

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.

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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 constables; revising provisions governing certain notice of a foreclosure sale required to be provided to a tenant; requiring a constable in certain townships to become certified as a category I or category II peace officer within a certain period after commencing his or her term of office; prohibiting a constable or deputy constable in certain smaller townships from making arrests in the course of his or her duties; 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. (NRS 40.253) **Section 1** of this bill provides that the affidavit of complaint
5 for eviction of a tenant that a landlord or landlord's agent is authorized to file in
6 justice court or district court applies to tenants of recreational vehicles.
7 Existing law provides that if a sale of property is a residential foreclosure, the
8 posting of certain required notices on the property must be completed by a licensed
9 process server or any constable or sheriff. (NRS 107.087) **Section 3** of this bill: (1)
10 specifies that the constable or sheriff who posts such a notice must be a constable or



11 sheriff of the county in which the property is located; and (2) revises the date by
12 which certain required notices must be provided.

13 Existing law provides that a constable is a peace officer in his or her township.
14 (NRS 258.070) **Section 8.6** of this bill requires a constable of a township whose
15 boundaries include a city whose population is 150,000 or more (currently
16 Henderson, Las Vegas, North Las Vegas and Reno) to become certified as a
17 category I or category II peace officer by the Peace Officers' Standards and
18 Training Commission within 1 year after the date on which the constable
19 commences his or her term of office or appointment unless the Commission, for
20 good cause shown, extends the time. **Section 16.5** of this bill provides that this
21 requirement does not apply to a constable who is in office on July 1, 2013, unless
22 he or she is elected or appointed to a term of office on or after July 1, 2013.

23 **Sections 7.5, 12 and 12.5** of this bill provide that a constable or deputy
24 constable in a township that has within its boundaries a city whose population is
25 less than 150,000 (currently all cities other than Henderson, Las Vegas, North Las
26 Vegas and Reno) may not make an arrest in the course of performing his or her
27 duties as a constable.

28 Existing law authorizes a constable to appoint deputies and provides that a
29 deputy constable must be certified as a category II peace officer by the Peace
30 Officers' Standards and Training Commission within 1 year after the date on which
31 the person commences employment as a peace officer unless the Commission, for
32 good cause shown, extends the time. (NRS 258.060, 289.470, 289.550) **Section 10**
33 of this bill provides that a person appointed as a deputy constable for a township
34 whose boundaries include a city whose population is 150,000 or more (currently
35 Henderson, Las Vegas, North Las Vegas and Reno) must be certified as a category
36 II peace officer by the Commission before he or she commences employment as a
37 deputy constable.

38 Existing law authorizes the board of county commissioners to appoint clerks for
39 the constable of a township and to provide compensation for those clerks. (NRS
40 258.065) **Section 11** of this bill authorizes the constable to appoint clerical and
41 operational staff for the office of the constable, subject to the approval of the board
42 of county commissioners, and requires the board of county commissioners to fix the
43 compensation of the clerical and operational staff of the constable's office. **Section**
44 **11** further provides that the clerical and operational staff of a constable's office do
45 not have the powers of a peace officer and may not possess a weapon or carry a
46 concealed firearm while performing the duties of the constable's office.

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

53 **Section 8.8** of this bill authorizes the board of county commissioners to
54 establish, by resolution or ordinance, penalties to be imposed on a constable who
55 fails to file a report, oath or other document required by statute to be filed with the
56 county or the Peace Officers' Standards and Training Commission. **Section 9** of
57 this bill requires the oath of a constable to be filed and recorded in the office of the
58 recorder of the county.



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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 or constable for service if the
22 request for service is made before noon. If the request for service by
23 the sheriff or constable is made after noon, the "day of service" shall
24 be deemed to be the day next following the day that the request is
25 made for service by the sheriff or constable.

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

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

33 (b) After the notice has been posted and mailed, may deliver the
34 notice to the sheriff or constable for service in the manner set forth
35 in subsection 1 of NRS 40.280. The sheriff or constable shall not
36 accept the notice for service unless it is accompanied by written
37 evidence, signed by the tenant when the tenant took possession of
38 the premises, that the landlord or the landlord's agent informed the
39 tenant of the provisions of this section which set forth the lawful
40 procedures for eviction from a short-term tenancy. Upon
41 acceptance, the sheriff or constable shall serve the notice within 48



1 hours after the request for service was made by the landlord or the
2 landlord's agent.

