

Amendment No. 584

Assembly Amendment to Assembly Bill No. 380	(BDR 10-340)
Proposed by: Assembly Committee on Judiciary	
Amendment Box: Replaces Amendment No. 412.	
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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

VG/NCA



Date: 4/20/2017

A.B. No. 380—Revises provisions relating to real property. (BDR 10-340)



ASSEMBLY BILL NO. 380—ASSEMBLYMAN ELLIOT ANDERSON

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to real property. (BDR 10-340)

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 real property; authorizing the recording of certain documents relating to real property; limiting an action constituting an easement by prescription under certain circumstances; authorizing the governing body of a city or county to adopt certain ordinances governing a sign posted by an owner of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the recording of certain documents relating to real property. (Chapter 111 of NRS) **Section 1** of this bill authorizes an owner of real property to record a notice in the office of ~~the~~ any county recorder, wherein the subject property is located, which provides that any use of the owner's real property is with the permission of and subject to the control of the owner.

Existing law limits certain actions for the recovery of real property. (NRS 11.030-11.180) **Section 3** of this bill: (1) authorizes an owner of land to post certain notice stating that the right to pass over such land is by permission and subject to the control of the owner; and (2) prohibits a person from maintaining an action constituting an easement by prescription regardless of whether the owner posts certain notice on the property or records a notice pursuant to **section 1**. **Section 3 also authorizes a governing body of a city or county to adopt ordinances governing a sign posted by an owner of land under certain circumstances.**

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any owner of real property, who opens any part of his or her real property for use by the public, may record in the office of the county recorder of the county or counties in which any part of the real property is situated, a description of the real property and notice in substantially the following form:

The right of the public or any person to make any use whatsoever of the real property described or any portion thereof, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication, is by permission, and subject to control, of owner pursuant to section 1 of this act.

2. The recording of a notice pursuant to this section is conclusive evidence that subsequent use of the real property during the time such notice is in effect by the public or any person for any purpose, other than any use ~~expressly allowed~~ in accordance with a right granted by a written or recorded map, agreement, grant of easement, deed or dedication, is permissive and with consent in any judicial proceeding involving the issue as to whether all or any portion of such real property has been dedicated to public use or whether any person has a prescriptive right in such real property or any portion thereof. The notice may be revoked by the owner of the real property by recording a notice of revocation in the office of the county recorder where the notice is recorded. After recording the notice, and before any revocation of such notice, the owner of the real property shall not prevent any appropriate public use by physical obstruction, notice or otherwise.

~~3. In the event of the use of real property pursuant to this section by any person other than the general public, any such notice, to be effective, must also be served by registered mail upon the person using such real property.~~

~~4.~~ The notice pursuant to this section shall not be deemed to affect rights vested at the time of recording.

~~5.~~ 4. Permission for the ~~public~~ use of real property ~~provided for~~ by the public or any person, other than any use expressly allowed by a written or recorded map, agreement, grant of easement, deed or dedication described in the notice recorded pursuant to ~~this section~~ subsection 1 may be conditioned upon reasonable restrictions on the time, place and manner of such ~~public~~ use. Any use of the real property in violation of such restrictions may not be considered public use for the purposes of a finding of implied dedication.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, ~~for~~ any conveyance of real property or instrument in writing setting forth an agreement to convey real property *or a notice pursuant to section 1 of this act* unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain or deed of sale;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,
unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Not~~ If an owner of land opens his or her land for use by the public, no use by any person ~~or~~ or the public, no matter for how long of a period, of any land shall ever ripen into an easement by prescription, if the owner of the land posts at each entrance to the land or at intervals of not more than 200 feet along the boundary of such land a sign reading substantially as follows:

Right to pass by permission, and subject to control, of owner: section 3 of this act.

2. Regardless of whether an owner of land has recorded a notice pursuant to section 1 of this act or has posted signs on such land pursuant to subsection 1, and except as otherwise provided in subsection 3, if an owner of land opens his or her land for use by the public, no use of such land by any person or the public on or after October 1, 2017, shall ever ripen to confer upon the public or any governmental entity a vested right to continue to make such use permanently, in the absence of an express written grant of easement or other conveyance of such land for such use, or irrevocable offer of dedication of such property for such use, made by the owner, which has been accepted by the governmental entity to which the offer of dedication was made.

3. Where a governmental entity is using private land by an expenditure of public money on visible improvements on or across such lands or on the cleaning or maintenance related to the public use of such land in such a manner so that the owner knows or should have known that the public is making such use of his or her land, such use, including any public use reasonably related to the purposes of such improvement, in the absence of either express permission by the owner to continue such use or the taking by the owner of reasonable steps to enjoin, remove or prohibit such use, shall after 5 years ripen to confer upon the governmental entity a vested right to continue such use ~~or~~ if the owner of land opens his or her land for use by the public.

4. The governing body of any city or county pursuant to the powers granted in NRS 278.010 to 278.630, inclusive, may by ordinance establish provisions governing the size, placement and contents of a sign posted by an owner of land pursuant to subsection 1.

5. As used in this section, "governmental entity" has the meaning ascribed to it in NRS 363C.040.

1 **Sec. 4.** NRS 107A.200 is hereby amended to read as follows:
2 107A.200 “Submit for recording” means to submit a document complying
3 with applicable legal standards, with required fees and taxes, to the appropriate
4 governmental office pursuant to NRS 111.310 to 111.365, inclusive ~~H~~ , *and*
5 *section 1 of this act.*