

Amendment No. 539

Assembly Amendment to Assembly Bill No. 395 (BDR 10-1013)

Proposed by: Assemblyman Frierson**Amendment Box:** Conflicts with Amendment No. 529.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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

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

BFG/BAW



Date: 4/19/2013

A.B. No. 395—Revises provisions regarding common-interest communities.
(BDR 10-1013)



ASSEMBLY BILL NO. 395—ASSEMBLYMEN FIORE, ELLISON; AIZLEY, PAUL ANDERSON, BOBZIEN, DUNCAN, HAMBRICK, HEALEY, HICKEY, KIRNER, LIVERMORE, MARTIN, OHRENSCHALL, STEWART, WHEELER AND WOODBURY

MARCH 18, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding common-interest communities. (BDR 10-1013)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
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 common-interest communities; prohibiting ~~bullying, intimidation, threats and harassment among~~ certain persons within a common-interest community from committing certain acts against another person within that same common-interest community; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill : (1) prohibits certain persons within a common-interest community from ~~bullying, intimidating, threatening or otherwise harassing~~ committing certain acts against another person within that same common-interest community ; and (2) provides that ~~such an action~~ committing any such act is a public nuisance and ~~shall be punished~~ punishable as a misdemeanor.

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully ~~bully, intimidate,~~ and without legal authority threaten , for otherwise

1 *harass or otherwise engage in a course of conduct against any other person who*
2 *is the community manager of his or her common-interest community or an agent*
3 *or employee of that community manager, a member of the executive board of his*
4 *or her association, an officer, employee or agent of his or her association,*
5 *another unit's owner in his or her common-interest community or a guest or*
6 *tenant of a unit's owner in his or her common-interest community ~~+~~ which;*

7 *(a) Causes harm or serious emotional distress, or the reasonable*
8 *apprehension thereof, to that person; or*

9 *(b) Creates a hostile environment for that person.*

10 *2. A person who violates the provisions of subsection 1 commits a public*
11 *nuisance and shall be punished as provided in NRS 202.470.*

12 ~~*3. As used in this section, "bully" means to willfully act, or engage in a*~~
13 ~~*course of conduct which is not authorized by law, which exposes another person*~~
14 ~~*one time or repeatedly and over time to one or more negative actions which is*~~
15 ~~*highly offensive to a reasonable person and which;*~~

16 ~~*(a) Is intended to cause or actually causes the person to suffer harm or*~~
17 ~~*serious emotional distress;*~~

18 ~~*(b) Places the person in reasonable fear of harm or serious emotional*~~
19 ~~*distress; or*~~

20 ~~*(c) Creates an environment that is hostile to the person.*~~

21 **Sec. 2.** NRS 116.1203 is hereby amended to read as follows:

22 116.1203 1. Except as otherwise provided in subsections 2 and 3, if a
23 planned community contains no more than 12 units and is not subject to any
24 developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the
25 declaration provides that this entire chapter is applicable.

26 2. The provisions of NRS 116.12065 and the definitions set forth in NRS
27 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to
28 construe any of those provisions, apply to a residential planned community
29 containing more than 6 units.

30 3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the
31 provisions of NRS 116.3101 to 116.350, inclusive, *and section 1 of this act* and the
32 definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such
33 definitions are necessary in construing any of those provisions, apply to a
34 residential planned community containing more than 6 units.