *cost.*

43 3. Except as otherwise provided in this subsection and NRS
44 375.060, a county recorder may charge and collect, in addition to
45 any fee that a county recorder is otherwise authorized to charge and



1 collect, an additional fee not to exceed \$3 for recording a document,
2 instrument, paper, notice, deed, conveyance, map, chart, survey or
3 any other writing. A county recorder may not charge the additional
4 fee authorized in this subsection for recording the originally signed
5 copy of a certificate of marriage described in NRS 122.120. On or
6 before the fifth day of each month, the county recorder shall pay the
7 amount of fees collected by him or her pursuant to this subsection to
8 the county treasurer for credit to the account established pursuant to
9 NRS 247.306.

10 ~~[3-]~~ 4. Except as otherwise provided in this subsection and
11 NRS 375.060, a county recorder shall charge and collect, in addition
12 to any fee that a county recorder is otherwise authorized to charge
13 and collect, an additional fee of \$1 for recording a document,
14 instrument, paper, notice, deed, conveyance, map, chart, survey or
15 any other writing. A county recorder shall not charge the additional
16 fee authorized in this subsection for recording the originally signed
17 copy of a certificate of marriage described in NRS 122.120. On or
18 before the fifth day of each month, the county recorder shall pay the
19 amount of fees collected by him or her pursuant to this subsection to
20 the county treasurer. On or before the 15th day of each month, the
21 county treasurer shall remit the money received by him or her
22 pursuant to this subsection to the State Treasurer for credit to the
23 Account to Assist Persons Formerly in Foster Care established
24 pursuant to NRS 432.017.

25 ~~[4-]~~ 5. Except as otherwise provided in this subsection,
26 subsection ~~[5-]~~ 6 or by specific statute, a county recorder may charge
27 and collect, in addition to any fee that a county recorder is otherwise
28 authorized to charge and collect, an additional fee not to exceed \$25
29 for recording any document that does not meet the standards set
30 forth in subsection 3 of NRS 247.110. A county recorder shall not
31 charge the additional fee authorized by this subsection for recording
32 a document that is exempt from the provisions of subsection 3 of
33 NRS 247.110.

34 ~~[5-]~~ 6. Except as otherwise provided in subsection ~~[6-]~~ 7, a
35 county recorder shall not charge or collect any fees for any of the
36 services specified in this section when rendered by the county
37 recorder to:

38 (a) The county in which the county recorder's office is located.

39 (b) The State of Nevada or any city or town within the county in
40 which the county recorder's office is located, if the document being
41 recorded:

42 (1) Conveys to the State, or to that city or town, an interest in
43 land;

44 (2) Is a mortgage or deed of trust upon lands within the
45 county which names the State or that city or town as beneficiary;



* S B 2 2 *

(3) Imposes a lien in favor of the State or that city or town;
or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~[6-]~~ 7. A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~[7-]~~ 8. If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by \$5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than \$5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~[8-]~~ 9. Except as otherwise provided in subsection ~~[2, 3 or 7]~~ 3, 4 or 8 or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[9-]~~ 10. For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

Sec. 7. NRS 247.306 is hereby amended to read as follows:

247.306 1. If a county recorder imposes an additional fee pursuant to subsection ~~[2]~~ 3 of NRS 247.305, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

2. The money in the account must be used only to acquire technology for or improve the technology used in the office of the county recorder, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

3. The county recorder shall submit an annual report to the board of county commissioners of the county which contains:



* S B 2 2 *

(a) An estimate of the proceeds that the county recorder will collect from the additional fee imposed pursuant to subsection ~~[2]~~ 3 of NRS 247.305 in the following fiscal year; and

(b) A proposal for expenditures of the proceeds from the additional fee imposed pursuant to subsection ~~[2]~~ 3 of NRS 247.305 for the costs related to the technology required for the office of the county recorder for the following fiscal year.

