

ASSEMBLY BILL NO. 223—ASSEMBLYWOMAN KIRKPATRICK

MARCH 8, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing constables. (BDR 3-15)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. 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 constables; providing that a constable may perform certain evictions only in his or her township; revising provisions governing the powers and duties of a constable with respect to the service of process and the execution of writs and warrants; revising provisions governing the appointment of deputy constables and the clerical and operational staff of a constable; clarifying that a constable may issue a citation for a violation of certain laws governing the registration of motor vehicles only if the motor vehicle is located in his or her township; revising various other provisions governing constables; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for a summary eviction procedure when the tenant of any
2 dwelling, apartment, mobile home, recreational vehicle or commercial premises
3 with periodic rent due by the month or a shorter period defaults in the payment of
4 the rent. Under existing law, certain notices required under this procedure may be
5 served by the sheriff or a constable of the county, and the court order to remove the
6 tenant must direct the sheriff or a constable of the county to remove the tenant
7 within 24 hours after receipt of the order. (NRS 40.253) Existing law also provides
8 a summary eviction procedure to remove a person who is residing in a storage
9 space at a storage facility and requires that the court order to remove such a person
10 direct the sheriff or a constable of the county to remove the person within 24 hours
11 after receipt of the order. (NRS 40.760) **Sections 1 and 2** of this bill provide that
12 the eviction of a tenant or of a person residing in a storage space under the
13 summary eviction procedure must be performed by the sheriff of the county or the
14 constable of the township in which the property or facility is located.

15 Existing law provides that the duties of a constable include, without limitation,
16 the service of all intermediate and final process issued by a court of competent



* A B 2 2 3 *

17 jurisdiction and the execution of certain writs and warrants. (NRS 21.111, 31.235,
18 34.600, 70.020, 70.040, 258.070) Existing law also authorizes the sheriff of a
19 county to authorize the constable of the appropriate township to execute certain
20 process, writs and warrants delivered to the sheriff. (NRS 248.100, 258.070)
21 **Sections 4-7** of this bill remove the authority of the sheriff of a county to authorize
22 constables to execute certain process, writs and warrants delivered to the sheriff.
23 **Section 12** of this bill revises the duties of a constable with respect to the service of
24 process and the execution of writs and warrants to: (1) require the constable to
25 serve all intermediate and final process and execute writs and warrants issued by
26 the justice court of his or her township or the district court of his or her county; and
27 (2) authorize the constable to serve all process issued by a court of competent
28 jurisdiction if service is to be made in his or her township.

29 Existing law authorizes a constable to appoint deputies and provides that a
30 deputy constable must be certified as a category II peace officer by the Peace
31 Officers' Standards and Training Commission within 1 year after the date on which
32 the person commences employment as a peace officer unless the Commission, for
33 good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Sections 10**
34 **and 14** of this bill provide that: (1) a person appointed as a deputy constable for a
35 township in a county whose population is 700,000 or more (currently Clark
36 County) must be certified as a category II peace officer by the Commission before
37 he or she commences employment as a deputy constable; and (2) a person
38 reemployed as a deputy constable for a township in a county whose population is
39 less than 700,000 (currently counties other than Clark) after a separation of
40 employment as a deputy constable for that township is not entitled to an additional
41 period within which to be certified as a category II peace officer by the
42 Commission.

43 Existing law authorizes the board of county commissioners to appoint clerks for
44 the constable of a township and to provide compensation for those clerks. (NRS
45 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and
46 operational staff for the office of the constable, subject to the approval of the board
47 of county commissioners, and requires the board of county commissioners to fix the
48 compensation of the clerical and operational staff of the constable's office. **Section**
49 **11** further provides that the clerical and operational staff of a constable's office do
50 not have the powers of a peace officer and may not possess a weapon or carry a
51 concealed firearm while performing the duties of the constable's office.

52 Existing law provides that a constable is a peace officer in his or her township
53 and may issue a citation to the owner or driver of a vehicle that is required to be
54 registered in this State if the constable determines that the vehicle is not properly
55 registered. (NRS 258.070, 482.385) **Sections 12, 15 and 16** of this bill clarify that
56 the constable may issue such a citation only if the vehicle is located in his or her
57 township at the time the citation is issued.

58 **Section 8** of this bill authorizes the board of county commissioners to establish,
59 by resolution or ordinance, penalties to be imposed on a constable who fails to file
60 a report, oath or other document required by statute to be filed with the county or
61 the Peace Officers' Standards and Training Commission. **Section 9** of this bill
62 requires the oath of a constable to be filed and recorded in the office of the recorder
63 of the county.



