

Amendment No. 397

Assembly Amendment to Assembly Bill No. 223

(BDR 3-15)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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.

AMI/RRY



Date: 4/18/2013

A.B. No. 223—Revises provisions governing constables. (BDR 3-15)



ASSEMBLY BILL NO. 223—ASSEMBLYWOMAN KIRKPATRICK

MARCH 8, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing constables. (BDR 3-15)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 constables; ~~providing that a constable may perform certain evictions only in his or her township;~~ revising provisions governing the powers and duties of a constable **or sheriff** with respect to ~~the service of process and the execution of writs and warrants;~~ **posting certain notices;** revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a summary eviction procedure when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent due by the month or a shorter period defaults in the payment of the rent. ~~Under existing law, certain notices required under this procedure may be served by the sheriff or a constable of the county, and the court order to remove the tenant must direct the sheriff or a constable of the county to remove the tenant within 24 hours after receipt of the order.~~ (NRS 40.253) ~~Existing law also provides a summary eviction procedure to remove a person who is residing in a storage space at a storage facility and requires that the court order to remove such a person direct the sheriff or a constable of the county to remove the person within 24 hours after receipt of the order. (NRS 40.760) Sections 1 and 2~~ **Section 1** of this bill ~~provides~~ **provides** that the **affidavit of complaint for** eviction of a tenant ~~for of a person residing in a storage space under the summary eviction procedure must be performed by the sheriff of the county or the constable of the township in which the property or facility is located,~~ **that a landlord or landlord's agent is authorized to file in justice court or district court applies to tenants of recreational vehicles.**

Existing law provides that if a sale of property is a residential foreclosure, the posting of certain required notices on the property must be completed by a licensed process server or any constable or sheriff. (NRS 107.087) Section 3 of this bill specifies that the constable or sheriff who posts such a notice must be a constable or sheriff of the county in which the property is located.

~~Existing law provides that the duties of a constable include, without limitation, the service of all intermediate and final process issued by a court of competent jurisdiction and the~~

~~execution of certain writs and warrants. (NRS 21.111, 21.225, 24.600, 70.020, 70.040, 258.070) Existing law also authorizes the sheriff of a county to authorize the constable of the appropriate township to execute certain process, writs and warrants delivered to the sheriff. (NRS 248.100, 258.070) Sections 4 7 of this bill remove the authority of the sheriff of a county to authorize constables to execute certain process, writs and warrants delivered to the sheriff. Section 12 of this bill revises the duties of a constable with respect to the service of process and the execution of writs and warrants to: (1) require the constable to serve all intermediate and final process and execute writs and warrants issued by the justice court of his or her township or the district court of his or her county; and (2) authorize the constable to serve all process issued by a court of competent jurisdiction if service is to be made in his or her township.]~~

Existing law authorizes a constable to appoint deputies and provides that a deputy constable must be certified as a category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the person commences employment as a peace officer unless the Commission, for good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Sections 10 and 14** of this bill provide that: (1) a person appointed as a deputy constable for a township in a county whose population is 700,000 or more (currently Clark County) must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable; and (2) a person reemployed as a deputy constable for a township in a county whose population is less than 700,000 (currently counties other than Clark) after a separation of employment as a deputy constable for that township is not entitled to an additional period within which to be certified as a category II peace officer by the Commission.

Existing law authorizes the board of county commissioners to appoint clerks for the constable of a township and to provide compensation for those clerks. (NRS 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and operational staff for the office of the constable, subject to the approval of the board of county commissioners, and requires the board of county commissioners to fix the compensation of the clerical and operational staff of the constable's office. **Section 11** further provides that the clerical and operational staff of a constable's office do not have the powers of a peace officer and may not possess a weapon or carry a concealed firearm while performing the duties of the constable's office.

Existing law provides that a constable is a peace officer in his or her township and may issue a citation to the owner or driver of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. (NRS 258.070, 482.385) **Sections 12, 15 and 16** of this bill clarify that the constable may issue such a citation only if the vehicle is located in his or her township at the time the citation is issued.

