

Amendment No. 764

Senate Amendment to Assembly Bill No. 223 First Reprint (BDR 3-15)

Proposed by: Senate Committee on Government Affairs

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.

BFG/BAW



Date: 5/21/2013

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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to constables; revising provisions governing ~~the powers and duties of a constable or sheriff with respect to posting certain notices;~~ certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course of his or her duties; 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. (NRS 40.253) **Section 1** of this bill provides that the affidavit of complaint for eviction of a tenant at 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 :(1) 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. ~~It~~ ; and (2) revises the date by which certain required notices must be provided.

Existing law provides that a constable is a peace officer in his or her township. (NRS 258.070) Section 8.6 of this bill requires a constable of a township whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) to become certified as a category I or category II peace officer by the Peace Officers' Standards and Training Commission within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, extends the time. Section 16.5 of this bill

provides that this requirement does not apply to a constable who is in office on July 1, 2013, unless he or she is elected or appointed to a term of office on or after July 1, 2013.

Sections 7.5, 12 and 12.5 of this bill provide that a constable or deputy constable in a township that has within its boundaries a city whose population is less than 150,000 (currently all cities other than Henderson, Las Vegas, North Las Vegas and Reno) may not make an arrest in the course of performing his or her duties as a constable.

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} Section 10 {and 14} of this bill {provide} provides 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)) whose boundaries include a city whose population is 150,000 or more (currently Henderson, Las Vegas, North Las Vegas and Reno) must be certified as a category II peace officer by the Commission before he or she commences employment as a deputy constable, (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 8.8~~ **Section 8.8** 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 continued for more than 45 days, at or before noon of the fourth full day following the day of service.

1 ↪ As used in this subsection, “day of service” means the day the landlord or the
2 landlord’s agent personally delivers the notice to the tenant. If personal service was
3 not so delivered, the “day of service” means the day the notice is delivered, after
4 posting and mailing pursuant to subsection 2, to the sheriff or constable for service
5 if the request for service is made before noon. If the request for service by the
6 sheriff or constable is made after noon, the “day of service” shall be deemed to be
7 the day next following the day that the request is made for service by the sheriff or
8 constable.

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

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

15 (b) After the notice has been posted and mailed, may deliver the notice to the
16 sheriff or constable for service in the manner set forth in subsection 1 of NRS
17 40.280. The sheriff or constable shall not accept the notice for service unless it is
18 accompanied by written evidence, signed by the tenant when the tenant took
19 possession of the premises, that the landlord or the landlord’s agent informed the
20 tenant of the provisions of this section which set forth the lawful procedures for
21 eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall
22 serve the notice within 48 hours after the request for service was made by the
23 landlord or the landlord’s agent.

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

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

26 (b) Advise the tenant:

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

31 (2) That if the court determines that the tenant is guilty of an unlawful
32 detainer, the court may issue a summary order for removal of the tenant or an order
33 providing for the nonadmittance of the tenant, directing the sheriff or constable of
34 the county to remove the tenant within 24 hours after receipt of the order; and

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

40 4. If the tenant files such an affidavit at or before the time stated in the notice,
41 the landlord or the landlord’s agent, after receipt of a file-stamped copy of the
42 affidavit which was filed, shall not provide for the nonadmittance of the tenant to
43 the premises by locking or otherwise.

44 5. Upon noncompliance with the notice:

45 (a) The landlord or the landlord’s agent may apply by affidavit of complaint
46 for eviction to the justice court of the township in which the dwelling, apartment,
47 mobile home , *recreational vehicle* or commercial premises are located or to the
48 district court of the county in which the dwelling, apartment, mobile home ,
49 *recreational vehicle* or commercial premises are located, whichever has jurisdiction
50 over the matter. The court may thereupon issue an order directing the sheriff or
51 constable of the county to remove the tenant within 24 hours after receipt of the
52 order. The affidavit must state or contain:

53 (1) The date the tenancy commenced.

- (2) The amount of periodic rent reserved.
- (3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.
- (4) The date the rental payments became delinquent.
- (5) The length of time the tenant has remained in possession without paying rent.
- (6) The amount of rent claimed due and delinquent.
- (7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.
- (8) A copy of the written notice served on the tenant.
- (9) A copy of the signed written rental agreement, if any.

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

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

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

- (a) The tenant has vacated or been removed from the premises; and
- (b) A copy of those charges has been requested by or provided to the tenant, whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

- (a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 or 118C.230 and any accumulating daily costs; and
- (b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

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

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

Sec. 2. (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 ~~13 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080.~~ 15 days before the date of sale. 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.

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

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

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

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

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

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

Under the Justice Court Rules of Civil Procedure:

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

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

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

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

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

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

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 171.124 is hereby amended to read as follows:**

171.124 1. Except as otherwise provided in subsection 3 and NRS 33.070, ~~and~~ 33.320 ~~and~~ and 258.070, a peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may make an arrest in obedience to a warrant delivered to him or her, or may, without a warrant, arrest a person:

(a) For a public offense committed or attempted in the officer's presence.