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

1 **Section 1.** NRS 40.253 is hereby amended to read as follows:
2 40.253 1. Except as otherwise provided in subsection 10, in
3 addition to the remedy provided in NRS 40.2512 and 40.290 to
4 40.420, inclusive, when the tenant of any dwelling, apartment,
5 mobile home, recreational vehicle or commercial premises with
6 periodic rent reserved by the month or any shorter period is in
7 default in payment of the rent, the landlord or the landlord's agent,
8 unless otherwise agreed in writing, may serve or have served a
9 notice in writing, requiring in the alternative the payment of the rent
10 or the surrender of the premises:

11 (a) At or before noon of the fifth full day following the day of
12 service; or

13 (b) If the landlord chooses not to proceed in the manner set forth
14 in paragraph (a) and the rent is reserved by a period of 1 week or
15 less and the tenancy has not continued for more than 45 days, at or
16 before noon of the fourth full day following the day of service.

17 ➤ As used in this subsection, "day of service" means the day the
18 landlord or the landlord's agent personally delivers the notice to the
19 tenant. If personal service was not so delivered, the "day of service"
20 means the day the notice is delivered, after posting and mailing
21 pursuant to subsection 2, to the sheriff *of the county in which the*
22 *dwelling, apartment, mobile home, recreational vehicle or*
23 *commercial premises are located* or *the constable of the township*
24 *in which the dwelling, apartment, mobile home, recreational*
25 *vehicle or commercial premises are located* for service if the
26 request for service is made before noon. If the request for service by
27 the sheriff or constable is made after noon, the "day of service" shall
28 be deemed to be the day next following the day that the request is
29 made for service by the sheriff or constable.

30 2. A landlord or the landlord's agent who serves a notice to a
31 tenant pursuant to paragraph (b) of subsection 1 shall attempt to
32 deliver the notice in person in the manner set forth in paragraph (a)
33 of subsection 1 of NRS 40.280. If the notice cannot be delivered in
34 person, the landlord or the landlord's agent:

35 (a) Shall post a copy of the notice in a conspicuous place on the
36 premises and mail the notice by overnight mail; and

37 (b) After the notice has been posted and mailed, may deliver the
38 notice to the sheriff *of the county in which the dwelling,*
39 *apartment, mobile home, recreational vehicle or commercial*
40 *premises are located* or *the constable of the township in which the*
41 *dwelling, apartment, mobile home, recreational vehicle or*
42 *commercial premises are located* for service in the manner set forth



1 in subsection 1 of NRS 40.280. The sheriff or constable shall not
2 accept the notice for service unless it is accompanied by written
3 evidence, signed by the tenant when the tenant took possession of
4 the premises, that the landlord or the landlord's agent informed the
5 tenant of the provisions of this section which set forth the lawful
6 procedures for eviction from a short-term tenancy. Upon
7 acceptance, the sheriff or constable shall serve the notice within 48
8 hours after the request for service was made by the landlord or the
9 landlord's agent.

10 3. A notice served pursuant to subsection 1 or 2 must:

11 (a) Identify the court that has jurisdiction over the matter; and

12 (b) Advise the tenant:

13 (1) Of the tenant's right to contest the matter by filing, within
14 the time specified in subsection 1 for the payment of the rent or
15 surrender of the premises, an affidavit with the court that has
16 jurisdiction over the matter stating that the tenant has tendered
17 payment or is not in default in the payment of the rent;

18 (2) That if the court determines that the tenant is guilty of an
19 unlawful detainer, the court may issue a summary order for removal
20 of the tenant or an order providing for the nonadmittance of the
21 tenant, directing the sheriff *of the county in which the dwelling,*
22 *apartment, mobile home, recreational vehicle or commercial*
23 *premises are located* or the constable of the ~~county~~ *township in*
24 *which the dwelling, apartment, mobile home, recreational vehicle*
25 *or commercial premises are located* to remove the tenant within 24
26 hours after receipt of the order; and

27 (3) That, pursuant to NRS 118A.390, a tenant may seek relief
28 if a landlord unlawfully removes the tenant from the premises or
29 excludes the tenant by blocking or attempting to block the tenant's
30 entry upon the premises or willfully interrupts or causes or permits
31 the interruption of an essential service required by the rental
32 agreement or chapter 118A of NRS.

33 4. If the tenant files such an affidavit at or before the time
34 stated in the notice, the landlord or the landlord's agent, after receipt
35 of a file-stamped copy of the affidavit which was filed, shall not
36 provide for the nonadmittance of the tenant to the premises by
37 locking or otherwise.