Section 8 of this bill authorizes the board of county commissioners to establish, by resolution or ordinance, penalties to be imposed on a constable who fails to file a report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission. **Section 9** of this bill requires the oath of a constable to be filed and recorded in the office of the recorder of the county.

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

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not

1 continued for more than 45 days, at or before noon of the fourth full day following
2 the day of service.

3 ↪ As used in this subsection, “day of service” means the day the landlord or the
4 landlord’s agent personally delivers the notice to the tenant. If personal service was
5 not so delivered, the “day of service” means the day the notice is delivered, after
6 posting and mailing pursuant to subsection 2, to the sheriff ~~for the county in which~~
7 ~~the dwelling, apartment, mobile home, recreational vehicle or commercial~~
8 ~~premises are located~~ or ~~the~~ constable ~~for the township in which the dwelling,~~
9 ~~apartment, mobile home, recreational vehicle or commercial premises are~~
10 ~~located~~ for service if the request for service is made before noon. If the request for
11 service by the sheriff or constable is made after noon, the “day of service” shall be
12 deemed to be the day next following the day that the request is made for service by
13 the sheriff or constable.

14 2. A landlord or the landlord’s agent who serves a notice to a tenant pursuant
15 to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the
16 manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice
17 cannot be delivered in person, the landlord or the landlord’s agent:

18 (a) Shall post a copy of the notice in a conspicuous place on the premises and
19 mail the notice by overnight mail; and

20 (b) After the notice has been posted and mailed, may deliver the notice to the
21 sheriff ~~for the county in which the dwelling, apartment, mobile home,~~
22 ~~recreational vehicle or commercial premises are located~~ or ~~the~~ constable ~~for the~~
23 ~~township in which the dwelling, apartment, mobile home, recreational vehicle or~~
24 ~~commercial premises are located~~ for service in the manner set forth in subsection
25 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service
26 unless it is accompanied by written evidence, signed by the tenant when the tenant
27 took possession of the premises, that the landlord or the landlord’s agent informed
28 the tenant of the provisions of this section which set forth the lawful procedures for
29 eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall
30 serve the notice within 48 hours after the request for service was made by the
31 landlord or the landlord’s agent.

32 3. A notice served pursuant to subsection 1 or 2 must:

33 (a) Identify the court that has jurisdiction over the matter; and

34 (b) Advise the tenant:

35 (1) Of the tenant’s right to contest the matter by filing, within the time
36 specified in subsection 1 for the payment of the rent or surrender of the premises,
37 an affidavit with the court that has jurisdiction over the matter stating that the tenant
38 has tendered payment or is not in default in the payment of the rent;

39 (2) That if the court determines that the tenant is guilty of an unlawful
40 detainer, the court may issue a summary order for removal of the tenant or an order
41 providing for the nonadmittance of the tenant, directing the sheriff ~~for the county in~~
42 ~~which the dwelling, apartment, mobile home, recreational vehicle or commercial~~
43 ~~premises are located~~ or ~~the~~ constable of the county ~~township in which the~~
44 ~~dwelling, apartment, mobile home, recreational vehicle or commercial premises~~
45 ~~are located~~ to remove the tenant within 24 hours after receipt of the order; and

46 (3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord
47 unlawfully removes the tenant from the premises or excludes the tenant by blocking
48 or attempting to block the tenant’s entry upon the premises or willfully interrupts or
49 causes or permits the interruption of an essential service required by the rental
50 agreement or chapter 118A of NRS.

51 4. If the tenant files such an affidavit at or before the time stated in the notice,
52 the landlord or the landlord’s agent, after receipt of a file-stamped copy of the

1 affidavit which was filed, shall not provide for the nonadmittance of the tenant to
2 the premises by locking or otherwise.

