

Amendment No. 739

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

Proposed by: Senate Committee on Judiciary

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

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

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

SRT/BFG



Date: 5/19/2013

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 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 committing certain acts against another person within that same common-interest community; and (2) provides that committing any such act is a ~~public nuisance and 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 and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer,

1 *employee or agent of his or her association, another unit's owner in his or her*
2 *common-interest community or a guest or tenant of a unit's owner in his or her*
3 *common-interest community which:*

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

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

7 ~~2. A person who violates the provisions of subsection 1 commits a public~~
8 ~~nuisance and shall be punished as provided in NRS 202.470.~~ is guilty of a
9 misdemeanor.

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

11 116.1203 1. Except as otherwise provided in subsections 2 and 3, if a
12 planned community contains no more than 12 units and is not subject to any
13 developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the
14 declaration provides that this entire chapter is applicable.

15 2. The provisions of NRS 116.12065 and the definitions set forth in NRS
16 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to
17 construe any of those provisions, apply to a residential planned community
18 containing more than 6 units.

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

24 **Sec. 3.** NRS 116.745 is hereby amended to read as follows:

25 116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context
26 otherwise requires, "violation" means a violation of ~~any~~ :

27 1. Any provision of this chapter ~~, any~~ except section 1 of this act;

28 2. Any regulation adopted pursuant ~~thereto~~ to this chapter; or ~~any~~

29 3. Any order of the Commission or a hearing panel.