38 5. Upon noncompliance with the notice:

39 (a) The landlord or the landlord's agent may apply by affidavit
40 of complaint for eviction to the justice court of the township in
41 which the dwelling, apartment, mobile home, *recreational vehicle*
42 or commercial premises are located or to the district court of the
43 county in which the dwelling, apartment, mobile home, *,*
44 *recreational vehicle* or commercial premises are located, whichever
45 has jurisdiction over the matter. The court may thereupon issue an



1 order directing the sheriff *of the county in which the dwelling,*
2 *apartment, mobile home, recreational vehicle or commercial*
3 *premises are located* or constable of the ~~county~~ *township in which*
4 *the dwelling, apartment, mobile home, recreational vehicle or*
5 *commercial premises are located* to remove the tenant within 24
6 hours after receipt of the order. The affidavit must state or contain:

- 7 (1) The date the tenancy commenced.
- 8 (2) The amount of periodic rent reserved.
- 9 (3) The amounts of any cleaning, security or rent deposits
10 paid in advance, in excess of the first month's rent, by the tenant.
- 11 (4) The date the rental payments became delinquent.
- 12 (5) The length of time the tenant has remained in possession
13 without paying rent.
- 14 (6) The amount of rent claimed due and delinquent.
- 15 (7) A statement that the written notice was served on the
16 tenant in accordance with NRS 40.280.
- 17 (8) A copy of the written notice served on the tenant.
- 18 (9) A copy of the signed written rental agreement, if any.

19 (b) Except when the tenant has timely filed the affidavit
20 described in subsection 3 and a file-stamped copy of it has been
21 received by the landlord or the landlord's agent, and except when
22 the landlord is prohibited pursuant to NRS 118A.480, the landlord
23 or the landlord's agent may, in a peaceable manner, provide for the
24 nonadmittance of the tenant to the premises by locking or otherwise.

25 6. Upon the filing by the tenant of the affidavit permitted in
26 subsection 3, regardless of the information contained in the
27 affidavit, and the filing by the landlord of the affidavit permitted by
28 subsection 5, the justice court or the district court shall hold a
29 hearing, after service of notice of the hearing upon the parties, to
30 determine the truthfulness and sufficiency of any affidavit or notice
31 provided for in this section. If the court determines that there is no
32 legal defense as to the alleged unlawful detainer and the tenant is
33 guilty of an unlawful detainer, the court may issue a summary order
34 for removal of the tenant or an order providing for the
35 nonadmittance of the tenant. If the court determines that there is a
36 legal defense as to the alleged unlawful detainer, the court shall
37 refuse to grant either party any relief, and, except as otherwise
38 provided in this subsection, shall require that any further
39 proceedings be conducted pursuant to NRS 40.290 to 40.420,
40 inclusive. The issuance of a summary order for removal of the
41 tenant does not preclude an action by the tenant for any damages or
42 other relief to which the tenant may be entitled. If the alleged
43 unlawful detainer was based upon subsection 5 of NRS 40.2514, the
44 refusal by the court to grant relief does not preclude the landlord



1 thereafter from pursuing an action for unlawful detainer in
2 accordance with NRS 40.251.

3 7. The tenant may, upon payment of the appropriate fees
4 relating to the filing and service of a motion, file a motion with the
5 court, on a form provided by the clerk of the court, to dispute the
6 amount of the costs, if any, claimed by the landlord pursuant to NRS
7 118A.460 or 118C.230 for the inventory, moving and storage of
8 personal property left on the premises. The motion must be filed
9 within 20 days after the summary order for removal of the tenant or
10 the abandonment of the premises by the tenant, or within 20 days
11 after:

12 (a) The tenant has vacated or been removed from the premises;
13 and

14 (b) A copy of those charges has been requested by or provided
15 to the tenant,

16 ↪ whichever is later.

17 8. Upon the filing of a motion pursuant to subsection 7, the
18 court shall schedule a hearing on the motion. The hearing must be
19 held within 10 days after the filing of the motion. The court shall
20 affix the date of the hearing to the motion and order a copy served
21 upon the landlord by the sheriff **† of the county in which the**
22 **dwelling, apartment, mobile home, recreational vehicle or**
23 **commercial premises are located, the constable of the township in**
24 **which the dwelling, apartment, mobile home, recreational vehicle**
25 **or commercial premises are located** or other process server. At the
26 hearing, the court may:

27 (a) Determine the costs, if any, claimed by the landlord pursuant
28 to NRS 118A.460 or 118C.230 and any accumulating daily costs;
29 and

30 (b) Order the release of the tenant's property upon the payment
31 of the charges determined to be due or if no charges are determined
32 to be due.

33 9. A landlord shall not refuse to accept rent from a tenant that
34 is submitted after the landlord or the landlord's agent has served or
35 had served a notice pursuant to subsection 1 if the refusal is based
36 on the fact that the tenant has not paid collection fees, attorney's
37 fees or other costs other than rent, a reasonable charge for late
38 payments of rent or dishonored checks, or a security. As used in this
39 subsection, "security" has the meaning ascribed to it in
40 NRS 118A.240.

41 10. This section does not apply to the tenant of a mobile home
42 lot in a mobile home park or to the tenant of a recreational vehicle
43 lot in an area of a mobile home park in this State other than an area
44 designated as a recreational vehicle lot pursuant to the provisions of
45 subsection 6 of NRS 40.215.



