

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 1.3, 1.7)

(Reprinted with amendments adopted on April 16, 2015)

FIRST REPRINT

A.B. 66

ASSEMBLY BILL NO. 66—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to justice courts.
(BDR 1-492)

FISCAL NOTE: Effect on Local Government: No.
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 justice courts; revising the qualifications of justices of the peace in certain townships; increasing the monetary limit of the jurisdiction of justice courts; increasing the monetary limit on the claims that may be adjudicated under the procedure for small claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county whose population is 700,000 or more (currently Clark County), a justice of the peace in a township whose population is 100,000 or more is required to be an attorney who: (1) is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and (2) has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment. The same requirements are imposed upon a justice of the peace in a township whose population is 250,000 or more in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 4.010) **Section 1** of this bill revises these provisions and provides that the requirements apply to a justice of the peace in a township whose population is 100,000 or more in a county whose population is 100,000 or more (currently Clark and Washoe Counties).

Existing law also provides that justice courts have jurisdiction over certain civil actions, including: (1) certain actions in which the amount at issue does not exceed \$10,000; and (2) small claims for the recovery of money only in which the amount claimed does not exceed \$7,500. (NRS 4.370, 73.010) **Sections 2.2 and 2.4** of this bill increase such amounts to \$15,000 and \$10,000, respectively. **Sections 2.6 and 2.8** of this bill make conforming changes.



Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. (NRS 4.060) **Section 1.3** of this bill provides that for the preparation and filing of an affidavit and order in a small claims action, if the sum claimed exceeds \$7,500 but does not exceed \$10,000, a justice of the peace is required to charge and collect a fee of \$175. **Section 1.7** of this bill provides that on the commencement of any action or proceeding other than a small claims action, if the sum claimed exceeds \$10,000 but does not exceed \$15,000, a justice of the peace is required to charge and collect a fee of \$250.

Section 5 of this bill provides that the provisions of this bill relating to the qualifications of justices of the peace in certain townships and civil actions in justice court concerning small claims become effective on October 1, 2015. The provisions of this bill relating to civil actions in justice court other than small claims become effective on January 1, 2017.

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

Section 1. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education. ~~and:~~

~~(a)~~ 3. In a county whose population is ~~700,000~~ 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who ~~is~~:

(a) ~~Is~~ licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment ; and ~~has~~

(b) ~~Has~~ been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

~~[(b) In a county whose population is less than 700,000, a justice of the peace in a township whose population is 250,000 or more must be an attorney who is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment and has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for~~



~~not less than 5 years at any time preceding his or her election or appointment.~~

~~3. Subsection 2 does]~~

4. Subsections 2 and 3 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 1.3. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500.....	\$50.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	100.00
If the sum claimed exceeds \$5,000 but does not exceed \$10,000.....	175.00
In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255.....	225.00
In all other civil actions	50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000.....	\$45.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	65.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	85.00
If the sum claimed exceeds \$5,000 but does not exceed \$7,500.....	125.00
<i>If the sum claimed exceeds \$7,500 but does not exceed \$10,000.....</i>	<i>175.00</i>

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions	\$50.00
For every additional defendant, appearing separately.....	25.00



(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention\$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution\$25.00

(g) For the issuance of any writ of restitution.....\$75.00

(h) For filing a notice of appeal, and appeal bonds\$25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....\$25.00

(j) For preparation and transmittal of transcript and papers on appeal.....\$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk\$75.00

(l) For entering judgment by confession.....\$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page.....\$.50

(n) For each certificate of the clerk, under the seal of the court\$3.00

(o) For searching records or files in his or her office, for each year.....\$1.00

(p) For filing and acting upon each bail or property bond\$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected pursuant to subsection 1 during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (k) of subsection 1 during the preceding month. The State



1 Controller shall deposit the money in the Account for Aid for
2 Victims of Domestic Violence in the State General Fund.

3 (b) One-half of the fees collected pursuant to paragraph (p) of
4 subsection 1 during the preceding month. The State Controller shall
5 deposit the money in the Fund for the Compensation of Victims of
6 Crime.

