
SENATE BILL NO. 177—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 10, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning fees charged in civil actions. (BDR 2-522)

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 civil actions; increasing certain fees charged in connection with a civil action in a district court; increasing certain fees that certain boards of county commissioners may impose for the filing of certain actions in district courts and justices' courts; providing that certain fees charged in connection with a civil action in a district court may be used to support programs for alternative methods of resolving disputes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law establishes certain fees for filing documents in connection with a
2 civil action in district court. (NRS 19.013) Existing law also imposes an additional
3 filing fee which must be paid upon commencing, answering or appearing in an
4 action or proceeding. The money collected from the additional fee is used to fund
5 programs for arbitration in civil actions. (NRS 19.0315)

6 This bill increases the fee imposed for filing an action and the fee for the
7 appearance of any defendant or defendants appearing jointly in a case. This bill also
8 increases the additional filing fee that is used to fund programs for arbitration and
9 provides that the fee may also be used to support other programs for the resolution
10 of disputes through the use of other alternative methods of resolving disputes.

11 Existing law authorizes certain boards of county commissioners to impose a
12 filing fee in district and justices' courts to offset the cost of providing pro bono
13 programs and of providing free legal services to abused and neglected children and
14 to victims of domestic violence. (NRS 4.071, 19.0312)



15 This bill increases the maximum amount of the fee that those boards of county
16 commissioners are authorized to impose.

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

1 **Section 1.** NRS 19.013 is hereby amended to read as follows:
2 19.013 1. Except as otherwise provided by specific statute,
3 each county clerk shall charge and collect the following fees:
4
5 On the commencement of any action or
6 proceeding in the district court, or on the
7 transfer of any action or proceeding from a
8 district court of another county, except probate
9 or guardianship proceedings, to be paid by the
10 party commencing the action, proceeding or
11 transfer ~~[\$56]~~ \$65
12 On an appeal to the district court of any case from
13 a justice’s court or a municipal court, or on the
14 transfer of any case from a justice’s court or a
15 municipal court 42
16 On the filing of a petition for letters testamentary,
17 letters of administration, setting aside an estate
18 without administration, or a guardianship,
19 which fee includes the court fee prescribed by
20 NRS 19.020, to be paid by the petitioner:
21 Where the stated value of the estate is more
22 than \$2,500 72
23 Where the stated value of the estate is
24 \$2,500 or less, no fee may be charged or
25 collected.
26 On the filing of a petition to contest any will or
27 codicil, to be paid by the petitioner..... 44
28 On the filing of an objection or cross-petition to
29 the appointment of an executor, administrator
30 or guardian, or an objection to the settlement
31 of account or any answer in an estate or
32 guardianship matter..... 44
33 On the appearance of any defendant or any
34 number of defendants answering jointly, to be
35 paid upon the filing of the first paper in the
36 action by him or them ~~[44]~~ 50
37 For filing a notice of appeal 24



1 For issuing a transcript of judgment and certifying
2 thereto \$3
3 For preparing any copy of any record, proceeding
4 or paper, for each page..... 1
5 For each certificate of the clerk, under the seal of
6 the court 3
7 For examining and certifying to a copy of any
8 paper, record or proceeding prepared by
9 another and presented for his certificate 5
10 For filing all papers not otherwise provided for,
11 other than papers filed in actions and
12 proceedings in court and papers filed by public
13 officers in their official capacity 5
14 For issuing any certificate under seal, not
15 otherwise provided for 6
16 For searching records or files in his office, for
17 each year 1
18 For filing and recording a bond of a notary public,
19 per name..... 15
20 For entering the name of a firm or corporation in
21 the register of the county clerk..... 20
22

23 2. Except as otherwise provided by specific statute, all fees
24 prescribed in this section are payable in advance if demanded by the
25 county clerk.

26 3. The fees set forth in subsection 1 are payment in full for all
27 services rendered by the county clerk in the case for which the fees
28 are paid, including the preparation of the judgment roll, but the fees
29 do not include payment for typing, copying, certifying or
30 exemplifying or authenticating copies.

31 4. No fee may be charged any attorney at law admitted to
32 practice in this State for searching records or files in the office of the
33 clerk. No fee may be charged for any services rendered to a
34 defendant or his attorney in any criminal case or in habeas corpus
35 proceedings.

36 5. Each county clerk shall, on or before the fifth day of each
37 month, account for and pay to the county treasurer all fees collected
38 during the preceding month.