3 5. Upon noncompliance with the notice:

4 (a) The landlord or the landlord's agent may apply by affidavit of complaint
5 for eviction to the justice court of the township in which the dwelling, apartment,
6 mobile home , *recreational vehicle* or commercial premises are located or to the
7 district court of the county in which the dwelling, apartment, mobile home ,
8 *recreational vehicle* or commercial premises are located, whichever has jurisdiction
9 over the matter. The court may thereupon issue an order directing the sheriff ~~of the~~
10 ~~county in which the dwelling, apartment, mobile home, recreational vehicle or~~
11 ~~commercial premises are located,~~ or constable of the county ~~township in which~~
12 ~~the dwelling, apartment, mobile home, recreational vehicle or commercial~~
13 ~~premises are located,~~ to remove the tenant within 24 hours after receipt of the
14 order. The affidavit must state or contain:

15 (1) The date the tenancy commenced.

16 (2) The amount of periodic rent reserved.

17 (3) The amounts of any cleaning, security or rent deposits paid in advance,
18 in excess of the first month's rent, by the tenant.

19 (4) The date the rental payments became delinquent.

20 (5) The length of time the tenant has remained in possession without
21 paying rent.

22 (6) The amount of rent claimed due and delinquent.

23 (7) A statement that the written notice was served on the tenant in
24 accordance with NRS 40.280.

25 (8) A copy of the written notice served on the tenant.

26 (9) A copy of the signed written rental agreement, if any.

27 (b) Except when the tenant has timely filed the affidavit described in
28 subsection 3 and a file-stamped copy of it has been received by the landlord or the
29 landlord's agent, and except when the landlord is prohibited pursuant to NRS
30 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide
31 for the nonadmittance of the tenant to the premises by locking or otherwise.

32 6. Upon the filing by the tenant of the affidavit permitted in subsection 3,
33 regardless of the information contained in the affidavit, and the filing by the
34 landlord of the affidavit permitted by subsection 5, the justice court or the district
35 court shall hold a hearing, after service of notice of the hearing upon the parties, to
36 determine the truthfulness and sufficiency of any affidavit or notice provided for in
37 this section. If the court determines that there is no legal defense as to the alleged
38 unlawful detainer and the tenant is guilty of an unlawful detainer, the court may
39 issue a summary order for removal of the tenant or an order providing for the
40 nonadmittance of the tenant. If the court determines that there is a legal defense as
41 to the alleged unlawful detainer, the court shall refuse to grant either party any
42 relief, and, except as otherwise provided in this subsection, shall require that any
43 further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The
44 issuance of a summary order for removal of the tenant does not preclude an action
45 by the tenant for any damages or other relief to which the tenant may be entitled. If
46 the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the
47 refusal by the court to grant relief does not preclude the landlord thereafter from
48 pursuing an action for unlawful detainer in accordance with NRS 40.251.

49 7. The tenant may, upon payment of the appropriate fees relating to the filing
50 and service of a motion, file a motion with the court, on a form provided by the
51 clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord
52 pursuant to NRS 118A.460 or 118C.230 for the inventory, moving and storage of
53 personal property left on the premises. The motion must be filed within 20 days

1 after the summary order for removal of the tenant or the abandonment of the
2 premises by the tenant, or within 20 days after:

3 (a) The tenant has vacated or been removed from the premises; and

4 (b) A copy of those charges has been requested by or provided to the tenant,
5 ~~whichever is later.~~

6 8. Upon the filing of a motion pursuant to subsection 7, the court shall
7 schedule a hearing on the motion. The hearing must be held within 10 days after the
8 filing of the motion. The court shall affix the date of the hearing to the motion and
9 order a copy served upon the landlord by the sheriff ~~of the county in which the~~
10 ~~dwelling, apartment, mobile home, recreational vehicle or commercial premises~~
11 ~~are located, the constable of the township in which the dwelling, apartment,~~
12 ~~mobile home, recreational vehicle or commercial premises are located~~ or other
13 process server. At the hearing, the court may:

14 (a) Determine the costs, if any, claimed by the landlord pursuant to NRS
15 118A.460 or 118C.230 and any accumulating daily costs; and

16 (b) Order the release of the tenant's property upon the payment of the charges
17 determined to be due or if no charges are determined to be due.