1 **Sec. 2.** NRS 40.760 is hereby amended to read as follows:

2 40.760 1. When a person is using a storage space at a facility
3 as a residence, the owner or the owner's agent shall serve or have
4 served a notice in writing which directs the person to cease using the
5 storage space as a residence no later than 24 hours after receiving
6 the notice. The notice must advise the person that:

7 (a) NRS 108.475 requires the owner to ask the court to have the
8 person evicted if the person has not ceased using the storage space
9 as a residence within 24 hours; and

10 (b) The person may continue to use the storage space to store the
11 person's personal property in accordance with the rental agreement.

12 2. If the person does not cease using the storage space as a
13 residence within 24 hours after receiving the notice to do so, the
14 owner of the facility or the owner's agent shall apply by affidavit for
15 summary eviction to the justice of the peace of the township
16 wherein the facility is located. The affidavit must contain:

17 (a) The date the rental agreement became effective.

18 (b) A statement that the person is using the storage space as a
19 residence.

20 (c) The date and time the person was served with written notice
21 to cease using the storage space as a residence.

22 (d) A statement that the person has not ceased using the facility
23 as a residence within 24 hours after receiving the notice.

24 3. Upon receipt of such an affidavit the justice of the peace
25 shall issue an order directing the sheriff *of the county in which the*
26 *facility is located* or *the* constable of the ~~county~~ *township in*
27 *which the facility is located* to remove the person within 24 hours
28 after receipt of the order. The sheriff or constable shall not remove
29 the person's personal property from the facility.

30 4. For the purposes of this section:

31 (a) "Facility" means real property divided into individual
32 storage spaces. The term does not include a garage or storage area in
33 a private residence.

34 (b) "Storage space" means a space used for storing personal
35 property, which is rented or leased to an individual occupant who
36 has access to the space.

37 **Sec. 3.** NRS 107.087 is hereby amended to read as follows:

38 107.087 1. In addition to the requirements of NRS 107.080,
39 if the sale of property is a residential foreclosure, a copy of the
40 notice of default and election to sell and the notice of sale must:

41 (a) Be posted in a conspicuous place on the property not later
42 than:

43 (1) For a notice of default and election to sell, 100 days
44 before the date of sale; or

45 (2) For a notice of sale, 15 days before the date of sale; and



1 (b) Include, without limitation:

2 (1) The physical address of the property; and

3 (2) The contact information of the trustee or the person
4 conducting the foreclosure who is authorized to provide information
5 relating to the foreclosure status of the property.

6 2. In addition to the requirements of NRS 107.084, the notices
7 must not be defaced or removed until the transfer of title is recorded
8 or the property becomes occupied after completion of the sale,
9 whichever is earlier.

10 3. A separate notice must be posted in a conspicuous place on
11 the property and mailed, with a certificate of mailing issued by the
12 United States Postal Service or another mail delivery service, to any
13 tenant or subtenant, if any, other than the grantor or the grantor's
14 successor in interest, in actual occupation of the premises not later
15 than 3 business days after the notice of the sale is given pursuant to
16 subsection 4 of NRS 107.080. The separate notice must be in
17 substantially the following form:

18
19 NOTICE TO TENANTS OF THE PROPERTY

20
21 Foreclosure proceedings against this property have started,
22 and a notice of sale of the property to the highest bidder has
23 been issued.

24
25 You may either: (1) terminate your lease or rental agreement
26 and move out; or (2) remain and possibly be subject to
27 eviction proceedings under chapter 40 of the Nevada Revised
28 Statutes. Any subtenants may also be subject to eviction
29 proceedings.

30
31 Between now and the date of the sale, you may be evicted if
32 you fail to pay rent or live up to your other obligations to the
33 landlord.

34
35 After the date of the sale, you may be evicted if you fail to
36 pay rent or live up to your other obligations to the successful
37 bidder, in accordance with chapter 118A of the Nevada
38 Revised Statutes.

39
40 Under the Nevada Revised Statutes eviction proceedings may
41 begin against you after you have been given a notice to quit.

42
43 If the property is sold and you pay rent by the week or
44 another period of time that is shorter than 1 month, you



* A B 2 2 3 *

1 should generally receive notice after not less than the number
2 of days in that period of time.

3
4 If the property is sold and you pay rent by the month or any
5 other period of time that is 1 month or longer, you should
6 generally receive notice at least 60 days in advance.

7
8 Under Nevada Revised Statutes 40.280, notice must generally
9 be served on you pursuant to chapter 40 of the Nevada
10 Revised Statutes and may be served by:

11 (1) Delivering a copy to you personally in the presence of
12 a witness;

13 (2) If you are absent from your place of residence or usual
14 place of business, leaving a copy with a person of suitable age
15 and discretion at either place and mailing a copy to you at
16 your place of residence or business; or

17 (3) If your place of residence or business cannot be
18 ascertained, or a person of suitable age or discretion cannot
19 be found there, posting a copy in a conspicuous place on the
20 leased property, delivering a copy to a person residing there,
21 if a person can be found, and mailing a copy to you at the
22 place where the leased property is.

