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## LEGISLATIVE COUNSEL'S PREFACE

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### History and Objectives of the Revision

*Nevada Revised Statutes* is the result of the enactment, by the 45th Session of the Legislature of the State of Nevada, of chapter 304, Statutes of Nevada 1951 (subsequently amended by chapter 280, Statutes of Nevada 1953, and chapter 248, Statutes of Nevada 1955), which created the Statute Revision Commission and authorized the Commission to undertake, for the first time in the state's history, a comprehensive revision of the laws of the State of Nevada of general application. Although revision was not commenced until 1951, the need for statutory revision had been recognized as early as 1865 when an editorial published in the *Douglas County Banner* stated:

One subject which ought to engage the early, and serious consideration of the Legislature, about to convene, and one which should be acted upon without delay, is the revision and codification of the laws of Nevada. Amendment has been added to amendment, in such manner as to leave, in many instances, the meaning of the Legislature, that last resort of the jurist, in determining the application of the law, more than doubtful \* \* \* The most serviceable members of the Legislature will be those gentlemen who will do something toward reducing to order our amendment-ridden, imperfectly framed and jumbled up statutes at large.

From 1861 to 1951 the Legislature made no provisions for statutory revision, although during that period 8,423 acts were passed by the Legislature and approved by the Governor. During the period from 1873 to 1949 eight compilations of Nevada statutes were published. "Compiling" must be distinguished from "revising." Ordinarily, the "compiling" of statutes involves the following steps: Removing from the last compilation the sections that have been specifically repealed since its publication; substituting the amended text for the original text in the case of amended sections; inserting newly enacted sections; rearranging, to a limited extent, the order of sections; and bringing the index up to date.

"Revising" the statutes, on the other hand, involves these additional and distinguishing operations: (1) The collection into chapters of all the sections and parts of sections that relate to the same subject and the orderly arrangement into sections of the material assembled in each chapter. (2) The elimination of inoperative or obsolete, duplicated, impliedly repealed and unconstitutional (as declared by the Supreme Court of the State of Nevada) sections and parts of sections. (3) The elimination of unnecessary words and the improvement of the grammatical structure and physical form of sections.

The revision, instead of the recompilation, of the statutes was undertaken, therefore, first, to eliminate sections or parts of sections which, though not specifically repealed, were nevertheless ineffective and, second, to clarify, simplify, classify and generally make more accessible, understandable and usable the remaining effective sections or parts of sections.

With respect to the accomplishment of the second purpose of revision specified above, the following revisions, in addition to those mentioned elsewhere in this preface, were made:

1. Long sections were divided into shorter sections. The division of long sections facilitates indexing and reduces the complications and expense incident to future amendment of the statutes.
2. Whole sections or parts of sections relating to the same subject were sometimes combined.
3. Sentences within a section, and words within a sentence, were rearranged, and tabulations were employed where indicated.
4. Such words and phrases as "on and after the effective date of this act," "heretofore," "hereinafter," "now," and "this act" were replaced by more explicit words when possible.
5. The correct names of officers, agencies or funds were substituted for incorrect designations.

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The general types of revisions to be made by the reviser, as well as the broad policies governing the work of revision, were determined by the Statute Revision Commission at frequent meetings. Precautions were taken to ensure the accomplishment of the objectives of the program without changing the meaning or substance of the statutes.

Upon completion of the revision of the text of the statutes in December 1956, the Commission turned to the solution of a vital problem: Would it recommend the enactment of the revised statutes or would it request the Legislature merely to adopt the revised statutes as evidence of the law? The Commission concluded that the enactment of the revised statutes as law, rather than the mere adoption thereof as evidence of the law, would be the more desirable course of action. Accordingly, *Nevada Revised Statutes* in typewritten form was submitted to the 48th Session of the Legislature in the form of a bill providing for its enactment as law of the State of Nevada. This bill, Senate Bill No. 2 (hereafter referred to in this preface as “the revision bill”), was passed without amendment or dissenting vote, and on January 25, 1957, was approved by Governor Charles H. Russell.

On July 1, 1963, pursuant to the provisions of chapter 403, Statutes of Nevada 1963, the Statute Revision Commission was abolished, and its powers, duties and functions were transferred to the Legislative Counsel of the State of Nevada.

## METHOD AND FORM OF PUBLICATION

As required by NRS 220.120, all volumes are “bound in loose-leaf binders of good, and so far as possible, permanent quality.” The use of the loose-leaf method makes it possible to keep *Nevada Revised Statutes* up to date, without using pocket parts or supplements or completely reprinting and rebinding each volume, simply by the insertion of new pages. As required by NRS 220.160, replacement and supplementary pages to the statute text made necessary by the session of the Legislature are prepared as soon as possible after each session. Complete reprintings of *Nevada Revised Statutes* were made in 1967, 1973 and 1979, and after each regular session beginning in 1985. Replacement pages are additionally provided periodically between legislative sessions as necessary to update the annotations to NRS, including federal and state case law. Occasionally these replacement pages will contain material inadvertently omitted in the codification of NRS and the correction of manifest clerical errors, as well as sections or chapters of NRS which have been recodified pursuant to chapter 220 of NRS for clarification or to alleviate overcrowding.