39 **Sec. 2.** NRS 19.0312 is hereby amended to read as follows:

40 19.0312 1. Except as otherwise provided in subsection 2, in
41 addition to any other fee required by law, in each county that
42 charges a fee pursuant to NRS 19.031 to offset a portion of the costs
43 of providing legal services without a charge to indigent or elderly
44 persons, a board of county commissioners may impose by ordinance



1 a filing fee to offset a portion of the costs of providing pro bono
2 programs and of providing legal services without a charge to abused
3 or neglected children and victims of domestic violence to be
4 remitted to the organization operating the program for legal services
5 that receives the fees charged pursuant to NRS 19.031 for programs
6 for the indigent in an amount not to exceed:

7 (a) ~~Five~~ *Ten* dollars to be paid on the commencement of any
8 civil action or proceeding in the district court for which a filing fee
9 is required and on the filing of any answer or appearance in any
10 such action or proceeding for which a filing fee is required.

11 (b) Twenty-five dollars to be paid on the filing of any motion or
12 other paper that seeks to modify or adjust a final order that was
13 issued pursuant to chapter 125, 125B or 125C of NRS and on the
14 filing of any answer or response to such a motion or other paper.

15 2. A board of county commissioners may not by ordinance
16 impose a filing fee pursuant to paragraph (b) of subsection 1 for:

17 (a) A motion filed solely to adjust the amount of support for a
18 child set forth in a final order; or

19 (b) A motion for reconsideration or for a new trial that is filed
20 within 10 days after a final judgment or decree has been issued.

21 3. On or before the first Monday of each month, in a county in
22 which a fee has been imposed pursuant to subsection 1, the county
23 clerk shall account for and pay over to the county treasurer any such
24 fees collected by him during the preceding month. The county
25 treasurer shall remit quarterly to the organization to which the fees
26 are to be paid pursuant to subsection 1 all the money received by
27 him from the county clerk.

28 4. Any fees collected pursuant to this section must be used for
29 the benefit of the persons to whom the organization operating the
30 program for legal services that receives money pursuant to this
31 section provides legal services without a charge.

32 **Sec. 3.** NRS 19.0315 is hereby amended to read as follows:

33 19.0315 1. Except as otherwise provided in NRS 19.034, on
34 the commencement of any civil action or proceeding in the district
35 court for which a filing fee is required, and on the filing of any
36 answer or appearance in any such action or proceeding for which a
37 filing fee is required, the county clerk shall charge and collect a fee
38 of ~~Five~~ *\$15* from the party commencing, answering or appearing in
39 the action or proceeding. These fees are in addition to any other fee
40 required by law.

41 2. On or before the first Monday of each month, the county
42 clerk shall pay over to the county treasurer the amount of all fees
43 collected by him pursuant to subsection 1 for credit to an account
44 for *court* programs of arbitration *and other alternative methods of*



1 *resolving disputes* in the county general fund. The money in the
2 account must be used only to support programs for the arbitration of
3 civil actions pursuant to NRS 38.250 ~~and~~ *and programs for the*
4 *resolution of disputes through the use of other alternative methods*
5 *of resolving disputes pursuant to NRS 38.258.*

6 3. The provisions of this section apply only in judicial districts
7 in which a program of arbitration has been established pursuant to
8 NRS 38.250.

9 *4. As used in this section, "short trial" has the meaning*
10 *ascribed to it in NRS 38.250.*

11 **Sec. 4.** NRS 4.071 is hereby amended to read as follows:

12 4.071 1. In addition to any other fee required by law, in each
13 county that charges a fee pursuant to NRS 19.031 to offset a portion
14 of the costs of providing legal services without a charge to indigent
15 or elderly persons, a board of county commissioners may impose by
16 ordinance a filing fee to offset a portion of the costs of providing pro
17 bono programs and of providing legal services without a charge to
18 abused or neglected children and victims of domestic violence to be
19 remitted to the organization operating the program for legal services
20 that receives the fees charged pursuant to NRS 19.031 for programs
21 for the indigent in an amount not to exceed ~~[\$5]~~ **\$10** to be paid on
22 the commencement of any action or proceeding in the justice's court
23 for which a filing fee is required and on the filing of any answer or
24 appearance in any such action or proceeding for which a filing fee is
25 required.

26 2. On or before the first Monday of each month, in a county in
27 which a fee has been imposed pursuant to subsection 1, the justice
28 of the peace shall account for and pay over to the county treasurer
29 any such fees collected by him during the preceding month. The
30 county treasurer shall remit quarterly to the organization to which
31 the fees are to be paid pursuant to subsection 1 all the money
32 received by him from the justice of the peace.

33 3. Any fees collected pursuant to this section must be used for
34 the benefit of the persons to whom the organization operating the
35 program for legal services that receives money pursuant to this
36 section provides legal services without a charge.