23
24 If the property is sold and a landlord, successful bidder or
25 subsequent purchaser files an eviction action against you in
26 court, you will be served with a summons and complaint and
27 have the opportunity to respond. Eviction actions may result
28 in temporary evictions, permanent evictions, the awarding of
29 damages pursuant to Nevada Revised Statutes 40.360 or some
30 combination of those results.

31
32 Under the Justice Court Rules of Civil Procedure:

33 (1) You will be given at least 10 days to answer a
34 summons and complaint;

35 (2) If you do not file an answer, an order evicting you by
36 default may be obtained against you;

37 (3) A hearing regarding a temporary eviction may be
38 called as soon as 11 days after you are served with the
39 summons and complaint; and

40 (4) A hearing regarding a permanent eviction may be
41 called as soon as 20 days after you are served with the
42 summons and complaint.

43
44 4. The posting of a notice required by this section must be
45 completed by a process server licensed pursuant to chapter 648 of



1 NRS ~~for any~~, *the constable of the township in which the property*
2 *is located* or *the sheriff* ~~H~~ *of the county in which the property is*
3 *located.*

4 5. As used in this section, “residential foreclosure” has the
5 meaning ascribed to it in NRS 107.080.

6 **Sec. 4.** NRS 248.100 is hereby amended to read as follows:

7 248.100 ~~H~~ The sheriff shall:

8 ~~(a)~~ 1. Except in a county whose population is 700,000 or
9 more, attend in person, or by deputy, all sessions of the district court
10 in his or her county.

11 ~~(b)~~ 2. Obey all the lawful orders and directions of the district
12 court in his or her county.

13 ~~(c) Except as otherwise provided in subsection 2, execute~~

14 3. *Execute* the process, writs or warrants of courts of justice,
15 judicial officers and coroners, when delivered to the sheriff for that
16 purpose.

17 ~~2. The sheriff may authorize the constable of the appropriate~~
18 ~~township to receive and execute the process, writs or warrants of~~
19 ~~courts of justice, judicial officers and coroners.~~

20 **Sec. 5.** NRS 248.120 is hereby amended to read as follows:

21 248.120 When any process, writ or order is delivered to the
22 sheriff ~~, or the constable as authorized pursuant to NRS 248.100,~~
23 to be served or executed, the sheriff ~~or constable~~ shall:

24 1. Forthwith endorse upon it the year, month, day and hour of
25 its receipt.

26 2. Give to the person delivering it, if required, on payment of
27 his or her fee, a written memorandum signed by him or her, stating
28 the names of the parties in the process or order, the nature thereof
29 and the time it was received. He or she shall also deliver to the party
30 served a copy thereof, if required so to do, without charge to such
31 party.

32 **Sec. 6.** NRS 248.130 is hereby amended to read as follows:

33 248.130 A sheriff ~~, or a constable authorized pursuant to NRS~~
34 ~~248.100,~~ to whom any process, writ, order or paper is delivered
35 shall:

36 1. Execute the same with diligence, according to its command,
37 or as required by law.

38 2. Return it without delay to the proper court or officer, with
39 his or her certificate endorsed thereon of the manner of its service or
40 execution, or, if not served or executed, the reasons for his or her
41 failure.

42 ➔ For a failure so to do, he or she ~~shall be~~ *is* liable to the party
43 aggrieved for all damages sustained by the party on account of such
44 neglect.



1 **Sec. 7.** NRS 248.150 is hereby amended to read as follows:

2 248.150 ~~{Except as otherwise provided in NRS 248.100, if}~~ *If*
3 the sheriff to whom a writ of execution or writ of attachment is
4 delivered ~~{shall neglect or refuse,}~~ *neglects or refuses*, after being
5 required by the creditor or the creditor's attorney to attach, or to
6 levy upon or sell, any property of the party charged in the writ
7 which is liable to be attached or levied upon and sold, the sheriff
8 ~~{shall be}~~ *is* liable on his or her official bond to the creditor for the
9 value of such property.

10 **Sec. 8.** Chapter 258 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 *In addition to any fine imposed pursuant to NRS 258.200, a*
13 *board of county commissioners may establish, by resolution or*
14 *ordinance, penalties for the failure of the constable of a township*
15 *in the county to file any report, oath or other document required*
16 *by statute to be filed with the county or the Peace Officers'*
17 *Standards and Training Commission.*

18 **Sec. 9.** NRS 258.020 is hereby amended to read as follows:

19 258.020 Each constable elected or appointed in this state shall,
20 before entering upon the duties of office:

21 1. Take the oath prescribed by law. *The oath must be filed and*
22 *recorded in a book provided for that purpose in the office of the*
23 *recorder of the county within which the constable legally holds*
24 *and exercises his or her office.*

25 2. Execute a bond to the State of Nevada, to be approved by
26 the board of county commissioners, in the penal sum of not less than
27 \$1,000 nor more than \$3,000, as may be designated by the board of
28 county commissioners . ~~{—which}~~ *The bond {shall} must* be
29 conditioned for the faithful performance of the duties of his or her
30 office ~~{,}~~ and ~~{shall}~~ *must* be filed in the county clerk's office.