The outside bottom corner of each page of NRS contains a designation which indicates the reprint or group of replacement pages with which the page was issued. A designation consisting of four numerals contained in parentheses means that the page was issued as part of a reprint of NRS immediately following the legislative session held in the year indicated by the four numerals. For example, the designation “(2019)” means that the page was issued as part of the reprint of NRS immediately following the 80th Legislative Session which was held in 2019. A designation consisting of four numerals contained in parentheses immediately followed by the capitalized letter “R” and a numeral means that the page was issued as part of a group of replacement pages in the year indicated by the four numerals in parentheses. The numeral following the “R” indicates the number of the group of replacement pages. The groups begin with the number one and increase sequentially by one number so that the later group will always have a higher number. For example, the designation “(2019) R1” means that the page was part of the first group of replacement pages issued in 2019. Similarly, the designation “(2019) R4” means that the page was part of the fourth group of replacement pages issued in 2019.

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## CLASSIFICATION AND ARRANGEMENT

One of the first and most fundamental tasks in the revision was the adoption of a sound system of classification. Proper classification, by which the laws or parts of laws are brought together in logical consecutive units, is vital for a number of reasons: It makes the law more accessible and understandable; only through it can all conflicts, implied repeals and duplications be discovered and the proper changes made; and it makes possible improvements in the cross references, the numbering, the index and the annotations.

The initial step in classification was to develop an outline composed of convenient units, arranged in logical order and designed to accommodate not only the existing statutes but such as might reasonably be expected to be enacted in the future. The basic unit of classification is the chapter. Each chapter is intended to include all the statutes, and no more, relating to each subject that logically can be treated as a unit.

In the process of classification the statutes were divided into four main parts; the parts, in turn, were divided into titles and the titles into chapters. In each of the parts, an attempt has been made to arrange the titles, and the chapters within titles, in the most logical sequence. The four main parts are as follows:

1. Remedial, dealing with structure and organization of courts and with civil procedure and remedies (chapters 1 to 74, inclusive, of NRS).
2. Civil, dealing with relationships among persons (chapters 75 to 167, inclusive, of NRS).
3. Penal, dealing with criminal procedure, crimes generally and punishment (chapters 169 to 217, inclusive, of NRS).
4. Political, dealing with the structure and organization of state and local government and with the services rendered and the regulation exercised by government (chapters 218A to 722, inclusive, of NRS).

The Table of Titles lists the titles in each part, and attempts, with respect to the political part, to indicate the logic of their sequence. The Table of Titles and Chapters that follows the Table of Titles lists all the titles and chapters in the order in which they appear. With respect to the grouping of chapters, the user of the statutes will note that the chapters are arranged in small groups having to do with specific fields of the law, and that numbered titles have been inserted for each of these fields. A thorough understanding of the system of classification, acquired through a study of the Table of Titles and the Table of Titles and Chapters, will enhance the ability of the user of the statutes to find the statutes he or she seeks, or, in many cases, to determine with some degree of certainty that there are no such statutes to be found.

The arrangement of sections within each chapter, as well as the arrangement of chapters within titles, is intended to follow a logical pattern. If there are definitions applicable to a whole chapter, they are contained in the first section or sections of the chapter. Next comes a section or sections stating the leading principle of the chapter. Following this the details dealing with the carrying out or the enforcing of the principle are set down in logical order. If it is contemplated that certain steps shall be taken in chronological order, the steps are arranged in that order. If a chapter consists of several independent or separable laws, the sections dealing with each law are arranged according to the pattern just described. In most chapters, except those containing the ordinary criminal statutes and the applicable penalties, the criminal penalties for violating provisions of a chapter are contained in the last section or sections. In the statutory text, index tabs appear at the beginning of each title. Following each tab is an outline of the chapters in that title. These aids are designed to encourage and facilitate the use of the system of classification in finding the law. As a further aid to the quick location of statutory sections, there has been placed at the beginning of each chapter a detailed outline of the sections in that chapter. After the user of the statutes has determined, first, by use of the Table of Titles, in which of the four major parts the statute for which he or she is searching logically falls and,

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secondly, by use of the Table of Titles and Chapters or the General Index, in which of the titles and chapters it would fall, the user may utilize the outline of that chapter to direct his or her attention to the particular statute being sought. If a statute concerns the subject of that chapter but is located in another, the cross references which follow the outline should point out its location.