7 6. Except as otherwise provided in subsection 7, the county
8 treasurer shall deposit 25 percent of the fees received pursuant to
9 subsection 4 into a special account administered by the county and
10 maintained for the benefit of each justice court within the county.
11 The money in that account must be used only to:

12 (a) Acquire land on which to construct additional facilities or a
13 portion of a facility for a justice court or a multi-use facility that
14 includes a justice court;

15 (b) Construct or acquire additional facilities or a portion of a
16 facility for a justice court or a multi-use facility that includes a
17 justice court;

18 (c) Renovate, remodel or expand existing facilities or a portion
19 of an existing facility for a justice court or a multi-use facility that
20 includes a justice court;

21 (d) Acquire furniture, fixtures and equipment necessitated by the
22 construction or acquisition of additional facilities or a portion of a
23 facility or the renovation, remodeling or expansion of an existing
24 facility or a portion of an existing facility for a justice court or a
25 multi-use facility that includes a justice court;

26 (e) Acquire advanced technology for the use of a justice court;

27 (f) Acquire equipment or additional staff to enhance the security
28 of the facilities used by a justice court, justices of the peace, staff of
29 a justice court and residents of this State who access the justice
30 courts;

31 (g) Pay for the training of staff or the hiring of additional staff to
32 support the operation of a justice court;

33 (h) Pay debt service on any bonds issued pursuant to subsection
34 3 of NRS 350.020 for the acquisition of land or facilities or for the
35 construction, renovation, remodeling or expansion of facilities for a
36 justice court or a multi-use facility that includes a justice court; and

37 (i) Pay for one-time projects for the improvement of a justice
38 court.

39 ↪ Any money remaining in the account at the end of a fiscal year
40 must be carried forward to the next fiscal year.

41 7. The county treasurer shall, if necessary, reduce on an annual
42 basis the amount deposited into the special account pursuant to
43 subsection 6 to ensure that the total amount of fees collected by a
44 justice court pursuant to this section and paid by the justice of the
45 peace to the county treasurer pursuant to subsection 4 is, for any



fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 1.7. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$2,500.....\$50.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....100.00

If the sum claimed exceeds \$5,000 but does not exceed \$10,000.....175.00

If the sum claimed exceeds \$10,000 but does not exceed \$15,000.....250.00

In a civil action for unlawful detainer pursuant to NRS 40.290 to 40.420, inclusive, in which a notice to quit has been served pursuant to NRS 40.255.....225.00

In all other civil actions.....50.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000.....\$45.00

If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....65.00

If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....85.00

If the sum claimed exceeds \$5,000 but does not exceed \$7,500.....125.00

If the sum claimed exceeds \$7,500 but does not exceed \$10,000.....175.00



(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions\$50.00
For every additional defendant, appearing
separately.....25.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention\$25.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution\$25.00

(g) For the issuance of any writ of restitution.....\$75.00

(h) For filing a notice of appeal, and appeal bonds\$25.00

One charge only may be made if both papers are filed at the same time.

(i) For issuing supersedeas to a writ designed to enforce a judgment or order of the court.....\$25.00

(j) For preparation and transmittal of transcript and papers on appeal.....\$25.00

(k) For celebrating a marriage and returning the certificate to the county recorder or county clerk\$75.00

(l) For entering judgment by confession.....\$50.00

(m) For preparing any copy of any record, proceeding or paper, for each page.....\$.50

(n) For each certificate of the clerk, under the seal of the court\$3.00

(o) For searching records or files in his or her office, for each year.....\$1.00

(p) For filing and acting upon each bail or property bond\$50.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (k) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay



1 to the county treasurer all fees collected pursuant to subsection 1
2 during the preceding month, except for the fees the justice of the
3 peace may retain as compensation and the fees the justice of the
4 peace is required to pay to the State Controller pursuant to
5 subsection 5.

6 5. The justice of the peace shall, on or before the fifth day of
7 each month, pay to the State Controller:

8 (a) An amount equal to \$5 of each fee collected pursuant to
9 paragraph (k) of subsection 1 during the preceding month. The State
10 Controller shall deposit the money in the Account for Aid for
11 Victims of Domestic Violence in the State General Fund.