Sec. 8. NRS 247.310 is hereby amended to read as follows:

247.310 1. Except as otherwise provided by law, county recorders shall charge the following fees for recording affidavits of proof of labor on mining claims and for recording, pursuant to subsection 3 of NRS 517.230, affidavits of intent to hold mining claims:

For recording any such affidavits that embrace therein one claim..... \$2

For each additional mining claim embraced in the affidavit..... 2

2. *If the board of county commissioners of the county in which the county recorder is located determines that a fee prescribed in subsection 1 is insufficient to cover the actual cost to the county recorder for recording the affidavit, the board of county commissioners may, by ordinance, prescribe a different fee, which must not exceed that cost.*

3. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the 5th working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

Sec. 9. NRS 248.275 is hereby amended to read as follows:

248.275 1. ~~[The]~~ *Except as otherwise provided in subsection 2, the* sheriff of each county in this State may charge and collect the following fees:

For serving a summons or complaint, or any other process, by which an action or proceeding is commenced, except as a writ of habeas corpus, on every defendant..... \$17

For traveling and making such service, per mile in going only, to be computed in all cases the distance actually traveled, for each mile..... 2



1	If any two or more papers are required to be served in	
2	the same suit at the same time, where parties live	
3	in the same direction, one mileage only may be	
4	charged.	
5	For taking a bond or undertaking in any case in which	
6	the sheriff is authorized to take a bond or undertaking	\$5
7	For a copy of any writ, process or other paper, if	
8	demanded or required by law, for each page	3
9	For serving every rule or order	15
10	For serving one notice required by law before the	
11	commencement of a proceeding for any type of	
12	eviction.....	26
13	For serving not fewer than 2 nor more than 10 such	
14	notices to the same location, each notice	20
15	For serving not fewer than 11 nor more than 24 such	
16	notices to the same location, each notice	17
17	For serving 25 or more such notices to the same location,	
18	each notice.....	15
19	For mileage in serving such a notice, for each mile	
20	necessarily and actually traveled in going only	2
21	But if two or more notices are served at the same	
22	general location during the same period, mileage	
23	may only be charged for the service of one notice.	
24	For serving a subpoena, for each witness summoned	15
25	For traveling, per mile in serving subpoenas, or a venire,	
26	in going only, for each mile	2
27	When two or more witnesses or jurors live in the	
28	same direction, traveling fees must be charged	
29	only for the most distant.	
30	For serving an attachment on property, or levying an	
31	execution, or executing an order of arrest or order for	
32	the delivery of personal property, together with	
33	traveling fees, as in cases of summons.....	15
34	For making and posting notices and advertising for sale,	
35	on execution or any judgment or order of sale, not to	
36	include the cost of publication in a newspaper	15
37	For issuing each certificate of sale of property on	
38	execution or order of sale, and for recording the	
39	original certificate with the county recorder, which	
40	must be collected from the party receiving the	
41	certificate.....	5
42	For drawing and executing every sheriff's deed, to be	
43	paid by the grantee, who shall in addition pay for the	
44	acknowledgment thereof	20



For serving a writ of possession or restitution, putting any person into possession entitled thereto	\$21
For traveling in the service of any process, not otherwise provided in this section, for each mile necessarily traveled, for going only, for each mile	2
For mailing a notice of a writ of execution	2

➔ The sheriff may charge and collect \$2 per mile traveled, for going only, on all papers not served, where reasonable effort has been made to effect service, but not to exceed \$20.

2. If the board of county commissioners of the county in which the sheriff is located determines that a fee prescribed in subsection 1 is insufficient to cover the actual cost to the sheriff for providing the service listed for that fee, the board of county commissioners may, by ordinance, prescribe a different fee, which must not exceed that cost.

3. The sheriff may also charge and collect:

(a) For commissions for receiving and paying over money on execution or process, where lands or personal property have been levied on, advertised or sold, on the first \$500, 4 percent; on any sum in excess of \$500, and not exceeding \$1,000, 2 percent; on all sums above that amount, 1 percent.

(b) For commissions for receiving and paying over money on executions without levy, or where the lands or goods levied on are not sold, on the first \$3,500, 2 percent, and on all amounts over that sum, one-half of 1 percent.

(c) For service of any process in a criminal case, or of a writ of habeas corpus, the same mileage as in civil cases, to be allowed, audited and paid as are other claims against the county.

(d) For all services in justice courts, the same fees as are allowed in ~~subsection~~ subsections 1 and 2 and paragraphs (a), (b) and (c) of this subsection.

~~[3-]~~ 4. The sheriff is also entitled to further compensation for his or her trouble and expense in taking possession of property under attachment, execution or other process and of preserving the property, as the court from which the writ or order may issue certifies to be just and reasonable.