## NUMBERING OF SECTIONS

The complete reclassification and rearrangement of the statutes required a renumbering of the sections. The Statute Revision Commission selected a permanent and expandable decimal system of numbering, thus eliminating in future editions of *Nevada Revised Statutes* the necessity of renumbering. Under the adopted decimal system, the number to the left of the decimal point indicates the number of the chapter in which the section is located, while the number to the right indicates the relative position of the section within the chapter. When it is once understood that the number to the left of the decimal point is the chapter number, and the number to the right of the decimal point indicates the order of the section within that chapter, the system is easily comprehended.

The chapters are numbered progressively with Arabic numerals. A progressive rather than a consecutive system was used in order to facilitate the insertion of additional chapters without renumbering, but it has been necessary to designate some chapters by adding a capital letter to the number.

Within each chapter the sections are generally numbered by 10's. In some instances, however, the large number of sections in a chapter has necessitated numbering by 5's, 2's or even 1's. The purpose of generally numbering by 10's is to enable future legislation to be compiled in its proper place without disturbing the uniformity of the numbering system or without renumbering existing sections.

Sections repealed are dropped from the outline and the chapter after the first regular session following the regular session during which they were repealed. Until then, the headline is printed in the outline followed by the word "Repealed" in brackets and is printed in the chapter with a reference to the provision that repealed the section. The NRS numbers of sections that have been repealed are not revised in future codification except in the case of certain uniform acts, such as the Uniform Commercial Code, where the re-use of numbers is necessary to ensure the desired uniformity of numbering. A Table of Sections Repealed or Replaced is included following the Comparative Section Tables.

## NUMBERING OF PAGES

The pages of each chapter of NRS are numbered independently of the other chapters with Arabic numerals at the center of the bottom of each page. Each page number consists of one to three numerals or numerals and a letter to the left of a hyphen and one or more numerals to the right of the hyphen. The numerals or numerals and letter to the left of the hyphen indicate the NRS chapter number. The number to the right of the hyphen indicates the sequential order of the page within the chapter. For example, the designation "616D-14" would appear on the fourteenth page of chapter 616D of NRS. On rare occasions, an abundance of replacement pages may cause the use of decimal points and additional numbers immediately following the page number to the right of the hyphen. The numbers

following the decimal point are consecutively ordered. For example, the designation “616D-14.2” would appear in chapter 616D of NRS following the page numbered “616D-14.1” which would follow the fourteenth page of the chapter.

## LEGISLATIVE HISTORY

The legislative history for each section of *Nevada Revised Statutes* enacted as a part of the revision bill, up to the time of enactment, has been inserted in brackets immediately following the section. Each legislative history contains a reference to the section, chapter and year of the Statutes of Nevada from which the section of NRS is derived, together with references to subsequent amendments and, when applicable, section numbers in prior compilations. Certain abbreviations have been employed by the reviser in order to shorten the bracketed material:

B—Bonnifield and Healy, *The Compiled Laws of the State of Nevada* (1873)  
 BH—Baily and Hammond, *The General Statutes of the State of Nevada* (1885)  
 C—Cutting, *Compiled Laws of Nevada* (1900)  
 RL—*Revised Laws of Nevada* (1912)  
 1919 RL—*Revised Laws of Nevada* (1919)  
 NCL—*Nevada Compiled Laws* (1929)  
 1931 NCL—*Nevada Compiled Laws 1931—41 Supplement* (1941)  
 1943 NCL—*Nevada Compiled Laws 1943—49 Supplement* (1949)

In the case of the Civil Practice Act, Criminal Practice Act and Crimes and Punishments Act of 1911, which were omitted from Statutes of Nevada 1911 as authorized by chapter 84, Statutes of Nevada 1911, the reviser has employed the following abbreviations in the legislative history:

1911 CPA—Civil Practice Act of 1911  
 1911 C&P—Crimes and Punishments Act of 1911  
 1911 Cr. Prac.—Criminal Practice Act of 1911

The following several detailed illustrations will show how the legislative history works:

1. The interpolation “[1:19:1865; B § 910; BH § 2425; C § 2508; RL § 4828; NCL § 8370]” following the text of NRS 1.010, means that NRS 1.010 was derived from section 1, chapter 19, Statutes of Nevada 1865; and that section 1, chapter 19, Statutes of Nevada 1865, subsequently appeared in the compilation of Nevada statutes in Bonnifield and Healy § 910, in Baily and Hammond § 2425, in Cutting § 2508, in *Revised Laws of Nevada* (1912) § 4828, and *Nevada Compiled Laws* (1929) § 8370.
2. The interpolation “[52:19:1865; A 1869, 136; 1881, 165; BH § 2471; C § 2553; RL § 4872; NCL § 8414]” following the text of NRS 1.060, means that NRS 1.060 was derived from section 52, chapter 19, Statutes of Nevada 1865; that section 52, chapter 19, Statutes of Nevada 1865, was subsequently amended by Statutes of Nevada 1869, at page 136, and by Statutes of Nevada 1881, at page 165; and that the last amendment subsequently appeared in the compilation of Nevada statutes in Baily and Hammond § 2471, in Cutting § 2553, in *Revised Laws of Nevada* (1912) § 4872, and *Nevada Compiled Laws* (1929) § 8414.
3. The interpolation “[42:19:1865; A 1927, 138; NCL § 8404]” following the text of NRS 1.090, means that NRS

