

ASSEMBLY BILL NO. 301—ASSEMBLYMEN STEWART,
OSCARSON; HICKEY AND SPIEGEL

MARCH 13, 2015

Referred to Committee on Judiciary

SUMMARY—Prohibits restrictions on the freedom to display the
flag of the State of Nevada in certain places.
(BDR 10-533)

FISCAL NOTE: Effect on Local Government: No.
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
restrictions on the freedom to display the flag of the State
of Nevada in a common-interest community; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits certain restrictions on the freedom of a unit
2 in a common-interest community to display the flag of the United States within
3 such physical portion of the common-interest community as that owner has a right
4 to occupy and use exclusively. (NRS 116.320) This bill similarly prohibits certain
5 restrictions on the freedom of a unit's owner to display the flag of the State of
6 Nevada.

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

1 **Section 1.** NRS 116.320 is hereby amended to read as follows:
2 116.320 1. Except as otherwise provided in subsection 2, the
3 executive board of an association shall not and the governing
4 documents of that association must not prohibit a unit's owner from
5 engaging in the display of the flag of the United States *or of the*
6 *State of Nevada* within such physical portion of the common-
7 interest community as that owner has a right to occupy and use
8 exclusively.
9 2. The provisions of this section do not:



(a) Apply to the display of the flag of the United States *or of the State of Nevada* for commercial advertising purposes.

(b) Preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the placement and manner of the display of the flag of the United States *or of the State of Nevada* by a unit's owner.

3. In any action commenced to enforce the provisions of this section, the prevailing party is entitled to recover reasonable attorney's fees and costs.

4. As used in this section, "display of the flag of the United States ~~or~~ *or of the State of Nevada*" means a flag of the United States *or of the State of Nevada* that is:

(a) Made of cloth, fabric or paper;

(b) Displayed from a pole or staff or in a window; ~~and~~

(c) ~~Displayed~~ *With regard to a flag of the United States, displayed* in a manner that is consistent with 4 U.S.C. Chapter 1 ~~or~~; *and*

(d) *With regard to a flag of the State of Nevada, not larger than the size of a flag of the United States that is displayed, if at all, by a unit's owner.*

➔ The term does not include a depiction or emblem of the flag of the United States *or of the State of Nevada* that is made of balloons, flora, lights, paint, paving materials, roofing, siding or any other similar building, decorative or landscaping component.

Sec. 2. 1. Any provision in a governing document of an executive board of a common-interest community described in NRS 116.320, as amended by section 1 of this act which is in effect on July 1, 2015, and which is contrary to the provisions of this act is void and unenforceable.

2. On or before October 1, 2015, the executive board of a common-interest community described in NRS 116.320, as amended by section 1 of this act, shall review and amend the governing documents of the common-interest community as necessary to ensure compliance with the provisions of NRS 116.320.

Sec. 3. This act becomes effective on July 1, 2015.