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

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

5 (b) Advise the tenant:

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

11 (2) That if the court determines that the tenant is guilty of an
12 unlawful detainer, the court may issue a summary order for removal
13 of the tenant or an order providing for the nonadmittance of the
14 tenant, directing the sheriff or constable of the county to remove the
15 tenant within 24 hours after receipt of the order; and

16 (3) That, pursuant to NRS 118A.390, a tenant may seek relief
17 if a landlord unlawfully removes the tenant from the premises or
18 excludes the tenant by blocking or attempting to block the tenant's
19 entry upon the premises or willfully interrupts or causes or permits
20 the interruption of an essential service required by the rental
21 agreement or chapter 118A of NRS.

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

27 5. Upon noncompliance with the notice:

28 (a) The landlord or the landlord's agent may apply by affidavit
29 of complaint for eviction to the justice court of the township in
30 which the dwelling, apartment, mobile home , *recreational vehicle*
31 or commercial premises are located or to the district court of the
32 county in which the dwelling, apartment, mobile home ,
33 *recreational vehicle* or commercial premises are located, whichever
34 has jurisdiction over the matter. The court may thereupon issue an
35 order directing the sheriff or constable of the county to remove the
36 tenant within 24 hours after receipt of the order. The affidavit must
37 state or contain:

38 (1) The date the tenancy commenced.

39 (2) The amount of periodic rent reserved.

40 (3) The amounts of any cleaning, security or rent deposits
41 paid in advance, in excess of the first month's rent, by the tenant.

42 (4) The date the rental payments became delinquent.

43 (5) The length of time the tenant has remained in possession
44 without paying rent.

45 (6) The amount of rent claimed due and delinquent.



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1 (7) A statement that the written notice was served on the
2 tenant in accordance with NRS 40.280.

3 (8) A copy of the written notice served on the tenant.

4 (9) A copy of the signed written rental agreement, if any.

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

11 6. Upon the filing by the tenant of the affidavit permitted in
12 subsection 3, regardless of the information contained in the
13 affidavit, and the filing by the landlord of the affidavit permitted by
14 subsection 5, the justice court or the district court shall hold a
15 hearing, after service of notice of the hearing upon the parties, to
16 determine the truthfulness and sufficiency of any affidavit or notice
17 provided for in this section. If the court determines that there is no
18 legal defense as to the alleged unlawful detainer and the tenant is
19 guilty of an unlawful detainer, the court may issue a summary order
20 for removal of the tenant or an order providing for the
21 nonadmittance of the tenant. If the court determines that there is a
22 legal defense as to the alleged unlawful detainer, the court shall
23 refuse to grant either party any relief, and, except as otherwise
24 provided in this subsection, shall require that any further
25 proceedings be conducted pursuant to NRS 40.290 to 40.420,
26 inclusive. The issuance of a summary order for removal of the
27 tenant does not preclude an action by the tenant for any damages or
28 other relief to which the tenant may be entitled. If the alleged
29 unlawful detainer was based upon subsection 5 of NRS 40.2514, the
30 refusal by the court to grant relief does not preclude the landlord
31 thereafter from pursuing an action for unlawful detainer in
32 accordance with NRS 40.251.

33 7. The tenant may, upon payment of the appropriate fees
34 relating to the filing and service of a motion, file a motion with the
35 court, on a form provided by the clerk of the court, to dispute the
36 amount of the costs, if any, claimed by the landlord pursuant to NRS
37 118A.460 or 118C.230 for the inventory, moving and storage of
38 personal property left on the premises. The motion must be filed
39 within 20 days after the summary order for removal of the tenant or
40 the abandonment of the premises by the tenant, or within 20 days
41 after:

42 (a) The tenant has vacated or been removed from the premises;
43 and



1 (b) A copy of those charges has been requested by or provided
2 to the tenant,
3 ↪ whichever is later.

4 8. Upon the filing of a motion pursuant to subsection 7, the
5 court shall schedule a hearing on the motion. The hearing must be
6 held within 10 days after the filing of the motion. The court shall
7 affix the date of the hearing to the motion and order a copy served
8 upon the landlord by the sheriff, constable or other process server.
9 At the hearing, the court may:

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

13 (b) Order the release of the tenant's property upon the payment
14 of the charges determined to be due or if no charges are determined
15 to be due.