12 (b) One-half of the fees collected pursuant to paragraph (p) of
13 subsection 1 during the preceding month. The State Controller shall
14 deposit the money in the Fund for the Compensation of Victims of
15 Crime.

16 6. Except as otherwise provided in subsection 7, the county
17 treasurer shall deposit 25 percent of the fees received pursuant to
18 subsection 4 into a special account administered by the county and
19 maintained for the benefit of each justice court within the county.
20 The money in that account must be used only to:

21 (a) Acquire land on which to construct additional facilities or a
22 portion of a facility for a justice court or a multi-use facility that
23 includes a justice court;

24 (b) Construct or acquire additional facilities or a portion of a
25 facility for a justice court or a multi-use facility that includes a
26 justice court;

27 (c) Renovate, remodel or expand existing facilities or a portion
28 of an existing facility for a justice court or a multi-use facility that
29 includes a justice court;

30 (d) Acquire furniture, fixtures and equipment necessitated by the
31 construction or acquisition of additional facilities or a portion of a
32 facility or the renovation, remodeling or expansion of an existing
33 facility or a portion of an existing facility for a justice court or a
34 multi-use facility that includes a justice court;

35 (e) Acquire advanced technology for the use of a justice court;

36 (f) Acquire equipment or additional staff to enhance the security
37 of the facilities used by a justice court, justices of the peace, staff of
38 a justice court and residents of this State who access the justice
39 courts;

40 (g) Pay for the training of staff or the hiring of additional staff to
41 support the operation of a justice court;

42 (h) Pay debt service on any bonds issued pursuant to subsection
43 3 of NRS 350.020 for the acquisition of land or facilities or for the
44 construction, renovation, remodeling or expansion of facilities for a
45 justice court or a multi-use facility that includes a justice court; and



(i) Pay for one-time projects for the improvement of a justice court.

Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

7. The county treasurer shall, if necessary, reduce on an annual basis the amount deposited into the special account pursuant to subsection 6 to ensure that the total amount of fees collected by a justice court pursuant to this section and paid by the justice of the peace to the county treasurer pursuant to subsection 4 is, for any fiscal year, not less than the total amount of fees collected by that justice court and paid by the justice of the peace to the county treasurer for the fiscal year beginning July 1, 2012, and ending June 30, 2013.

8. Each justice court that collects fees pursuant to this section shall submit to the board of county commissioners of the county in which the justice court is located an annual report that contains:

(a) An estimate of the amount of money that the county treasurer will deposit into the special account pursuant to subsection 6 from fees collected by the justice court for the following fiscal year; and

(b) A proposal for any expenditures by the justice court from the special account for the following fiscal year.

Sec. 2. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; or

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance.

2. The referee must meet the qualifications of a justice of the peace as set forth in ~~[subsections 1 and 2 of]~~ NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or



his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de novo, except that if all of the parties so stipulate, the review must be confined to the record.

5. A referee must be paid one-half of the hourly compensation of a justice of the peace.

Sec. 2.2. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed ~~[\$10,000.]~~ **\$15,000.**

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed ~~[\$10,000.]~~ **\$15,000.**

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding ~~[\$10,000.]~~ **\$15,000**, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed ~~[\$10,000.]~~ **\$15,000**, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed ~~[\$10,000.]~~ **\$15,000.**

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed ~~[\$10,000.]~~ **\$15,000.**

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed ~~[\$10,000]~~ **\$15,000** or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when



1 damages claimed do not exceed ~~[\$10,000]~~ \$15,000 or when no
2 damages are claimed.

3 (i) Of suits for the collection of taxes, where the amount of the
4 tax sued for does not exceed ~~[\$10,000.]~~ \$15,000.

5 (j) Of actions for the enforcement of mechanics' liens, where the
6 amount of the lien sought to be enforced, exclusive of interest, does
7 not exceed ~~[\$10,000.]~~ \$15,000.

