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ASSEMBLY BILL NO. 107—ASSEMBLYWOMAN BILBRAY-AXELROD

PREFILED FEBRUARY 7, 2017

Referred to Committee on Judiciary

SUMMARY—Provides for the sealing of records relating to eviction under certain circumstances. (BDR 3-689)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to unlawful detainer; providing for the sealing of court records relating to eviction under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill provides that records relating to actions for unlawful detainer and  
2 summary eviction must be sealed and not open to inspection except to: (1) parties  
3 to the action and their attorneys; (2) certain persons who provide the court clerk  
4 with certain required information about the action; (3) any person by order of the  
5 court upon a showing of good cause; (4) any person by order of the court if 60 days  
6 have elapsed after the affidavit of complaint has been filed and the plaintiff prevails  
7 in trial; and (5) any other person if 60 days have elapsed after the affidavit of  
8 complaint has been filed and the plaintiff prevails within 60 days after such filing.

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

1 **Section 1.** Chapter 40 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. In any action for unlawful detainer or summary eviction,*  
4 *the affidavit of complaint and any other pleadings, proof of*  
5 *service, findings of the court, any order made on motion as*  
6 *provided in Nevada Rules of Civil Procedure and all other papers,*  
7 *records, proceedings and evidence, including exhibits and*  
8 *transcript of the testimony, must be sealed and not open to*  
9 *inspection except:*



1 (a) *To parties to the action and their attorneys.*

2 (b) *To a person who provides the clerk with the names of at*  
3 *least one plaintiff and one defendant and the address of the*  
4 *premises, including the identifying number of the apartment or*  
5 *unit, if any.*

6 (c) *To a resident of the premises who provides the clerk with*  
7 *the name of one of the parties or the case number of the action*  
8 *and shows proof of residence.*

9 (d) *To a person by order of the court, which may be granted ex*  
10 *parte, upon a showing of good cause.*

11 (e) *To any person by order of the court if, more than 60 days*  
12 *after the filing of the affidavit of complaint, judgment is entered*  
13 *for the plaintiff after a trial. The court shall issue the order upon*  
14 *issuing judgment for the plaintiff.*

15 (f) *To any other person, except as otherwise provided in*  
16 *paragraph (g), if:*

17 (1) *Sixty days have elapsed after the filing of the affidavit of*  
18 *complaint; and*

19 (2) *The plaintiff prevails in the action not later than 60*  
20 *days after the filing of the affidavit of complaint.*

21 (g) *In the case of a complaint involving real property or a*  
22 *mobile home based on NRS 40.255, to any other person if:*

23 (1) *Sixty days have elapsed after the filing of the complaint;*  
24 *and*

25 (2) *Judgment against all defendants has been entered for*  
26 *the plaintiff after a trial.*

27 2. *If a default or default judgment is set aside more than 60*  
28 *days after the affidavit of complaint has been filed, this section*  
29 *applies as if the affidavit of complaint had been filed on the date*  
30 *the default or default judgment is set aside.*

31 **Sec. 2.** NRS 40.215 is hereby amended to read as follows:

32 40.215 As used in NRS 40.215 to 40.425, inclusive, *and*  
33 *section 1 of this act*, unless the context requires otherwise:

34 1. "Dwelling" or "dwelling unit" means a structure or part  
35 thereof that is occupied, or designed or intended for occupancy, as a  
36 residence or sleeping place by one person who maintains a  
37 household or by two or more persons who maintain a common  
38 household.

39 2. "Landlord's agent" means a person who is hired or  
40 authorized by the landlord or owner of real property to manage the  
41 property or dwelling unit, to enter into a rental agreement on behalf  
42 of the landlord or owner of the property or who serves as a person  
43 within this State who is authorized to act for and on behalf of the  
44 landlord or owner for the purposes of service of process or receiving  
45 notices and demands. A landlord's agent may also include a



1 successor landlord or a property manager as defined in  
2 NRS 645.0195.

3 3. "Mobile home" means every vehicle, including equipment,  
4 which is constructed, reconstructed or added to in such a way as to  
5 have an enclosed room or addition occupied by one or more persons  
6 as a residence or sleeping place and which has no foundation other  
7 than wheels, jacks, skirting or other temporary support.

8 4. "Mobile home lot" means a portion of land within a mobile  
9 home park which is rented or held out for rent to accommodate a  
10 mobile home.

11 5. "Mobile home park" or "park" means an area or tract of land  
12 where two or more mobile homes or mobile home lots are rented or  
13 held out for rent. "Mobile home park" or "park" does not include  
14 those areas or tracts of land, whether within or outside of a park,  
15 where the lots are held out for rent on a nightly basis.

16 6. "Premises" includes a mobile home.

17 7. "Recreational vehicle" means a vehicular structure primarily  
18 designed as temporary living quarters for travel, recreational or  
19 camping use, which may be self-propelled or mounted upon or  
20 drawn by a motor vehicle.

21 8. "Recreational vehicle lot" means a portion of land within a  
22 recreational vehicle park, or a portion of land so designated within a  
23 mobile home park, which is rented or held out for rent to  
24 accommodate a recreational vehicle overnight or for less than 3  
25 months.

26 9. "Recreational vehicle park" means an area or tract of land  
27 where lots are rented or held out for rent to accommodate a  
28 recreational vehicle overnight or for less than 3 months.

29 10. "Short-term tenancy" means a tenancy in which rent is  
30 reserved by a period of 1 week and the tenancy has not continued  
31 for more than 45 days.

32 **Sec. 3.** The amendatory provisions of this act apply to all  
33 actions pending or filed on or after October 1, 2017.