18 9. A landlord shall not refuse to accept rent from a tenant that is submitted
19 after the landlord or the landlord's agent has served or had served a notice pursuant
20 to subsection 1 if the refusal is based on the fact that the tenant has not paid
21 collection fees, attorney's fees or other costs other than rent, a reasonable charge
22 for late payments of rent or dishonored checks, or a security. As used in this
23 subsection, "security" has the meaning ascribed to it in NRS 118A.240.

24 10. This section does not apply to the tenant of a mobile home lot in a mobile
25 home park or to the tenant of a recreational vehicle lot in an area of a mobile home
26 park in this State other than an area designated as a recreational vehicle lot pursuant
27 to the provisions of subsection 6 of NRS 40.215.

28 **Sec. 2.** ~~NRS 40.760 is hereby amended to read as follows:~~

29 ~~40.760 1. When a person is using a storage space at a facility as a residence,~~
30 ~~the owner or the owner's agent shall serve or have served a notice in writing which~~
31 ~~directs the person to cease using the storage space as a residence no later than 24~~
32 ~~hours after receiving the notice. The notice must advise the person that:~~

33 ~~(a) NRS 108.475 requires the owner to ask the court to have the person evicted~~
34 ~~if the person has not ceased using the storage space as a residence within 24 hours;~~
35 ~~and~~

36 ~~(b) The person may continue to use the storage space to store the person's~~
37 ~~personal property in accordance with the rental agreement.~~

38 ~~2. If the person does not cease using the storage space as a residence within~~
39 ~~24 hours after receiving the notice to do so, the owner of the facility or the owner's~~
40 ~~agent shall apply by affidavit for summary eviction to the justice of the peace of the~~
41 ~~township wherein the facility is located. The affidavit must contain:~~

42 ~~(a) The date the rental agreement became effective.~~

43 ~~(b) A statement that the person is using the storage space as a residence.~~

44 ~~(c) The date and time the person was served with written notice to cease using~~
45 ~~the storage space as a residence.~~

46 ~~(d) A statement that the person has not ceased using the facility as a residence~~
47 ~~within 24 hours after receiving the notice.~~

48 ~~3. Upon receipt of such an affidavit the justice of the peace shall issue an~~
49 ~~order directing the sheriff of the county in which the facility is located or the~~
50 ~~constable of the [county] township in which the facility is located to remove the~~
51 ~~person within 24 hours after receipt of the order. The sheriff or constable shall not~~
52 ~~remove the person's personal property from the facility.~~

53 ~~4. For the purposes of this section:~~

~~(a) "Facility" means real property divided into individual storage spaces. The term does not include a garage or storage area in a private residence.~~

~~(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.~~ **(Deleted by amendment.)**

Sec. 3. NRS 107.087 is hereby amended to read as follows:

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than:

(1) For a notice of default and election to sell, 100 days before the date of sale; or

(2) For a notice of sale, 15 days before the date of sale; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

1 If the property is sold and you pay rent by the month or any other period of
2 time that is 1 month or longer, you should generally receive notice at least
3 60 days in advance.

4
5 Under Nevada Revised Statutes 40.280, notice must generally be served on
6 you pursuant to chapter 40 of the Nevada Revised Statutes and may be
7 served by:

8 (1) Delivering a copy to you personally in the presence of a witness;

9 (2) If you are absent from your place of residence or usual place of
10 business, leaving a copy with a person of suitable age and discretion at
11 either place and mailing a copy to you at your place of residence or
12 business; or

13 (3) If your place of residence or business cannot be ascertained, or a
14 person of suitable age or discretion cannot be found there, posting a copy in
15 a conspicuous place on the leased property, delivering a copy to a person
16 residing there, if a person can be found, and mailing a copy to you at the
17 place where the leased property is.

18
19 If the property is sold and a landlord, successful bidder or subsequent
20 purchaser files an eviction action against you in court, you will be served
21 with a summons and complaint and have the opportunity to respond.
22 Eviction actions may result in temporary evictions, permanent evictions, the
23 awarding of damages pursuant to Nevada Revised Statutes 40.360 or some
24 combination of those results.