16 9. A landlord shall not refuse to accept rent from a tenant that
17 is submitted after the landlord or the landlord's agent has served or
18 had served a notice pursuant to subsection 1 if the refusal is
19 based on the fact that the tenant has not paid collection fees,
20 attorney's fees or other costs other than rent, a reasonable charge
21 for late payments of rent or dishonored checks, or a security. As
22 used in this subsection, "security" has the meaning ascribed to it in
23 NRS 118A.240.

24 10. This section does not apply to the tenant of a mobile home
25 lot in a mobile home park or to the tenant of a recreational vehicle
26 lot in an area of a mobile home park in this State other than an area
27 designated as a recreational vehicle lot pursuant to the provisions of
28 subsection 6 of NRS 40.215.

29 **Sec. 2.** (Deleted by amendment.)

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

31 107.087 1. In addition to the requirements of NRS 107.080,
32 if the sale of property is a residential foreclosure, a copy of the
33 notice of default and election to sell and the notice of sale must:

34 (a) Be posted in a conspicuous place on the property not later
35 than:

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

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

39 (b) Include, without limitation:

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

41 (2) The contact information of the trustee or the person
42 conducting the foreclosure who is authorized to provide information
43 relating to the foreclosure status of the property.

44 2. In addition to the requirements of NRS 107.084, the notices
45 must not be defaced or removed until the transfer of title is recorded



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1 or the property becomes occupied after completion of the sale,
2 whichever is earlier.

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

12 NOTICE TO TENANTS OF THE PROPERTY
13

14 Foreclosure proceedings against this property have started,
15 and a notice of sale of the property to the highest bidder has
16 been issued.
17

18 You may either: (1) terminate your lease or rental agreement
19 and move out; or (2) remain and possibly be subject to
20 eviction proceedings under chapter 40 of the Nevada Revised
21 Statutes. Any subtenants may also be subject to eviction
22 proceedings.
23

24 Between now and the date of the sale, you may be evicted if
25 you fail to pay rent or live up to your other obligations to the
26 landlord.
27

28 After the date of the sale, you may be evicted if you fail to
29 pay rent or live up to your other obligations to the successful
30 bidder, in accordance with chapter 118A of the Nevada
31 Revised Statutes.
32

33 Under the Nevada Revised Statutes eviction proceedings may
34 begin against you after you have been given a notice to quit.
35

36 If the property is sold and you pay rent by the week or
37 another period of time that is shorter than 1 month, you
38 should generally receive notice after not less than the number
39 of days in that period of time.
40

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



1 Under Nevada Revised Statutes 40.280, notice must generally
2 be served on you pursuant to chapter 40 of the Nevada
3 Revised Statutes and may be served by:

4 (1) Delivering a copy to you personally in the presence of
5 a witness;

6 (2) If you are absent from your place of residence or usual
7 place of business, leaving a copy with a person of suitable age
8 and discretion at either place and mailing a copy to you at
9 your place of residence or business; or

10 (3) If your place of residence or business cannot be
11 ascertained, or a person of suitable age or discretion cannot
12 be found there, posting a copy in a conspicuous place on the
13 leased property, delivering a copy to a person residing there,
14 if a person can be found, and mailing a copy to you at the
15 place where the leased property is.

16
17 If the property is sold and a landlord, successful bidder or
18 subsequent purchaser files an eviction action against you in
19 court, you will be served with a summons and complaint and
20 have the opportunity to respond. Eviction actions may result
21 in temporary evictions, permanent evictions, the awarding of
22 damages pursuant to Nevada Revised Statutes 40.360 or some
23 combination of those results.

24
25 Under the Justice Court Rules of Civil Procedure:

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

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

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

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

36
37 4. The posting of a notice required by this section must be
38 completed by a process server licensed pursuant to chapter 648 of
39 NRS or any constable or ~~the~~ sheriff **of the county in which the**
40 **property is located.**

41 5. As used in this section, "residential foreclosure" has the
42 meaning ascribed to it in NRS 107.080.

43 **Sec. 4.** (Deleted by amendment.)

44 **Sec. 5.** (Deleted by amendment.)

45 **Sec. 6.** (Deleted by amendment.)