31 **Sec. 10.** NRS 258.060 is hereby amended to read as follows:

32 258.060 1. All constables may appoint deputies, who are
33 authorized to transact all official business pertaining to the office to
34 the same extent as their principals. A person must not be appointed
35 as a deputy constable unless the person has been a resident of the
36 State of Nevada for at least 6 months before the date of the
37 appointment. *A person who is appointed as a deputy constable in a*
38 *county whose population is 700,000 or more may not commence*
39 *employment as a deputy constable until the person is certified by*
40 *the Peace Officers' Standards and Training Commission as a*
41 *category II peace officer.* The appointment of a deputy constable
42 must not be construed to confer upon that deputy policymaking
43 authority for the office of the county constable or the county by
44 which the deputy constable is employed.



1 2. Constables are responsible for the compensation of their
2 deputies and are responsible on their official bonds for all official
3 malfeasance or nonfeasance of the same. Bonds for the faithful
4 performance of their official duties may be required of the deputies
5 by the constables.

6 3. All appointments of deputies under the provisions of this
7 section must be in writing and must, together with the oath of office
8 of the deputies, be filed and recorded *within 30 days after the*
9 *appointment* in a book provided for that purpose in the office of the
10 recorder of the county within which the constable legally holds and
11 exercises his or her office. Revocations of such appointments must
12 also be filed and recorded as provided in this section ~~+~~ *within 30*
13 *days after the revocation of the appointment.* From the time of the
14 filing of the appointments or revocations therein, persons shall be
15 deemed to have notice of the same.

16 **Sec. 11.** NRS 258.065 is hereby amended to read as follows:

17 258.065 1. The ~~board of county commissioners may appoint~~
18 ~~for the~~ constable of a township ~~+~~ ~~a reasonable number of clerks~~
19 ~~may, subject to the approval of the board of county commissioners,~~
20 ~~appoint such clerical and operational staff~~ as the work of the
21 constable requires . ~~+~~ ~~and provide compensation therefor.~~ *The*
22 *compensation of any person so appointed must be fixed by the*
23 *board of county commissioners.*

24 2. *A person who is employed as clerical or operational staff of*
25 *a constable:*

26 (a) *Does not have the powers of a peace officer; and*

27 (b) *May not possess a weapon or carry a concealed firearm,*
28 *regardless of whether the person possesses a permit to carry a*
29 *concealed firearm issued pursuant to NRS 202.3653 to 202.369,*
30 *inclusive, while performing the duties of the office of the*
31 *constable.*

32 3. A constable's clerk shall take the constitutional oath of
33 office and give bond in the sum of \$2,000 for the faithful discharge
34 of the duties of the office, and in the same manner as is or may be
35 required of other officers of that township and county.

36 ~~+~~ 4. A constable's clerk shall do all clerical work in
37 connection with keeping the records and files of the office, and shall
38 perform such other duties in connection with the office as the
39 constable shall prescribe.

40 **Sec. 12.** NRS 258.070 is hereby amended to read as follows:

41 258.070 1. Each constable shall:

42 (a) Be a peace officer in his or her township.

43 (b) Serve all mesne and final process issued by ~~+~~ ~~a court of~~
44 ~~competent jurisdiction.~~ *the justice court of his or her township or*



1 *by the district court of the county in which his or her township is*
2 *located.*

3 (c) Execute the process, writs or warrants ~~{that the constable is~~
4 ~~authorized to receive pursuant to NRS 248.100.}~~ *issued by the*
5 *justice court of his or her township or by the district court of the*
6 *county in which his or her township is located.*

7 (d) Discharge such other duties as are or may be prescribed by
8 law.

9 2. Pursuant to the procedures and subject to the limitations set
10 forth in chapters 482 and 484A to 484E, inclusive, of NRS, a
11 constable may issue a citation to an owner or driver, as appropriate,
12 of a vehicle ~~{that}~~ *which is located in his or her township at the*
13 *time the citation is issued and which* is required to be registered in
14 this State if the constable determines that the vehicle is not properly
15 registered. The constable shall, upon the issuance of such citation,
16 charge and collect a fee of \$100 from the person to whom the
17 citation is issued, which may be retained by the constable as
18 compensation.

19 3. *All process, writs and warrants issued by a court of*
20 *competent jurisdiction may be served or executed by the constable*
21 *of the township in which service or execution is to be made.*

22 4. If a sheriff or the sheriff's deputy in any county in this State
23 arrests a person charged with a criminal offense or in the
24 commission of an offense, the sheriff or the sheriff's deputy shall
25 serve all process, whether mesne or final, and attend the court
26 executing the order thereof in the prosecution of the person so
27 arrested, whether in a justice court or a district court, to the
28 conclusion, and whether the offense is an offense of which a justice
29 of the peace has jurisdiction, or whether the proceeding is a
30 preliminary examination or hearing. The sheriff or the sheriff's
31 deputy shall collect the same fees and in the same manner therefor
32 as the constable of the township in which the justice court is held
33 would receive for the same service.