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1.090 was derived from section 42, chapter 19, Statutes of Nevada 1865; that section 42, chapter 19, Statutes of Nevada 1865, was subsequently amended by Statutes of Nevada 1927, at page 138; and that the last amendment subsequently appeared in *Nevada Compiled Laws* (1929) § 8404.

4. The interpolation “[Part 61:108:1866; B § 2659; BH § 1696; C § 1842; RL § 2817; NCL § 4817]” following the text of NRS 1.280, means that NRS 1.280 was derived from a part of section 61, chapter 108, Statutes of Nevada 1866; and that section 61, chapter 108, Statutes of Nevada 1866, subsequently appeared in the compilation of Nevada statutes in Bonnifield and Healy § 2659, in Baily and Hammond § 1696, in Cutting § 1842, in *Revised Laws of Nevada* (1912) § 2817, and *Nevada Compiled Laws* (1929) § 4817.

5. The interpolation “[Part 1:217:1909; A 1931, 9; 1931 NCL § 618] + [Part 2:108:1866; A 1953, 711; 1955, 459]” following the text of NRS 2.020, means that NRS 2.020 was derived from: (a) A part of section 1, chapter 217, Statutes of Nevada 1909; that section 1, chapter 217, Statutes of Nevada 1909, was subsequently amended by Statutes of Nevada 1931, at page 9; and that the last amendment to section 1, chapter 217, Statutes of Nevada 1909, subsequently appeared in *Nevada Compiled Laws 1931–41 Supplement* § 618; and (b) A part of section 2, chapter 108, Statutes of Nevada 1866; that section 2, chapter 108, Statutes of Nevada 1866, was subsequently amended by Statutes of Nevada 1953, at page 711, and by Statutes of Nevada 1955, at page 459.

6. The interpolation “[Part 19:33:1861; A 1947, 445; 1943 NCL § 4067]” following the text of NRS 125.340, means that NRS 125.340 was derived from a part of section 19, chapter 33, Statutes of Nevada 1861; that section 19, chapter 33, Statutes of Nevada 1861, was amended by Statutes of Nevada 1947, at page 445; and that the last amendment to section 19, chapter 33, Statutes of Nevada 1861, subsequently appeared in *Nevada Compiled Laws 1943–49 Supplement* § 4067.

7. The interpolation “[1911 CPA § 532; RL § 5474; NCL § 9021]” following the text of NRS 1.030, means that NRS 1.030 was derived from section 532 of the Civil Practice Act of 1911; and that that section was first printed in *Revised Laws of Nevada* (1912) § 5474, and subsequently appeared in *Nevada Compiled Laws* (1929) § 9021.

8. The interpolation “[1911 C&P § 53; RL § 6318; NCL § 10002]” following the text of NRS 198.010, means that NRS 198.010 was derived from section 53 of the Crimes and Punishments Act of 1911; and that that section was first printed in *Revised Laws of Nevada* (1912) § 6318, and subsequently appeared in *Nevada Compiled Laws* (1929) § 10002.

9. The interpolation “[1911 Cr. Prac. § 99; RL § 6949; NCL § 10747]” following the text of NRS 171.215, means that NRS 171.215 was derived from section 99 of the Criminal Practice Act of 1911; and that that section was first printed in *Revised Laws of Nevada* (1912) § 6949, and subsequently appeared in *Nevada Compiled Laws* (1929) § 10747.

10. The interpolation “[1911 C&P § 202; A 1917, 410; 1919 RL § 6467; NCL § 10150]” following the text of NRS 646.030, means that NRS 646.030 was derived from section 202 of the Crimes and Punishments Act of 1911; that that section was amended by Statutes of Nevada 1917, at page 410; and that the last amendment subsequently appeared in *Revised Laws of Nevada* (1919) § 6467, and *Nevada Compiled Laws* (1929) § 10150.

11. The interpolation “[8:264:1913; 1919 RL p. 2838; NCL § 3767]” following the text of NRS 339.030, means that NRS 339.030 was derived from section 8, chapter 264, Statutes of Nevada 1913; and that section 8, chapter 264, Statutes of Nevada 1913, subsequently appeared in *Revised Laws of Nevada* (1919), at page 2838, and *Nevada Compiled Laws* (1929) § 3767.