8 (k) Of actions for the enforcement of liens of owners of facilities
9 for storage, where the amount of the lien sought to be enforced,
10 exclusive of interest, does not exceed ~~[\$10,000.]~~ \$15,000.

11 (l) In actions for a fine imposed for a violation of
12 NRS 484D.680.

13 (m) Except as otherwise provided in this paragraph, in any
14 action for the issuance of a temporary or extended order for
15 protection against domestic violence. A justice court does not have
16 jurisdiction in an action for the issuance of a temporary or extended
17 order for protection against domestic violence:

18 (1) In a county whose population is 100,000 or more and less
19 than 700,000;

20 (2) In any township whose population is 100,000 or more
21 located within a county whose population is 700,000 or more; or

22 (3) If a district court issues a written order to the justice court
23 requiring that further proceedings relating to the action for the
24 issuance of the order for protection be conducted before the district
25 court.

26 (n) In an action for the issuance of a temporary or extended
27 order for protection against harassment in the workplace pursuant to
28 NRS 33.200 to 33.360, inclusive.

29 (o) In small claims actions under the provisions of chapter 73 of
30 NRS.

31 (p) In actions to contest the validity of liens on mobile homes or
32 manufactured homes.

33 (q) In any action pursuant to NRS 200.591 for the issuance of a
34 protective order against a person alleged to be committing the crime
35 of stalking, aggravated stalking or harassment.

36 (r) In any action pursuant to NRS 200.378 for the issuance of a
37 protective order against a person alleged to have committed the
38 crime of sexual assault.

39 (s) In actions transferred from the district court pursuant to
40 NRS 3.221.

41 (t) In any action for the issuance of a temporary or extended
42 order pursuant to NRS 33.400.

43 (u) In any action seeking an order pursuant to NRS 441A.195.

44 2. The jurisdiction conferred by this section does not extend to
45 civil actions, other than for forcible entry or detainer, in which the



1 title of real property or mining claims or questions affecting the
2 boundaries of land are involved.

3 3. Justice courts have jurisdiction of all misdemeanors and no
4 other criminal offenses except as otherwise provided by specific
5 statute. Upon approval of the district court, a justice court may
6 transfer original jurisdiction of a misdemeanor to the district court
7 for the purpose of assigning an offender to a program established
8 pursuant to NRS 176A.250 or 176A.280.

9 4. Except as otherwise provided in subsections 5 and 6, in
10 criminal cases the jurisdiction of justices of the peace extends to the
11 limits of their respective counties.

12 5. In the case of any arrest made by a member of the Nevada
13 Highway Patrol, the jurisdiction of the justices of the peace extends
14 to the limits of their respective counties and to the limits of all
15 counties which have common boundaries with their respective
16 counties.

17 6. Each justice court has jurisdiction of any violation of a
18 regulation governing vehicular traffic on an airport within the
19 township in which the court is established.

20 **Sec. 2.4.** NRS 73.010 is hereby amended to read as follows:

21 73.010 In all cases arising in the justice court for the recovery
22 of money only, where the amount claimed does not exceed ~~[\$7,500]~~
23 **\$10,000** and the defendant named:

- 24 1. Is a resident of;
25 2. Does business in; or
26 3. Is employed in,

27 ➔ the township in which the action is to be maintained, the justice
28 of the peace may proceed as provided in this chapter and by rules of
29 court.

30 **Sec. 2.6.** NRS 482.542 is hereby amended to read as follows:

31 482.542 1. Any vehicle seized pursuant to NRS 482.540 may
32 be removed by a law enforcement agency or the Department to:

33 (a) A place designated for the storage of seized property.

34 (b) An appropriate place for disposal if that disposal is
35 specifically authorized by statute.