25
26 Under the Justice Court Rules of Civil Procedure:

27 (1) You will be given at least 10 days to answer a summons and
28 complaint;

29 (2) If you do not file an answer, an order evicting you by default may
30 be obtained against you;

31 (3) A hearing regarding a temporary eviction may be called as soon as
32 11 days after you are served with the summons and complaint; and

33 (4) A hearing regarding a permanent eviction may be called as soon as
34 20 days after you are served with the summons and complaint.

35
36 4. The posting of a notice required by this section must be completed by a
37 process server licensed pursuant to chapter 648 of NRS ~~or any~~ ~~for the~~ constable ~~for~~
38 ~~the township in which the property is located~~ or ~~the~~ sheriff ~~of the county in~~
39 ~~which the property is located.~~

40 5. As used in this section, "residential foreclosure" has the meaning ascribed
41 to it in NRS 107.080.

42 ~~Sec. 4. [NRS 248.100 is hereby amended to read as follows:~~

43 ~~248.100 [1.] The sheriff shall:~~

44 ~~[(a)] 1. Except in a county whose population is 700,000 or more, attend in~~
45 ~~person, or by deputy, all sessions of the district court in his or her county.~~

46 ~~[(b)] 2. Obey all the lawful orders and directions of the district court in his or~~
47 ~~her county.~~

48 ~~[(c)] Except as otherwise provided in subsection 2, execute~~

49 ~~3. Execute the process, writs or warrants of courts of justice, judicial officers~~
50 ~~and coroners, when delivered to the sheriff for that purpose.~~

51 ~~[(2.) The sheriff may authorize the constable of the appropriate township to~~
52 ~~receive and execute the process, writs or warrants of courts of justice, judicial~~
53 ~~officers and coroners.]] (Deleted by amendment.)~~

1 **Sec. 5.** ~~NRS 248.120 is hereby amended to read as follows:~~

2 ~~248.120 When any process, writ or order is delivered to the sheriff [, or the~~
3 ~~constable as authorized pursuant to NRS 248.100,] to be served or executed, the~~
4 ~~sheriff [or constable] shall:~~

5 ~~1. Forthwith endorse upon it the year, month, day and hour of its receipt.~~

6 ~~2. Give to the person delivering it, if required, on payment of his or her fee, a~~
7 ~~written memorandum signed by him or her, stating the names of the parties in the~~
8 ~~process or order, the nature thereof and the time it was received. He or she shall~~
9 ~~also deliver to the party served a copy thereof, if required so to do, without charge~~
10 ~~to such party.] (Deleted by amendment.)~~

11 **Sec. 6.** ~~NRS 248.130 is hereby amended to read as follows:~~

12 ~~248.130 A sheriff [, or a constable authorized pursuant to NRS 248.100,] to~~
13 ~~whom any process, writ, order or paper is delivered shall:~~

14 ~~1. Execute the same with diligence, according to its command, or as required~~
15 ~~by law.~~

16 ~~2. Return it without delay to the proper court or officer, with his or her~~
17 ~~certificate endorsed thereon of the manner of its service or execution, or, if not~~
18 ~~served or executed, the reasons for his or her failure.~~

19 ~~For a failure so to do, he or she [shall be] is liable to the party aggrieved for all~~
20 ~~damages sustained by the party on account of such neglect.] (Deleted by~~
21 ~~amendment.)~~

22 **Sec. 7.** ~~NRS 248.150 is hereby amended to read as follows:~~

23 ~~248.150 [Except as otherwise provided in NRS 248.100, if] If the sheriff to~~
24 ~~whom a writ of execution or writ of attachment is delivered [shall neglect or~~
25 ~~refuse,] neglects or refuses, after being required by the creditor or the creditor's~~
26 ~~attorney to attach, or to levy upon or sell, any property of the party charged in the~~
27 ~~writ which is liable to be attached or levied upon and sold, the sheriff [shall be] is~~
28 ~~liable on his or her official bond to the creditor for the value of such property.]~~
29 ~~(Deleted by amendment.)~~