12. The interpolation “[1:153:1927; A 1928, 29; 1945, 208; 1951, 359; 1953, 540]” following the text of NRS 2.050, means that NRS 2.050 was derived from section 1, chapter 153, Statutes of Nevada 1927; and that section 1, chapter 153, Statutes of Nevada 1927, was subsequently amended by Statutes of Nevada 1928, at page 29, by Statutes of Nevada 1945, at page 208, by Statutes of Nevada 1951, at page 359, and by Statutes of Nevada 1953, at page 540.

13. The interpolation “[7:52:1907; added 1949, 506; 1943 NCL § 8460.01]” following the text of NRS 3.380, means that NRS 3.380 was derived from section 7, chapter 52, Statutes of Nevada 1907, which section was added to

chapter 52, Statutes of Nevada 1907, by Statutes of Nevada 1949, at page 506; and that the added section appeared in *Nevada Compiled Laws 1943–49 Supplement* § 8460.01.

14. The interpolation “[1:229:1953]” following the text of NRS 1.220, means that NRS 1.220 was derived from section 1, chapter 229, Statutes of Nevada 1953.

Note that the legislative history of a section which was amended contains only references to compilations in which the section appeared in its latest amended form. Thus the legislative history of a section which appeared in *Nevada Compiled Laws* (1929), if the section was amended in 1951, contains no reference to *Nevada Compiled Laws* (1929).

When the legislative history of a section of NRS indicates that the section of NRS has been derived from a *part* of a section, the disposition and location of the balance of that original section generally may be determined by referring to the Comparative Section Tables. In some instances temporary or obsolete material of the original section was deleted by the reviser, the reason for such deletion being explained in the reviser's note to the section of NRS. Legislative histories interpreted above are to sections of NRS as enacted by the revision act by the 1957 Legislature. Action taken on *Nevada Revised Statutes* by the 1957 and subsequent legislative sessions appears at the end of each legislative history enclosed in parentheses and is indicated as follows:

1. Amended section. The interpolation “[1911 CPA § 673; A 1955, 284]–(NRS A 1957, 140; 1959, 596)” following the text of NRS 37.100 means that NRS 37.100 was amended by Statutes of Nevada 1957, at page 140, and by Statutes of Nevada 1959, at page 596.
2. New section. The interpolation “(Added to NRS by 1957, 64)” following the text of NRS 18.045, means that NRS 18.045 was enacted by Statutes of Nevada 1957, at page 64.

## CROSS REFERENCES

Immediately following the outline in most chapters there have been inserted cross references to other related subjects found in the Constitution of the State of Nevada, *Nevada Revised Statutes*, special and local acts which have a continuing effect, Supreme Court Rules, Nevada Rules of Appellate Procedure, Nevada Rules of Civil Procedure, Nevada Rules on the Administrative Docket, District Court Rules, local district court rules and Justice Court Rules of Civil Procedure. The Constitution of the United States, the United States District Court Rules for the District of Nevada and the Ninth Circuit Rules for the United States Court of Appeals have not been cross-referenced. Use of the information thus made available will enable a complete picture to be obtained of the law with reference to any particular subject. In considering any chapter of NRS, the cross references noted following the outline should be examined. The cross references are designed to make the statutes more accessible.

## CITATION OF NEVADA REVISED STATUTES

The citation of *Nevada Revised Statutes* and its component parts (titles, chapters and sections) is provided in NRS 220.170.

The component parts of a section of NRS and the proper manner of citing them are indicated in the following

example of the outline used:

**000.000 Sample outline.** This is a sample section of NRS, which can be subdivided as follows:

1. This is a subsection.
2. Subsections are numbered with Arabic numerals and can be subdivided into paragraphs which:
  - (a) Are designated by a lowercase letter in parentheses;
  - (b) Are cited as “paragraphs (a) and (b) of subsection 2 of NRS 000.000”; and
  - (c) Can be further subdivided into subparagraphs which:
    - (1) Are designated by Arabic numerals in parentheses;
    - (2) Are cited as “subparagraphs (1) and (2) of paragraph (c) of subsection 2 of NRS 000.000”; and
    - (3) Can be further subdivided into sub-subparagraphs which are:
      - (I) Designated by Roman numerals in parentheses; and
      - (II) Cited as “sub-subparagraphs (I) and (II) of subparagraph (3) of paragraph (c) of subsection 2 of NRS 000.000.”