34 **Sec. 13.** NRS 258.190 is hereby amended to read as follows:

35 258.190 1. ~~{On}~~ *In each calendar year, on* the first Monday
36 of January, April, July and October, the constables who receive fees
37 under the provisions of this chapter shall make out and file with the
38 boards of county commissioners of their several counties a full and
39 correct statement under oath of all fees or compensation, of
40 whatever nature or kind, received in their several official capacities
41 during the preceding 3 months. In the statement they shall set forth
42 the cause in which, and the services for which, such fees or
43 compensation were received.

44 2. Nothing in this section shall be so construed as to require
45 personal attendance in filing statements, which may be transmitted



1 by mail or otherwise directed to the clerk of the board of county
2 commissioners.

3 **Sec. 14.** NRS 289.550 is hereby amended to read as follows:

4 289.550 1. Except as otherwise provided in ~~subsection~~
5 *subsections 2 and 3* and NRS 3.310, ~~and~~ 4.353 ~~and~~ *258.060*, a
6 person upon whom some or all of the powers of a peace officer are
7 conferred pursuant to NRS 289.150 to 289.360, inclusive, must be
8 certified by the Commission within 1 year after the date on which
9 the person commences employment as a peace officer unless the
10 Commission, for good cause shown, grants in writing an extension
11 of time, which must not exceed 6 months, by which the person must
12 become certified. A person who fails to become certified within the
13 required time shall not exercise any of the powers of a peace officer
14 after the time for becoming certified has expired.

15 2. *A person who is appointed pursuant to NRS 258.060 as a*
16 *deputy constable of a township in a county whose population is*
17 *less than 700,000 following a separation of employment as a*
18 *deputy constable of that township must be certified by the*
19 *Commission within the period prescribed by subsection 1 as*
20 *measured from the date on which the deputy constable*
21 *commenced his or her initial employment as a deputy constable of*
22 *that township.*

23 3. The following persons are not required to be certified by the
24 Commission:

25 (a) The Chief Parole and Probation Officer;

26 (b) The Director of the Department of Corrections;

27 (c) The Director of the Department of Public Safety, the deputy
28 directors of the Department, the chiefs of the divisions of the
29 Department other than the Investigation Division and the Nevada
30 Highway Patrol, and the members of the State Disaster
31 Identification Team of the Division of Emergency Management of
32 the Department;

33 (d) The Commissioner of Insurance and the chief deputy of the
34 Commissioner of Insurance;

35 (e) Railroad police officers; and

36 (f) California correctional officers.

37 **Sec. 15.** NRS 482.255 is hereby amended to read as follows:

38 482.255 1. Upon receipt of a certificate of registration, the
39 owner shall place it or a legible copy in the vehicle for which it is
40 issued and keep it in the vehicle. If the vehicle is a motorcycle,
41 trailer or semitrailer, the owner shall carry the certificate in the tool
42 bag or other convenient receptacle attached to the vehicle.

43 2. The owner or operator of a motor vehicle shall, upon
44 demand, surrender the certificate of registration or the copy for
45 examination to any peace officer, including a constable ~~of the~~



1 *township in which the motor vehicle is located* or a justice of the
2 peace or *a* deputy of the Department.

3 3. No person charged with violating this section may be
4 convicted if the person produces in court a certificate of registration
5 which was previously issued to him or her and was valid at the time
6 of the demand.

7 **Sec. 16.** NRS 482.385 is hereby amended to read as follows:

8 482.385 1. Except as otherwise provided in subsections 5 and
9 7 and NRS 482.390, a nonresident owner of a vehicle of a type
10 subject to registration pursuant to the provisions of this chapter,
11 owning any vehicle which has been registered for the current year in
12 the state, country or other place of which the owner is a resident and
13 which at all times when operated in this State has displayed upon it
14 the registration license plate issued for the vehicle in the place of
15 residence of the owner, may operate or permit the operation of the
16 vehicle within this State without its registration in this State
17 pursuant to the provisions of this chapter and without the payment
18 of any registration fees to this State:

19 (a) For a period of not more than 30 days in the aggregate in any
20 1 calendar year; and

21 (b) Notwithstanding the provisions of paragraph (a), during any
22 period in which the owner is:

23 (1) On active duty in the military service of the United
24 States;

25 (2) An out-of-state student;

26 (3) Registered as a student at a college or university located
27 outside this State and who is in the State for a period of not more
28 than 6 months to participate in a work-study program for which the
29 student earns academic credits from the college or university; or

30 (4) A migrant or seasonal farm worker.

