

ASSEMBLY BILL NO. 9—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing justice courts.
(BDR 6-491)

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 courts; revising provisions governing the proper venue or place of trial for certain small claims actions brought in the justice court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Nevada Constitution, the justice court is a court of limited original jurisdiction that must be prescribed by statute, and the justice court cannot exercise jurisdiction that exceeds its statutory authorization. (Nev. Const. Art. 6, §§ 6, 8; *Paschall v. State*, 116 Nev. 911, 914-15 (2000)) Existing law: (1) gives the justice court original jurisdiction over small claims actions for the recovery of money only, in which the amount claimed does not exceed \$10,000; and (2) establishes the proper venue or place of trial for small claims actions and requires that such actions must be brought in a township where the named defendant resides, does business or is employed. (NRS 73.010) Although the parties cannot, by consent, waive the jurisdiction of the justice court, a party may waive the proper venue or place of trial by failing to make a timely objection to the township where the action is adjudicated. (*Vermillion v. Justice Ct. of Sparks Twp.*, 73 Nev. 262, 264 (1957); *Paul v. Armstrong*, 1 Nev. 82, 101 (1865))

Section 1 of this bill revises the proper venue or place of trial for small claims actions by adding possible venues for such actions. Under **section 1**, all small claims actions may be tried in the township where the defendant resides, does business or is employed at the time the cause of action arose or at the time the complaint is filed. Additionally, in cases involving injury to the person or property, small claims actions also may be tried in the township where the injury occurred. Finally, in cases involving a contract to perform an obligation, small claims actions also may be tried in the township in which the obligation is or was to be performed.



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

Section 1. NRS 73.010 is hereby amended to read as follows:

73.010 ~~{Hn}~~ *1. A justice of the peace has jurisdiction and may proceed as provided in this chapter and by rules of court in all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed \$10,000 . ~~{and}~~*

2. An action brought pursuant to this chapter must be filed in one of the following townships as the proper venue for the action:

(a) The township in which the defendant named ~~{~~

~~1. Is} is~~ a resident ~~{of;~~

~~2. Does} , does~~ business ~~{in;}~~ or

~~{3. Is} is~~ employed ~~{in;~~

~~→ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.} at the time the cause of action arose or at the time the complaint is filed; or~~

(b) In addition to any township described in paragraph (a):

(1) In a case involving injury to the person or property, the township where the injury was committed.

(2) In a case involving a person who has contracted to perform an obligation at, or relating to, a particular place, the township in which the obligation is or was to be performed. For the purposes of this subparagraph, the township in which the obligation is incurred shall be deemed to be the township in which the obligation is or was to be performed, unless there is a special contract to the contrary.