## ABBREVIATIONS

In preparing and revising NRS a minimum of abbreviations has been used. In addition to the abbreviations employed in the legislative histories (explained in this preface under the heading “Legislative History”) the following abbreviations have been used:

- “4JDCR” means Fourth Judicial District Court Rules.
- “7JDCR” means Seventh Judicial District Court Rules.
- “10JDCR” means Tenth Judicial District Court Rules.
- “Const.” means Nevada Constitution.
- “D.C.R.” means District Court Rules.
- “EDCR” means Eighth Judicial District Court Rules.
- “FJDCR” means First Judicial District Court Rules.
- “FMR” means Foreclosure Mediation Rules.
- “JCRCR” means Justice Court Rules of Civil Procedure.
- “JCRLV” means Justice Court Rules of Las Vegas Township.
- “JCRNLV” means Justice Court Rules of North Las Vegas Township.
- “JCRRT” means Justice Court Rules of Reno Township.
- “L.C.R.” means Criminal Rules of Practice for the Second Judicial District Court.
- “NAC” means Nevada Administrative Code.
- “N.A.R.” means Nevada Arbitration Rules.
- “NEFCR” means Nevada Electronic Filing and Conversion Rules.
- “NJDCR” means Ninth Judicial District Court Rules.
- “N.M.R.” means Nevada Mediation Rules.

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“NRAD” means Nevada Rules on the Administrative Docket.  
 “NRAP” means Nevada Rules of Appellate Procedure.  
 “NRCF” means Nevada Rules of Civil Procedure.  
 “NRS” means Nevada Revised Statutes.  
 “N.S.T.R.” means Nevada Short Trial Rules.  
 “R.C.J.C.” means Revised Nevada Code of Judicial Conduct.  
 “RJCR” means Rural Justice Court Rules.  
 “RPC” means Nevada Rules of Professional Conduct.  
 “S.C.R.” means Supreme Court Rules.  
 “SRCR” means Nevada Rules for Sealing and Redacting Court Records.  
 “T.J.D.C.R.” means Third Judicial District Court Rules.  
 “WDCR” means Washoe District Court Rules.  
 “WDFCR” means Washoe District Family Court Rules.

## ANNOTATIONS

From 1965 to 1985, the annotations, historical notes and other reviser's notes required by chapter 220 of NRS were contained in a separate set of volumes entitled *Annotations to Nevada Revised Statutes*. In the 1987 reprint of NRS, for the first time, this material was included with the text of the chapters and sections to which it pertains. The several kinds of material so included are described respectively below.

### Reviser's Notes

During the process of revising the statutes, the statute reviser prepared detailed notes explaining the reason for each omission, change of wording or other revision made. These “reviser's notes” appear in the annotations under the appropriate sections and will answer most questions that may arise as to the reason for any difference between the old statute and the new. When a section has been amended since the enactment of NRS, the accompanying note may be omitted, upon the theory that the Legislature has then examined the section in detail and ratified any such change. Also included in the “reviser's notes” are selected preambles and other transitory provisions which accompany statutes but which are not included in *Nevada Revised Statutes*.

### Subcommittee's Comments

Title 4 of NRS includes annotations which set forth relevant comments of the Legislative Commission's Subcommittee for Study of an Evidence Code, which appeared in the publication “A Proposed Evidence Code for the State of Nevada,” (Legislative Counsel Bureau Bulletin No. 90, 1970). Many of these comments specify the Draft Federal Rule which corresponds to the section under which the comment appears. The user is cautioned that the comments relate to the sections of the draft bill, not all of which were enacted in the exact form proposed.

### Notes of Advisory Committees of the Nevada Supreme Court

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The annotations to Nevada Rules of Civil Procedure, Nevada Rules of Appellate Procedure and Justice Court Rules of Civil Procedure contain notes as prepared by the respective advisory committees appointed by the Nevada Supreme Court.

### **References to Nevada Constitutional Debates and Proceedings**

Annotations to the Constitution of the State of Nevada contain references to the *Debates and Proceedings in the Constitutional Convention of the State of Nevada*, as reported by Andrew J. Marsh and published in 1866. For example, the annotations to § 1, Article 2 of the Constitution relating to the right to vote and qualifications of electors contains the following reference: “Nevada Constitutional Debates and Proceedings, pp. 70-73, 80-104, 243-246, 253, 271, 272, 467, 493, 785, 835.” All cited pages relate to the right to vote and qualifications of electors.

### **Cross References to Related Provisions of the Nevada Revised Statutes**

Cross references to related sections of NRS have been included in the annotations under appropriate sections. The references are to sections or groups of sections of NRS which have been codified in another chapter or title of NRS but which the reader may find particularly relevant or helpful in construing the section under which the annotation is placed.

### **References to Related Provisions of the Nevada Administrative Code**

Beginning with the 1987 reprint of NRS, references to related provisions of the Nevada Administrative Code (NAC) have been included in the annotations under appropriate sections. The references are to sections or groups of sections of NAC which are related to or adopted pursuant to the statutory provision. Caution is advised because state officers and agencies can amend these regulations at any time. It is therefore advised that the reader consult the corresponding chapter of NAC whenever an officer or agency has statutory authority to adopt regulations. NAC is organized so that each chapter contains regulations authorized by or relating to the chapter of NRS with the same number.