1 **Sec. 7.** (Deleted by amendment.)

2 **Sec. 7.5.** NRS 171.124 is hereby amended to read as follows:

3 171.124 1. Except as otherwise provided in subsection 3 and
4 NRS 33.070 , ~~and~~ 33.320 ~~†~~ *and 258.070*, a peace officer or an
5 officer of the Drug Enforcement Administration designated by the
6 Attorney General of the United States for that purpose may make an
7 arrest in obedience to a warrant delivered to him or her, or may,
8 without a warrant, arrest a person:

9 (a) For a public offense committed or attempted in the officer's
10 presence.

11 (b) When a person arrested has committed a felony or gross
12 misdemeanor, although not in the officer's presence.

13 (c) When a felony or gross misdemeanor has in fact been
14 committed, and the officer has reasonable cause for believing the
15 person arrested to have committed it.

16 (d) On a charge made, upon a reasonable cause, of the
17 commission of a felony or gross misdemeanor by the person
18 arrested.

19 (e) When a warrant has in fact been issued in this State for the
20 arrest of a named or described person for a public offense, and the
21 officer has reasonable cause to believe that the person arrested is
22 the person so named or described.

23 2. A peace officer or an officer of the Drug Enforcement
24 Administration designated by the Attorney General of the United
25 States for that purpose may also, at night, without a warrant, arrest
26 any person whom the officer has reasonable cause for believing to
27 have committed a felony or gross misdemeanor, and is justified in
28 making the arrest, though it afterward appears that a felony or gross
29 misdemeanor has not been committed.

30 3. An officer of the Drug Enforcement Administration may
31 only make an arrest pursuant to subsections 1 and 2 for a violation
32 of chapter 453 of NRS.

33 **Sec. 8.** Chapter 258 of NRS is hereby amended by adding
34 thereto the provisions set forth as sections 8.1 to 8.8, inclusive, of
35 this act.

36 **Sec. 8.1.** *As used in this chapter, unless the context otherwise*
37 *requires, the words and terms defined in sections 8.2, 8.3 and 8.4*
38 *of this act have the meanings ascribed to them in those sections.*

39 **Sec. 8.2.** *“Category I peace officer” has the meaning*
40 *ascribed to it in NRS 289.460.*

41 **Sec. 8.3.** *“Category II peace officer” has the meaning*
42 *ascribed to it in NRS 289.470.*

43 **Sec. 8.4.** *“Peace officer” has the meaning ascribed to it in*
44 *NRS 289.010.*



1 **Sec. 8.6.** *1. Each constable of a township that has within its*
2 *boundaries a city whose population is 150,000 or more shall*
3 *become certified by the Peace Officers' Standards and Training*
4 *Commission as a category I or category II peace officer within 1*
5 *year after the date on which the constable commences his or her*
6 *term of office or appointment unless the Commission, for good*
7 *cause shown, grants in writing an extension of time, which must*
8 *not exceed 6 months.*

9 *2. If a constable does not comply with the provisions of*
10 *subsection 1, the constable forfeits his or her office and a vacancy*
11 *is created which must be filled in accordance with NRS 258.030.*

12 **Sec. 8.8.** *In addition to any fine imposed pursuant to NRS*
13 *258.200, a board of county commissioners may establish, by*
14 *resolution or ordinance, penalties for the failure of the constable*
15 *of a township in the county to file any report, oath or other*
16 *document required by statute to be filed with the county or the*
17 *Peace Officers' 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 *township that has within its boundaries a city whose population is*
39 *150,000 or more may not commence employment as a deputy*
40 *constable until the person is certified by the Peace Officers'*
41 *Standards and Training Commission as a category II peace*
42 *officer.* The appointment of a deputy constable must not be
43 construed to confer upon that deputy policymaking authority for the
44 office of the county constable or the county by which the deputy
45 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~~ *Subject to the provisions of subsection 2,*
42 *each* constable shall:

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

44 (b) Serve all mesne and final process issued by a court of
45 competent jurisdiction.



1 (c) Execute the process, writs or warrants that the constable is
2 authorized to receive pursuant to NRS 248.100.