30 **Sec. 8.** Chapter 258 of NRS is hereby amended by adding thereto a new
31 section to read as follows:

32 *In addition to any fine imposed pursuant to NRS 258.200, a board of county*
33 *commissioners may establish, by resolution or ordinance, penalties for the failure*
34 *of the constable of a township in the county to file any report, oath or other*
35 *document required by statute to be filed with the county or the Peace Officers'*
36 *Standards and Training Commission.*

37 **Sec. 9.** NRS 258.020 is hereby amended to read as follows:

38 258.020 Each constable elected or appointed in this state shall, before
39 entering upon the duties of office:

40 1. Take the oath prescribed by law. *The oath must be filed and recorded in a*
41 *book provided for that purpose in the office of the recorder of the county within*
42 *which the constable legally holds and exercises his or her office.*

43 2. Execute a bond to the State of Nevada, to be approved by the board of
44 county commissioners, in the penal sum of not less than \$1,000 nor more than
45 \$3,000, as may be designated by the board of county commissioners. ~~[, which] The~~
46 ~~bond [shall] must~~ be conditioned for the faithful performance of the duties of his or
47 her office ~~[,] and [shall] must~~ be filed in the county clerk's office.

48 **Sec. 10.** NRS 258.060 is hereby amended to read as follows:

49 258.060 1. All constables may appoint deputies, who are authorized to
50 transact all official business pertaining to the office to the same extent as their
51 principals. A person must not be appointed as a deputy constable unless the person
52 has been a resident of the State of Nevada for at least 6 months before the date of
53 the appointment. *A person who is appointed as a deputy constable in a county*

1 *whose population is 700,000 or more may not commence employment as a deputy*
2 *constable until the person is certified by the Peace Officers' Standards and*
3 *Training Commission as a category II peace officer.* The appointment of a deputy
4 constable must not be construed to confer upon that deputy policymaking authority
5 for the office of the county constable or the county by which the deputy constable is
6 employed.

7 2. Constables are responsible for the compensation of their deputies and are
8 responsible on their official bonds for all official malfeasance or nonfeasance of the
9 same. Bonds for the faithful performance of their official duties may be required of
10 the deputies by the constables.

11 3. All appointments of deputies under the provisions of this section must be in
12 writing and must, together with the oath of office of the deputies, be filed and
13 recorded *within 30 days after the appointment* in a book provided for that purpose
14 in the office of the recorder of the county within which the constable legally holds
15 and exercises his or her office. Revocations of such appointments must also be filed
16 and recorded as provided in this section ~~++~~ *within 30 days after the revocation of*
17 *the appointment.* From the time of the filing of the appointments or revocations
18 therein, persons shall be deemed to have notice of the same.

19 **Sec. 11.** NRS 258.065 is hereby amended to read as follows:

20 258.065 1. The ~~board of county commissioners may appoint for the~~
21 constable of a township ~~to a reasonable number of clerks~~ *may, subject to the*
22 *approval of the board of county commissioners, appoint such clerical and*
23 *operational staff* as the work of the constable requires. ~~++ and provide~~
24 ~~compensation therefor.~~ *The compensation of any person so appointed must be*
25 *fixed by the board of county commissioners.*

26 2. *A person who is employed as clerical or operational staff of a constable:*

27 (a) *Does not have the powers of a peace officer; and*

28 (b) *May not possess a weapon or carry a concealed firearm, regardless of*
29 *whether the person possesses a permit to carry a concealed firearm issued*
30 *pursuant to NRS 202.3653 to 202.369, inclusive, while performing the duties of*
31 *the office of the constable.*

32 3. A constable's clerk shall take the constitutional oath of office and give
33 bond in the sum of \$2,000 for the faithful discharge of the duties of the office, and
34 in the same manner as is or may be required of other officers of that township and
35 county.

36 ~~++~~ 4. A constable's clerk shall do all clerical work in connection with
37 keeping the records and files of the office, and shall perform such other duties in
38 connection with the office as the constable shall prescribe.