(b) When a person arrested has committed a felony or gross misdemeanor, although not in the officer's presence.

(c) When a felony or gross misdemeanor has in fact been committed, and the officer has reasonable cause for believing the person arrested to have committed it.

(d) On a charge made, upon a reasonable cause, of the commission of a felony or gross misdemeanor by the person arrested.

(e) When a warrant has in fact been issued in this State for the arrest of a named or described person for a public offense, and the officer has reasonable cause to believe that the person arrested is the person so named or described.

2. A peace officer or an officer of the Drug Enforcement Administration designated by the Attorney General of the United States for that purpose may also, at night, without a warrant, arrest any person whom the officer has reasonable cause for believing to have committed a felony or gross misdemeanor, and is justified in making the arrest, though it afterward appears that a felony or gross misdemeanor has not been committed.

3. An officer of the Drug Enforcement Administration may only make an arrest pursuant to subsections 1 and 2 for a violation of chapter 453 of NRS.

Sec. 8. Chapter 258 of NRS is hereby amended by adding thereto ~~to new section to read as follows:~~ the provisions set forth as sections 8.1 to 8.8, inclusive, of this act.

Sec. 8.1. As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 8.2, 8.3 and 8.4 of this act have the meanings ascribed to them in those sections.

Sec. 8.2. "Category I peace officer" has the meaning ascribed to it in NRS 289.460.

Sec. 8.3. "Category II peace officer" has the meaning ascribed to it in NRS 289.470.

Sec. 8.4. "Peace officer" has the meaning ascribed to it in NRS 289.010.

Sec. 8.6. 1. Each constable of a township that has within its boundaries a city whose population is 150,000 or more shall become certified by the Peace Officers' Standards and Training Commission as a category I or category II peace officer within 1 year after the date on which the constable commences his or her term of office or appointment unless the Commission, for good cause shown, grants in writing an extension of time, which must not exceed 6 months.

2. If a constable does not comply with the provisions of subsection 1, the constable forfeits his or her office and a vacancy is created which must be filled in accordance with NRS 258.030.

Sec. 8.8. In addition to any fine imposed pursuant to NRS 258.200, a board of county commissioners may establish, by resolution or ordinance, penalties for the failure of the constable of a township in the county to file any report, oath or other document required by statute to be filed with the county or the Peace Officers' Standards and Training Commission.

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

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

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

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

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

258.060 1. All constables may appoint deputies, who are authorized to transact all official business pertaining to the office to the same extent as their principals. A person must not be appointed as a deputy constable unless the person has been a resident of the State of Nevada for at least 6 months before the date of the appointment. *A person who is appointed as a deputy constable in a ~~county~~ ~~whose population is 700,000~~ township that has within its boundaries a city whose population is 150,000 or more may not commence employment as a deputy constable until the person is certified by the Peace Officers' Standards and Training Commission as a category II peace officer.* The appointment of a deputy constable must not be construed to confer upon that deputy policymaking authority for the office of the county constable or the county by which the deputy constable is employed.

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

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

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

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

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

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

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

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

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

1 **Sec. 12.** NRS 258.070 is hereby amended to read as follows:
2 258.070 1. ~~Each~~ Subject to the provisions of subsection 2, each constable
3 shall:

- 4 (a) Be a peace officer in his or her township.
5 (b) Serve all mesne and final process issued by a court of competent
6 jurisdiction.
7 (c) Execute the process, writs or warrants that the constable is authorized to
8 receive pursuant to NRS 248.100.
9 (d) Discharge such other duties as are or may be prescribed by law.

10 2. A constable or deputy constable elected or appointed in a township that
11 has within its boundaries a city whose population is less than 150,000 may not
12 arrest any person while carrying out the duties of the office of constable.

13 3. Pursuant to the procedures and subject to the limitations set forth in
14 chapters 482 and 484A to 484E, inclusive, of NRS, a constable may issue a citation to
15 an owner or driver, as appropriate, of a vehicle ~~that~~ which is located in his or
16 her township at the time the citation is issued and which is required to be
17 registered in this State if the constable determines that the vehicle is not properly
18 registered. The constable shall, upon the issuance of such citation, charge and
19 collect a fee of \$100 from the person to whom the citation is issued, which may be
20 retained by the constable as compensation.

21 ~~2.~~ 4. If a sheriff or the sheriff's deputy in any county in this State arrests a
22 person charged with a criminal offense or in the commission of an offense, the
23 sheriff or the sheriff's deputy shall serve all process, whether mesne or final, and
24 attend the court executing the order thereof in the prosecution of the person so
25 arrested, whether in a justice court or a district court, to the conclusion, and whether
26 the offense is an offense of which a justice of the peace has jurisdiction, or whether
27 the proceeding is a preliminary examination or hearing. The sheriff or the sheriff's
28 deputy shall collect the same fees and in the same manner therefor as the constable
29 of the township in which the justice court is held would receive for the same
30 service.