~~[4-]~~ 5. In service of a subpoena or a venire in criminal cases, the sheriff is entitled to receive mileage for the most distant only, where witnesses and jurors live in the same direction.

~~[5-]~~ 6. The fees allowed for the levy of an execution, for advertising and for making and collecting money on an execution or order of sale, must be collected from the defendants, by virtue of the execution or order of sale, in the same manner as the execution is directed to be made.



~~[6.]~~ 7. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, all fees collected by a sheriff must be paid into the county treasury of his or her county on or before the fifth working day of the month next succeeding the month in which the fees are collected.

Sec. 10. NRS 258.125 is hereby amended to read as follows:
258.125 1. ~~{Constables}~~ *Except as otherwise provided in subsection 2, constables* are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases	\$17
For summoning a jury before a justice of the peace.....	7
For taking a bond or undertaking	5
For serving an attachment against the property of a defendant	9
For serving subpoenas, for each witness	15
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio.....	3
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof	20
For each certificate of sale of real property under execution	5
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons	9
For serving one notice required by law before the commencement of a proceeding for any type of eviction.....	26
For serving not fewer than 2 nor more than 10 such notices to the same location, each notice	20
For serving not fewer than 11 nor more than 24 such notices to the same location, each notice	17
For serving 25 or more such notices to the same location, each notice.....	15
For mileage in serving such a notice, for each mile necessarily and actually traveled in going only	2
But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.	



1	For each service in a summary eviction, except service	
2	of any notice required by law before commencement	
3	of the proceeding, and for serving notice of and	
4	executing a writ of restitution	\$21
5	For making and posting notices, and advertising property	
6	for sale on execution, not to include the cost of	
7	publication in a newspaper.....	9
8	For each warrant lawfully executed	48
9	For mileage in serving summons, attachment, execution,	
10	order, venire, subpoena, notice, summary eviction,	
11	writ of restitution or other process in civil suits, for	
12	each mile necessarily and actually traveled, in going	
13	only.....	2
14	But when two or more persons are served in the same	
15	suit, mileage may only be charged for the most	
16	distant, if they live in the same direction.	
17	For mileage in making a diligent but unsuccessful effort	
18	to serve a summons, attachment, execution, order,	
19	venire, subpoena or other process in civil suits, for	
20	each mile necessarily and actually traveled, in going	
21	only.....	2
22	But mileage may not exceed \$20 for any unsuccessful	
23	effort to serve such process.	

25 2. *If the board of county commissioners of the county in*
26 *which the constable is located determines that a fee prescribed in*
27 *subsection 1 is insufficient to cover the actual cost to the constable*
28 *for providing the service or document listed for that fee, the board*
29 *of county commissioners may, by ordinance, prescribe a different*
30 *fee, which must not exceed that cost.*

31 3. A constable is also entitled to receive:

32 (a) For receiving and taking care of property on execution,
33 attachment or order, the constable's actual necessary expenses, to be
34 allowed by the court which issued the writ or order, upon the
35 affidavit of the constable that the charges are correct and the
36 expenses necessarily incurred.

37 (b) For collecting all sums on execution or writ, to be charged
38 against the defendant, on the first \$3,500, 2 percent thereof, and on
39 all amounts over that sum, one-half of 1 percent.

40 (c) For service in criminal cases, except for execution of
41 warrants, the same fees as are allowed sheriffs for like services, to
42 be allowed, audited and paid as are other claims against the county.

43 (d) For removing or causing the removal of, pursuant to NRS
44 487.230, a vehicle that has been abandoned on public property,
45 \$100.



~~[3-]~~ 4. 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-]~~ 5. 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. 11. NRS 258.230 is hereby amended to read as follows:

258.230 Except with respect to the fee described in paragraph (d) of subsection ~~[2]~~ 3 of NRS 258.125, all fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his or her fees, which may be due the constable for services rendered by him or her in any suit or proceedings, the constable may have execution therefor in his or her own name against the party or parties 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. 12. NRS 122.060 is hereby amended to read as follows:

122.060 1. The county clerk is entitled to receive as his or her fee for issuing a marriage license the sum of \$21.