### **Notes of Judicial Decisions**

The notes of judicial decisions include statements of holdings set forth in the reported decisions of the Nevada Supreme Court, federal courts and courts of other jurisdictions, involving the various provisions of *Nevada Revised Statutes*. Also included are statements of holdings in cases decided under former statutes which were substantially the same as the present provisions of *Nevada Revised Statutes*.

These notes have been enlarged beginning with the 1987 reprint by including not only cases in which the court expressly construed a constitutional or statutory provision but also cases: (1) in which such a provision although not identified was clearly the basis of the court's holding; and (2) which the annotator believes are useful in understanding the application of the provision even though it was not construed or specifically applied. Any such extension necessarily involves editorial judgment and human frailty. In particular, the reader is cautioned that not every case which might be equally worthy of inclusion for one of the stated reasons may be included, either because the annotator did not find it or because his or her judgment of the propriety of its inclusion did not agree with the

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reader's.

### **Notes of Opinions of the Attorneys General**

Annotations to the Constitution and the statutes contain notes of opinions of the various attorneys general of the State of Nevada rendered since 1869. These opinions, known informally as AGOs, have been cited in three different forms, for example:

AGO 100 (9-8-1955). This citation refers to official opinion No. 100 of the Attorney General, dated September 8, 1955. This citation form was used through 1978. (Note, however, that through 1978 an official AGO opinion number may have been used more than one time. For example, AGO 13 (2-1-1923), AGO 13 (1-30-1951), AGO 13 (2-23-1955), AGO 13 (2-23-1959), AGO 13 (3-5-1963) and AGO 13 (2-25-1971)).

AGO 81-13 (12-8-1981). This citation refers to the thirteenth official opinion of the Attorney General issued during the year of 1981, dated December 8, 1981. This citation form was used from 1979 through 1999.

AGO 2002-10 (2-26-2002). This citation refers to the tenth official opinion of the Attorney General issued during the year of 2002, dated February 26, 2002. This citation form has been used from 2000 through the present.

### **Notes of Open Meeting Law Opinions**

Annotations to the statutes contain notes of opinions of the various attorneys general of the State of Nevada rendered since 1995 as a guideline for enforcing the Open Meeting Law (Chapter 241 of Nevada Revised Statutes). These opinions, known informally as OMLOs, were not rendered as written opinions requested pursuant to NRS 228.150. Open Meeting Law Opinions have been cited in two different forms, for example:

OMLO 96-04 (4-3-1996). This citation refers to the fourth official Open Meeting Law Opinion of the Attorney General issued during the year of 1996, dated April 3, 1996. This citation form was used from 1995 through 1999.

OMLO 2001-07 (3-7-2001). This citation refers to the seventh official Open Meeting Law Opinion of the Attorney General issued during the year of 2001, dated March 7, 2001. This citation form has been used from 2000 through the present.

### **Notes of Commission on Ethics Opinions**

Annotations to the statutes contain notes of opinions rendered by the Nevada Commission on Ethics. These opinions, known informally as CEOs, are cited, for example: CEO 00-12 (10-6-2000). This citation refers to case file No. 00-12 of the Nevada Commission on Ethics, dated October 6, 2000.

### **Selected Collateral Cases**

Immediately following selected statutes and chapter or subchapter headings, there have been placed

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references to holdings set forth in the reported decisions of federal courts and courts of other jurisdictions, which holdings are not directly interpretive of Nevada law but have been determined by the Legislative Counsel to be of potential assistance to the reader of Nevada Revised Statutes (typically through the presentation of a matter of common law or the discussion of an issue that is analogous to or tangentially interpretive of Nevada law). The reader is cautioned that these selected collateral cases have been included as a function of editorial judgment in an attempt to broaden the resources available to the reader, and that such cases may be of limited precedential value within the State of Nevada.

## INDEXES

Because of the additional, time-consuming duties of legislative bill drafting and statute indexing assigned to the reviser and his staff during the 1953, 1954, 1955 and 1956 Sessions of the Legislature, the completion of the editorial work on the General Index was delayed and publication did not occur until 1958. The General Index to *Nevada Revised Statutes* was entirely new, being carefully and painstakingly constructed, entry by entry, over a period of 30 months. The objectives of the Statute Revision Commission were to supply adequate index entries for all statutory and Nevada constitutional provisions, Supreme Court Rules, Nevada Rules of Civil Procedure, District Court Rules and Justice Court Rules of Civil Procedure, to avoid erroneous, misleading or useless index entries and to eliminate blind or cumulative cross references. All index entries were reviewed, after preparation, by one indexer, and considerable attention was devoted to the integration of the index entries.