31 2. This section does not:

32 (a) Prohibit the use of manufacturers', distributors' or dealers'
33 license plates issued by any state or country by any nonresident in
34 the operation of any vehicle on the public highways of this State.

35 (b) Require registration of vehicles of a type subject to
36 registration pursuant to the provisions of this chapter operated by
37 nonresident common motor carriers of persons or property, contract
38 motor carriers of persons or property, or private motor carriers of
39 property as stated in NRS 482.390.

40 (c) Require registration of a vehicle operated by a border state
41 employee.

42 3. Except as otherwise provided in subsection 5, when a
43 person, formerly a nonresident, becomes a resident of this State, the
44 person shall:

45 (a) Within 30 days after becoming a resident; or



1 (b) At the time he or she obtains a driver's license,
2 ↪ whichever occurs earlier, apply for the registration of each
3 vehicle the person owns which is operated in this State. When a
4 person, formerly a nonresident, applies for a driver's license in this
5 State, the Department shall inform the person of the requirements
6 imposed by this subsection and of the penalties that may be imposed
7 for failure to comply with the provisions of this subsection.

8 4. A citation may be issued pursuant to subsection 1, 3 or 5
9 only if the violation is discovered when the vehicle is halted or its
10 driver arrested for another alleged violation or offense. The
11 Department shall maintain or cause to be maintained a list or other
12 record of persons who fail to comply with the provisions of
13 subsection 3 and shall, at least once each month, provide a copy of
14 that list or record to the Department of Public Safety.

15 5. Except as otherwise provided in this subsection, a resident or
16 nonresident owner of a vehicle of a type subject to registration
17 pursuant to the provisions of this chapter who engages in a trade,
18 profession or occupation or accepts gainful employment in this State
19 or who enrolls his or her children in a public school in this State
20 shall, within 30 days after the commencement of such employment
21 or enrollment, apply for the registration of each vehicle the person
22 owns which is operated in this State. The provisions of this
23 subsection do not apply to a nonresident who is:

24 (a) On active duty in the military service of the United States;

25 (b) An out-of-state student;

26 (c) Registered as a student at a college or university located
27 outside this State and who is in the State for a period of not more
28 than 6 months to participate in a work-study program for which the
29 student earns academic credits from the college or university; or

30 (d) A migrant or seasonal farm worker.

31 6. A person who violates the provisions of subsection 1, 3 or 5
32 is guilty of a misdemeanor and, except as otherwise provided in this
33 subsection, shall be punished by a fine of \$1,000. The fine imposed
34 pursuant to this subsection is in addition to any fine or penalty
35 imposed for the other alleged violation or offense for which the
36 vehicle was halted or its driver arrested pursuant to subsection 4.
37 The fine imposed pursuant to this subsection may be reduced to not
38 less than \$200 if the person presents evidence at the time of the
39 hearing that the person has registered the vehicle pursuant to this
40 chapter.

41 7. Any resident operating upon a highway of this State a motor
42 vehicle which is owned by a nonresident and which is furnished to
43 the resident operator for his or her continuous use within this State,
44 shall cause that vehicle to be registered within 30 days after
45 beginning its operation within this State.



1 8. A person registering a vehicle pursuant to the provisions of
2 subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

3 (a) Must be assessed the registration fees and governmental
4 services tax, as required by the provisions of this chapter and
5 chapter 371 of NRS; and

6 (b) Must not be allowed credit on those taxes and fees for the
7 unused months of the previous registration.

8 9. If a vehicle is used in this State for a gainful purpose, the
9 owner shall immediately apply to the Department for registration,
10 except as otherwise provided in NRS 482.390, 482.395 and 706.801
11 to 706.861, inclusive.

12 10. An owner registering a vehicle pursuant to the provisions
13 of this section shall surrender the existing nonresident license plates
14 and registration certificates to the Department for cancellation.

15 11. A vehicle may be cited for a violation of this section
16 regardless of whether it is in operation or is parked on a highway, in
17 a public parking lot or on private property which is open to the
18 public if, after communicating with the owner or operator of the
19 vehicle, the peace officer issuing the citation determines that:

20 (a) The owner of the vehicle is a resident of this State;

21 (b) The vehicle is used in this State for a gainful purpose;

22 (c) Except as otherwise provided in paragraph (b) of subsection
23 1, the owner of the vehicle is a nonresident and has operated the
24 vehicle in this State for more than 30 days in the aggregate in any 1
25 calendar year; or

26 (d) The owner of the vehicle is a nonresident required to register
27 the vehicle pursuant to subsection 5.

28 *12. A constable may issue a citation for a violation of this*
29 *section only if the vehicle is located in his or her township at the*
30 *time the citation is issued.*

31 *13. As used in this ~~subsection~~ section, "peace officer"*
32 *includes a constable.*

33 **Sec. 17.** This act becomes effective on July 1, 2013.