2. The county clerk shall also at the time of issuing the marriage license:

(a) Collect the sum of \$10 and:

(1) If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, deposit the sum into the county general fund pursuant to NRS 246.180 for filing the originally signed copy of the certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to NRS 246.100, pay it over to the county recorder as his or her fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

(b) Collect the additional fee described in subsection ~~[2]~~ 3 of NRS 246.180, if the board of county commissioners has adopted an ordinance authorizing the collection of such fee, and deposit the fee pursuant to NRS 246.190.

3. The county clerk shall also at the time of issuing the marriage license collect the additional sum of \$4 for the State of Nevada. The fees collected for the State must be paid over to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be placed to the credit of the State General Fund. The county treasurer shall



1 remit quarterly all such fees deposited by the county clerk to the
2 State Controller for credit to the State General Fund.

3 4. The county clerk shall also at the time of issuing the
4 marriage license collect the additional sum of \$25 for the Account
5 for Aid for Victims of Domestic Violence in the State General Fund.
6 The fees collected for this purpose must be paid over to the county
7 treasurer by the county clerk on or before the fifth day of each
8 month for the preceding calendar month, and must be placed to the
9 credit of that Account. The county treasurer shall, on or before the
10 15th day of each month, remit those fees deposited by the county
11 clerk to the State Controller for credit to that Account.

12 **Sec. 13.** NRS 487.095 is hereby amended to read as follows:

13 487.095 1. Except as otherwise provided in subsection 2:

14 (a) An automobile wrecker may only charge and collect those
15 fees for towing an abandoned automobile as are prescribed by
16 regulations of the Department.

17 (b) An automobile wrecker shall not charge a fee to tow an
18 abandoned vehicle if the automobile wrecker does not obtain the
19 consent of the owner of the property to tow the vehicle.

20 2. When an automobile wrecker removes an abandoned vehicle
21 from public property at the request of a constable as provided in
22 NRS 487.230, the automobile wrecker shall:

23 (a) If the owner of the abandoned vehicle can be identified and
24 if the automobile wrecker is able to collect from the owner the fee
25 described in paragraph (d) of subsection ~~(2)~~ 3 of NRS 258.125,
26 transmit that fee to the constable; or

27 (b) If the owner of the abandoned vehicle cannot be identified or
28 if the automobile wrecker is otherwise unable to collect from the
29 owner the fee described in paragraph (d) of subsection ~~(2)~~ 3 of
30 NRS 258.125, transmit that fee to the constable only if the
31 automobile wrecker is able to satisfy his or her own lien, as
32 provided in NRS 487.270.

33 **Sec. 14.** NRS 487.270 is hereby amended to read as follows:

34 487.270 1. Whenever a vehicle has been removed to a garage
35 or other place as provided by NRS 487.230, the owner of the garage
36 or the automobile wrecker who towed the vehicle has a lien on the
37 vehicle for:

38 (a) The costs of towing and storing for a period not exceeding
39 90 days; and

40 (b) If the vehicle was removed from public property at the
41 request of a constable, the fee described in paragraph (d) of
42 subsection ~~(2)~~ 3 of NRS 258.125.

43 2. If the vehicle is appraised at a value of \$500 or less and is
44 not reclaimed within the period prescribed in NRS 487.250, the
45 owner of the garage or automobile wrecker may satisfy his or her



1 lien by retaining the vehicle and obtaining a certificate pursuant to
2 NRS 487.880, if applicable, or a salvage title as provided in
3 NRS 487.810.

4 3. If the vehicle is appraised at a value of more than \$500 and
5 is not reclaimed within 45 days, the owner of the garage or
6 automobile wrecker may satisfy his or her lien, in accordance with
7 the provisions of NRS 108.265 to 108.367, inclusive. Before such a
8 person may sell the vehicle, the person shall obtain a certificate
9 pursuant to NRS 487.880, if applicable, or a salvage title as
10 provided in NRS 487.810.

11 4. If the vehicle was removed from public property at the
12 request of a constable and the owner of the garage or automobile
13 wrecker satisfies his or her lien pursuant to subsection 2 or 3, the
14 owner of the garage or automobile wrecker shall transmit to the
15 constable the fee described in paragraph (d) of subsection ~~2~~ 3 of
16 NRS 258.125.

17 **Sec. 15.** This act becomes effective on July 1, 2011.