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

5 2. *A constable or deputy constable elected or appointed in a*
6 *township that has within its boundaries a city whose population is*
7 *less than 150,000 may not arrest any person while carrying out the*
8 *duties of the office of constable.*

9 3. 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-~~ 4. If a sheriff or the sheriff's deputy in any county in this
20 State arrests a person charged with a criminal offense or in the
21 commission of an offense, the sheriff or the sheriff's deputy shall
22 serve all process, whether mesne or final, and attend the court
23 executing the order thereof in the prosecution of the person so
24 arrested, whether in a justice court or a district court, to the
25 conclusion, and whether the offense is an offense of which a justice
26 of the peace has jurisdiction, or whether the proceeding is a
27 preliminary examination or hearing. The sheriff or the sheriff's
28 deputy shall collect the same fees and in the same manner therefor
29 as the constable of the township in which the justice court is held
30 would receive for the same service.

31 **Sec. 12.5.** NRS 258.110 is hereby amended to read as follows:

32 258.110 ~~##~~ *Unless, pursuant to subsection 2 of NRS*
33 *258.070, a constable is prohibited from making an arrest,* any
34 constable ~~shall~~ *who* willfully ~~refuse~~ *refuses* to receive or arrest
35 any person charged with a criminal offense ~~-, such constable-~~ is
36 guilty of a gross misdemeanor and shall be removed from office.

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

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



1 the cause in which, and the services for which, such fees or
2 compensation were received.

3 2. Nothing in this section shall be so construed as to require
4 personal attendance in filing statements, which may be transmitted
5 by mail or otherwise directed to the clerk of the board of county
6 commissioners.

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

8 289.550 1. Except as otherwise provided in subsection 2 and
9 NRS 3.310 , ~~and~~ 4.353 ~~+~~ **and 258.060, and section 8.6 of this**
10 **act**, a person upon whom some or all of the powers of a peace
11 officer are conferred pursuant to NRS 289.150 to 289.360, inclusive,
12 must be certified by the Commission within 1 year after the date on
13 which the person commences employment as a peace officer unless
14 the Commission, for good cause shown, grants in writing an
15 extension of time, which must not exceed 6 months, by which the
16 person must become certified. A person who fails to become
17 certified within the required time shall not exercise any of the
18 powers of a peace officer after the time for becoming certified has
19 expired.

20 2. The following persons are not required to be certified by the
21 Commission:

22 (a) The Chief Parole and Probation Officer;

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

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

30 (d) The Commissioner of Insurance and the chief deputy of the
31 Commissioner of Insurance;

32 (e) Railroad police officers; and

33 (f) California correctional officers.

34 **Sec. 14.5.** NRS 482.231 is hereby amended to read as follows:

35 482.231 1. Except as otherwise provided in subsection 3, the
36 Department shall not register a motor vehicle if a local authority has
37 filed with the Department a notice stating that the owner of the
38 motor vehicle:

39 (a) Was cited by a constable pursuant to subsection ~~1~~ 3 of NRS
40 258.070 for failure to comply with the provisions of NRS 482.385;
41 and

42 (b) Has failed to pay the fee charged by the constable pursuant
43 to subsection ~~1~~ 3 of NRS 258.070.



1 2. The Department shall, upon request, furnish to the owner of
2 the motor vehicle a copy of the notice of nonpayment described in
3 subsection 1.

4 3. The Department may register a motor vehicle for which the
5 Department has received a notice of nonpayment described in
6 subsection 1 if:

7 (a) The Department receives:

8 (1) A receipt from the owner of the motor vehicle which
9 indicates that the owner has paid the fee charged by the constable;
10 or

11 (2) Notification from the applicable local authority that the
12 owner of the motor vehicle has paid the fee charged by the
13 constable; and

14 (b) The owner of the motor vehicle otherwise complies with the
15 requirements of this chapter for the registration of the motor vehicle.

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

17 482.255 1. Upon receipt of a certificate of registration, the
18 owner shall place it or a legible copy in the vehicle for which it is
19 issued and keep it in the vehicle. If the vehicle is a motorcycle,
20 trailer or semitrailer, the owner shall carry the certificate in the tool
21 bag or other convenient receptacle attached to the vehicle.

22 2. The owner or operator of a motor vehicle shall, upon
23 demand, surrender the certificate of registration or the copy for
24 examination to any peace officer, including a constable ~~of~~ *of the*
25 *township in which the motor vehicle is located* or a justice of the
26 peace or *a* deputy of the Department.