39 **Sec. 12.** NRS 258.070 is hereby amended to read as follows:

40 258.070 1. Each constable shall:

41 (a) Be a peace officer in his or her township.

42 (b) Serve all mesne and final process issued by a court of competent
43 jurisdiction. ~~the justice court of his or her township or by the district court of the~~
44 ~~county in which his or her township is located.~~

45 (c) Execute the process, writs or warrants that the constable is authorized to
46 receive pursuant to NRS 248.100. ~~issued by the justice court of his or her~~
47 ~~township or by the district court of the county in which his or her township is~~
48 ~~located.~~

49 (d) Discharge such other duties as are or may be prescribed by law.

50 2. Pursuant to the procedures and subject to the limitations set forth in
51 chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation
52 to an owner or driver, as appropriate, of a vehicle ~~that~~ *which is located in his or*
53 *her township at the time the citation is issued and which* is required to be

1 registered in this State if the constable determines that the vehicle is not properly
2 registered. The constable shall, upon the issuance of such citation, charge and
3 collect a fee of \$100 from the person to whom the citation is issued, which may be
4 retained by the constable as compensation.

5 3. ~~All process, writs and warrants issued by a court of competent~~
6 ~~jurisdiction may be served or executed by the constable of the township in which~~
7 ~~service or execution is to be made.~~

8 ~~4.~~ If a sheriff or the sheriff's deputy in any county in this State arrests a
9 person charged with a criminal offense or in the commission of an offense, the
10 sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and
11 attend the court executing the order thereof in the prosecution of the person so
12 arrested, whether in a justice court or a district court, to the conclusion, and whether
13 the offense is an offense of which a justice of the peace has jurisdiction, or whether
14 the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's
15 deputy shall collect the same fees and in the same manner therefor as the constable
16 of the township in which the justice court is held would receive for the same
17 service.

18 **Sec. 13.** NRS 258.190 is hereby amended to read as follows:

19 258.190 1. ~~On~~ *In each calendar year, on* the first Monday of January,
20 April, July and October, the constables who receive fees under the provisions of
21 this chapter shall make out and file with the boards of county commissioners of
22 their several counties a full and correct statement under oath of all fees or
23 compensation, of whatever nature or kind, received in their several official
24 capacities during the preceding 3 months. In the statement they shall set forth the
25 cause in which, and the services for which, such fees or compensation were
26 received.

27 2. Nothing in this section shall be so construed as to require personal
28 attendance in filing statements, which may be transmitted by mail or otherwise
29 directed to the clerk of the board of county commissioners.

30 **Sec. 14.** NRS 289.550 is hereby amended to read as follows:

31 289.550 1. Except as otherwise provided in ~~subsection~~ *subsections 2 and*
32 *3* and NRS 3.310, ~~and~~ 4.353 ~~and~~ *258.060*, a person upon whom some or all of
33 the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360,
34 inclusive, must be certified by the Commission within 1 year after the date on
35 which the person commences employment as a peace officer unless the
36 Commission, for good cause shown, grants in writing an extension of time, which
37 must not exceed 6 months, by which the person must become certified. A person
38 who fails to become certified within the required time shall not exercise any of the
39 powers of a peace officer after the time for becoming certified has expired.

40 2. *A person who is appointed pursuant to NRS 258.060 as a deputy*
41 *constable of a township in a county whose population is less than 700,000*
42 *following a separation of employment as a deputy constable of that township*
43 *must be certified by the Commission within the period prescribed by subsection 1*
44 *as measured from the date on which the deputy constable commenced his or her*
45 *initial employment as a deputy constable of that township.*

46 3. The following persons are not required to be certified by the Commission:

- 47 (a) The Chief Parole and Probation Officer;
48 (b) The Director of the Department of Corrections;
49 (c) The Director of the Department of Public Safety, the deputy directors of the
50 Department, the chiefs of the divisions of the Department other than the
51 Investigation Division and the Nevada Highway Patrol, and the members of the
52 State Disaster Identification Team of the Division of Emergency Management of
53 the Department;

(d) The Commissioner of Insurance and the chief deputy of the Commissioner of Insurance;

(e) Railroad police officers; and

(f) California correctional officers.