The Nevada Constitution is included in the General Index and also has a separate index following the text. The United States Constitution is not indexed in the General Index but has a separate index following the text. The City Charters and selected Special and Local Acts which appear in separate volumes towards the end of the set are included in the General Index. There is also an Index to the City Charters and an Index to the Special and Local Acts which are explained in this preface under the heading "City Charters and Other Special and Local Acts." The United States District Court Rules for the District of Nevada and the Ninth Circuit Rules for the United States Court of Appeals are also followed by indexes and are not included in the General Index. All indexes are completely updated and reprinted following each legislative session. A User's Guide appears at the front of the first General Index volume.

## TABLES

Immediately following the Index to the Special and Local Acts appear Legislative Histories, which include citations and short titles to all statutes on the subject of each title repealed before or by enactment of *Nevada Revised Statutes* and not contained in the revision. For example, the legislative history for title 30 (Public Borrowing and Obligations) contains the following entries:

- 1921, 221—Consolidated bond interest and redemption fund. R 1957, 2.
- 1933, 116—Bonds elections. A 1941, 140; R 1956, 219.

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The following detailed illustrations show the value of the legislative histories. The 1921 act referred to above was enacted by Statutes of Nevada 1921, at page 221. The act was repealed Statutes of Nevada 1957, at page 2. The 1933 act referred to above was enacted by Statutes of Nevada 1933, at page 116, amended by Statutes of Nevada 1941, at page 140, and repealed by Statutes of Nevada 1956, at page 219. Thus the user of the statutes can, with little time and effort, inform himself or herself concerning previous legislation on the general subject in which he or she has an interest.

Following the legislative histories appear the Comparative Section Tables showing the disposition in *Nevada Revised Statutes* of the statutes compiled in *Nevada Compiled Laws (1929)*, *Nevada Compiled Laws 1931–41 Supplement*, *Nevada Compiled Laws 1943–49 Supplement*, and the statutes of general application enacted during the 1951 and subsequent legislative sessions.

Following these tables appears a table composed of all chapters and sections of *Nevada Revised Statutes* which have been repealed or replaced in revision since its enactment in 1957 except those repealed sections whose NRS numbers have been re-used. Re-use of the NRS numbers of repealed sections is avoided in all chapters except those chapters which contain certain uniform acts such as the Uniform Commercial Code where re-use of numbers is necessary to ensure the desired uniformity of numbering.

## ALPHABETICAL LIST OF NEVADA SUPREME COURT CASES

For the convenience of the users of *Nevada Revised Statutes*, an alphabetical list of Nevada Supreme Court cases is contained in its own volume preceding the first volume of the General Index. This list contains the name and citation of each case decided by the Nevada Supreme Court from 1865 through the year in which the Nevada Reports are printed. Each case is listed in alphabetical order under the name of the appellant. For example, *State ex rel. Sweikert v. Briare* will be listed under “State ex rel. Sweikert.” Cases which begin with numerals are at the front of the list.

## CITY CHARTERS AND OTHER SPECIAL AND LOCAL ACTS

Pursuant to Senate Concurrent Resolution No. 45 of the 60th Session of the Nevada Legislature (File No. 99, Statutes of Nevada 1979, page 1997), the Legislative Commission directed the Legislative Counsel to prepare and publish an index of all special and local acts of the Territory of Nevada and the State of Nevada which by their terms appear to have a continuing effect and to codify selected special and local acts in a companion volume to *Nevada Revised Statutes*. The Legislative Commission decided that the index should be published as an appendix of *Nevada Revised Statutes*. It also selected a number of special and local acts which the Legislative Counsel had identified as appearing to have a continuing effect and which the Legislative Commission believed should be included in the appendix. The basis of the selection was the Legislative Commission's judgment of the degree of public interest which any one of the acts seemed to have as evidenced primarily by the number of persons the act appeared to affect and the number and frequency of its amendments. These special and local acts are contained in two volumes towards the end of the set. The City Charters are contained in the first volume and the other selected

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Special and Local Acts in the second volume, with each volume including a relevant index.

The Legislative Commission directed that the material in the appendix be kept current as part of the continuous program of statute revision. To this end acts will be deleted when they cease to have a continuing effect and added as appropriate under the guidelines for selection used by the Legislative Commission.

The inclusion or exclusion of any special or local act from this appendix of *Nevada Revised Statutes* does not constitute any finding or declaration of the Legislature or of the Legislative Counsel as to the legal effect of the act upon the rights, powers or duties of any person.

## FUTURE REVISION

Chapter 220 of Nevada Revised Statutes provides for a continuous program of statute revision. The efforts of the Legislative Counsel will be devoted to the improvement of the statutory law. Each user of *Nevada Revised Statutes* is invited to submit to the Legislative Counsel such suggestions concerning the statutes and annotations as he or she considers will result in improving the statutes, and also to call upon the Legislative Counsel for such information as may be at his or her disposal.

Russell W. McDonald  
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December 1, 1967

Lorne J. Malkiewich  
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October 29, 1993

Frank W. Daykin  
*Legislative Counsel*  
October 25, 1985

Brenda J. Erdoes  
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October 19, 2019