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

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

32 482.385 1. Except as otherwise provided in subsections 5 and
33 7 and NRS 482.390, a nonresident owner of a vehicle of a type
34 subject to registration pursuant to the provisions of this chapter,
35 owning any vehicle which has been registered for the current year in
36 the state, country or other place of which the owner is a resident and
37 which at all times when operated in this State has displayed upon it
38 the registration license plate issued for the vehicle in the place of
39 residence of the owner, may operate or permit the operation of the
40 vehicle within this State without its registration in this State
41 pursuant to the provisions of this chapter and without the payment
42 of any registration fees to this State:

43 (a) For a period of not more than 30 days in the aggregate in any
44 1 calendar year; and



- 1 (b) Notwithstanding the provisions of paragraph (a), during any
2 period in which the owner is:
- 3 (1) On active duty in the military service of the United
4 States;
- 5 (2) An out-of-state student;
- 6 (3) Registered as a student at a college or university located
7 outside this State and who is in the State for a period of not more
8 than 6 months to participate in a work-study program for which the
9 student earns academic credits from the college or university; or
10 (4) A migrant or seasonal farm worker.
- 11 2. This section does not:
- 12 (a) Prohibit the use of manufacturers', distributors' or dealers'
13 license plates issued by any state or country, by any nonresident in
14 the operation of any vehicle on the public highways of this State.
- 15 (b) Require registration of vehicles of a type subject to
16 registration pursuant to the provisions of this chapter operated by
17 nonresident common motor carriers of persons or property, contract
18 motor carriers of persons or property, or private motor carriers of
19 property as stated in NRS 482.390.
- 20 (c) Require registration of a vehicle operated by a border state
21 employee.
- 22 3. Except as otherwise provided in subsection 5, when a
23 person, formerly a nonresident, becomes a resident of this State, the
24 person shall:
- 25 (a) Within 30 days after becoming a resident; or
26 (b) At the time he or she obtains a driver's license,
27 ↪ whichever occurs earlier, apply for the registration of each
28 vehicle the person owns which is operated in this State. When a
29 person, formerly a nonresident, applies for a driver's license in this
30 State, the Department shall inform the person of the requirements
31 imposed by this subsection and of the penalties that may be imposed
32 for failure to comply with the provisions of this subsection.
- 33 4. A citation may be issued pursuant to subsection 1, 3 or 5
34 only if the violation is discovered when the vehicle is halted or its
35 driver arrested for another alleged violation or offense. The
36 Department shall maintain or cause to be maintained a list or other
37 record of persons who fail to comply with the provisions of
38 subsection 3 and shall, at least once each month, provide a copy of
39 that list or record to the Department of Public Safety.
- 40 5. Except as otherwise provided in this subsection, a resident or
41 nonresident owner of a vehicle of a type subject to registration
42 pursuant to the provisions of this chapter who engages in a trade,
43 profession or occupation or accepts gainful employment in this State
44 or who enrolls his or her children in a public school in this State
45 shall, within 30 days after the commencement of such employment



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1 or enrollment, apply for the registration of each vehicle the person
2 owns which is operated in this State. The provisions of this
3 subsection do not apply to a nonresident who is:

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

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

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

10 (d) A migrant or seasonal farm worker.

11 6. A person who violates the provisions of subsection 1, 3 or 5
12 is guilty of a misdemeanor and, except as otherwise provided in this
13 subsection, shall be punished by a fine of \$1,000. The fine imposed
14 pursuant to this subsection is in addition to any fine or penalty
15 imposed for the other alleged violation or offense for which the
16 vehicle was halted or its driver arrested pursuant to subsection 4.
17 The fine imposed pursuant to this subsection may be reduced to not
18 less than \$200 if the person presents evidence at the time of the
19 hearing that the person has registered the vehicle pursuant to this
20 chapter.

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

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

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

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

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

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

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

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



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

2 (c) Except as otherwise provided in paragraph (b) of subsection
3 1, the owner of the vehicle is a nonresident and has operated the
4 vehicle in this State for more than 30 days in the aggregate in any 1
5 calendar year; or

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

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

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

13 **Sec. 16.5.** 1. The provisions of section 8.6 of this act do not
14 apply to a constable who is in office on July 1, 2013, unless the
15 constable is elected or appointed to a term of office on or after
16 July 1, 2013.

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