Sec. 15. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable ~~of the township in which the motor vehicle is located~~ or a justice of the peace or a deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 16. NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within 30 days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➤ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of

1 the requirements imposed by this subsection and of the penalties that may be
2 imposed for failure to comply with the provisions of this subsection.

3 4. A citation may be issued pursuant to subsection 1, 3 or 5 only if the
4 violation is discovered when the vehicle is halted or its driver arrested for another
5 alleged violation or offense. The Department shall maintain or cause to be
6 maintained a list or other record of persons who fail to comply with the provisions
7 of subsection 3 and shall, at least once each month, provide a copy of that list or
8 record to the Department of Public Safety.

9 5. Except as otherwise provided in this subsection, a resident or nonresident
10 owner of a vehicle of a type subject to registration pursuant to the provisions of this
11 chapter who engages in a trade, profession or occupation or accepts gainful
12 employment in this State or who enrolls his or her children in a public school in this
13 State shall, within 30 days after the commencement of such employment or
14 enrollment, apply for the registration of each vehicle the person owns which is
15 operated in this State. The provisions of this subsection do not apply to a
16 nonresident who is:

17 (a) On active duty in the military service of the United States;

18 (b) An out-of-state student;

19 (c) Registered as a student at a college or university located outside this State
20 and who is in the State for a period of not more than 6 months to participate in a
21 work-study program for which the student earns academic credits from the college
22 or university; or

23 (d) A migrant or seasonal farm worker.

24 6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a
25 misdemeanor and, except as otherwise provided in this subsection, shall be
26 punished by a fine of \$1,000. The fine imposed pursuant to this subsection is in
27 addition to any fine or penalty imposed for the other alleged violation or offense for
28 which the vehicle was halted or its driver arrested pursuant to subsection 4. The
29 fine imposed pursuant to this subsection may be reduced to not less than \$200 if the
30 person presents evidence at the time of the hearing that the person has registered the
31 vehicle pursuant to this chapter.

32 7. Any resident operating upon a highway of this State a motor vehicle which
33 is owned by a nonresident and which is furnished to the resident operator for his or
34 her continuous use within this State, shall cause that vehicle to be registered within
35 30 days after beginning its operation within this State.

36 8. A person registering a vehicle pursuant to the provisions of subsection 1, 3,
37 5, 7 or 9 or pursuant to NRS 482.390:

38 (a) Must be assessed the registration fees and governmental services tax, as
39 required by the provisions of this chapter and chapter 371 of NRS; and

40 (b) Must not be allowed credit on those taxes and fees for the unused months
41 of the previous registration.

42 9. If a vehicle is used in this State for a gainful purpose, the owner shall
43 immediately apply to the Department for registration, except as otherwise provided
44 in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

45 10. An owner registering a vehicle pursuant to the provisions of this section
46 shall surrender the existing nonresident license plates and registration certificates to
47 the Department for cancellation.

48 11. A vehicle may be cited for a violation of this section regardless of
49 whether it is in operation or is parked on a highway, in a public parking lot or on
50 private property which is open to the public if, after communicating with the owner
51 or operator of the vehicle, the peace officer issuing the citation determines that:

52 (a) The owner of the vehicle is a resident of this State;

53 (b) The vehicle is used in this State for a gainful purpose;

1 (c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of
2 the vehicle is a nonresident and has operated the vehicle in this State for more than
3 30 days in the aggregate in any 1 calendar year; or

4 (d) The owner of the vehicle is a nonresident required to register the vehicle
5 pursuant to subsection 5.

6 *12. A constable may issue a citation for a violation of this section only if the*
7 *vehicle is located in his or her township at the time the citation is issued.*

8 *13.* As used in this ~~subsection~~ *section*, “peace officer” includes a constable.

9 **Sec. 17.** This act becomes effective on July 1, 2013.