36 2. If disposal of a vehicle seized pursuant to NRS 482.540 is
37 not specifically authorized by statute, a law enforcement agency or
38 the Department may file a civil action for forfeiture of the vehicle:

39 (a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in
40 the justice court of the township where the vehicle which is the
41 subject of the action was seized if the fair market value of the
42 vehicle and the cost of towing and storing the vehicle does not
43 exceed ~~[\$10,000;]~~ **\$15,000;** or

44 (b) In the district court for the county where the vehicle which is
45 the subject of the action was seized if the fair market value of the



1 vehicle and the cost of towing and storing the vehicle equals or
2 exceeds ~~[\$10,000.]~~ **\$15,000.**

3 3. Upon the filing of a civil action pursuant to subsection 2, the
4 court shall schedule a date for a hearing. The hearing must be held
5 not later than 7 business days after the action is filed. The court shall
6 affix the date of the hearing on a form for that purpose and order a
7 copy served by the sheriff, constable or other process server upon
8 each claimant whose identity is known to the law enforcement
9 agency or Department or who can be identified through the exercise
10 of due diligence.

11 4. The court shall:

12 (a) Order the release of the vehicle to the owner or to another
13 person who the court determines is entitled to the vehicle if the court
14 finds that:

15 (1) A motor number, manufacturer's number or identification
16 mark which was placed on the vehicle has not been falsely attached,
17 removed, defaced, altered or obliterated; and

18 (2) The vehicle has not been illegally altered in a manner that
19 impairs the structural integrity of the vehicle; or

20 (b) Order the vehicle destroyed or otherwise disposed of as
21 determined by the court, if the court finds that:

22 (1) There is no satisfactory evidence of ownership;

23 (2) A motor number, manufacturer's number or identification
24 mark which was placed on the vehicle has been falsely attached,
25 removed, defaced, altered or obliterated; or

26 (3) The vehicle has been illegally altered in a manner that
27 impairs the structural integrity of the vehicle.

28 5. If a court declares that a vehicle seized pursuant to NRS
29 482.540 is forfeited, a law enforcement agency or the Department
30 may:

31 (a) Retain it for official use;

32 (b) Sell it; or

33 (c) Remove it for disposal.

34 6. As used in this section, "claimant" means any person who
35 claims to have:

36 (a) Any right, title or interest of record in the property or
37 proceeds subject to forfeiture;

38 (b) Any community property interest in the property or
39 proceeds; or

40 (c) Had possession of the property or proceeds at the time of the
41 seizure thereof by a law enforcement agency or the Department.

42 **Sec. 2.8.** NRS 487.039 is hereby amended to read as follows:

43 487.039 1. If a vehicle is towed pursuant to NRS 487.037 or
44 487.038 and the owner of the vehicle believes that the vehicle was
45 unlawfully towed, the owner of the vehicle may file a civil action



pursuant to paragraph (b) of subsection 1 of NRS 4.370 in the justice court of the township where the property from which the vehicle was towed is located, on a form provided by the court, to determine whether the towing of the vehicle was lawful.

2. An action may be filed pursuant to this section only if the cost of towing and storing the vehicle does not exceed ~~[\$10,000.]~~ **\$15,000.**

3. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 4 working days after the action is filed. The court shall affix the date of the hearing to the form and order a copy served by the sheriff, constable or other process server upon the owner or person in lawful possession of the property who authorized the towing of the vehicle.

4. The court shall:

(a) If it determines that the vehicle was:

(1) Lawfully towed, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner upon payment of that cost; or

(2) Unlawfully towed, order the owner or person in lawful possession of the property who authorized the towing to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to release the vehicle to the owner immediately; and

(b) Determine the actual cost incurred in towing and storing the vehicle.

5. The operator of any facility or other location where vehicles which are towed are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.

Sec. 3. The amendatory provisions of this act do not abrogate or affect the current term of office of any justice of the peace who is serving in that office on October 1, 2015.

Sec. 4. The amendatory provisions of:

1. Sections 1.3 and 2.4 of this act apply to civil actions and proceedings filed on or after October 1, 2015.

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act apply to civil actions and proceedings filed on or after January 1, 2017.

Sec. 5. 1. This section and sections 1, 1.3, 2, 2.4, 3 and 4 of this act become effective on October 1, 2015.

2. Sections 1.7, 2.2, 2.6 and 2.8 of this act become effective on January 1, 2017.