31 **Sec. 12.5.** NRS 258.110 is hereby amended to read as follows:
32 258.110 ~~that~~ Unless, pursuant to subsection 2 of NRS 258.070, a constable is
33 prohibited from making an arrest, any constable ~~shall~~ who willfully ~~refuse~~
34 refuses to receive or arrest any person charged with a criminal offense ~~such~~
35 ~~constable~~ is guilty of a gross misdemeanor and shall be removed from office.

36 **Sec. 13.** NRS 258.190 is hereby amended to read as follows:
37 258.190 1. ~~On~~ In each calendar year, on the first Monday of January,
38 April, July and October, the constables who receive fees under the provisions of
39 this chapter shall make out and file with the boards of county commissioners of
40 their several counties a full and correct statement under oath of all fees or
41 compensation, of whatever nature or kind, received in their several official
42 capacities during the preceding 3 months. In the statement they shall set forth the
43 cause in which, and the services for which, such fees or compensation were
44 received.

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

48 **Sec. 14.** NRS 289.550 is hereby amended to read as follows:
49 289.550 1. Except as otherwise provided in subsection ~~subsections~~ 2 and
50 3 ~~and~~ and NRS 3.310, and 4.353 ~~and~~ and 258.060, and section 8.6 of this act, a
51 person upon whom some or all of the powers of a peace officer are conferred
52 pursuant to NRS 289.150 to 289.360, inclusive, must be certified by the
53 Commission within 1 year after the date on which the person commences

1 employment as a peace officer unless the Commission, for good cause shown,
2 grants in writing an extension of time, which must not exceed 6 months, by which
3 the person must become certified. A person who fails to become certified within the
4 required time shall not exercise any of the powers of a peace officer after the time
5 for becoming certified has expired.

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

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

- 13 (a) The Chief Parole and Probation Officer;
- 14 (b) The Director of the Department of Corrections;
- 15 (c) The Director of the Department of Public Safety, the deputy directors
16 of the Department, the chiefs of the divisions of the Department other than the
17 Investigation Division and the Nevada Highway Patrol, and the members of the
18 State Disaster Identification Team of the Division of Emergency Management of
19 the Department;
- 20 (d) The Commissioner of Insurance and the chief deputy of the Commissioner
21 of Insurance;
- 22 (e) Railroad police officers; and
- 23 (f) California correctional officers.

24 **Sec. 14.5. NRS 482.231 is hereby amended to read as follows:**

25 482.231 1. Except as otherwise provided in subsection 3, the Department
26 shall not register a motor vehicle if a local authority has filed with the Department a
27 notice stating that the owner of the motor vehicle:

- 28 (a) Was cited by a constable pursuant to subsection ~~1~~ 3 of NRS 258.070 for
29 failure to comply with the provisions of NRS 482.385; and
- 30 (b) Has failed to pay the fee charged by the constable pursuant to subsection
31 ~~1~~ 3 of NRS 258.070.

32 2. The Department shall, upon request, furnish to the owner of the motor
33 vehicle a copy of the notice of nonpayment described in subsection 1.

34 3. The Department may register a motor vehicle for which the Department
35 has received a notice of nonpayment described in subsection 1 if:

- 36 (a) The Department receives:
 - 37 (1) A receipt from the owner of the motor vehicle which indicates that the
38 owner has paid the fee charged by the constable; or
 - 39 (2) Notification from the applicable local authority that the owner of the
40 motor vehicle has paid the fee charged by the constable; and
- 41 (b) The owner of the motor vehicle otherwise complies with the requirements
42 of this chapter for the registration of the motor vehicle.

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

44 482.255 1. Upon receipt of a certificate of registration, the owner shall place
45 it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If
46 the vehicle is a motorcycle, trailer or semitrailer, the owner shall carry the
47 certificate in the tool bag or other convenient receptacle attached to the vehicle.

48 2. The owner or operator of a motor vehicle shall, upon demand, surrender the
49 certificate of registration or the copy for examination to any peace officer,
50 including a constable ~~1~~ of the township in which the motor vehicle is located or a
51 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 the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

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

5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or

enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:

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

(b) An out-of-state student;

(c) 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

(d) A migrant or seasonal farm worker.

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

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

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

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

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

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

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

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

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

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

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

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

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

13. As used in this ~~subsection~~ section, "peace officer" includes a constable.

Sec. 16.5. 1. The provisions of section 8.6 of this act do not apply to a constable who is in office on July 1, 2013, unless the constable is elected or appointed to a term of office on or after July 1, 2013.

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