
SENATE BILL NO. 262—SENATORS SETTELMEYER, PICKARD,
GOICOECHEA, HARDY, HANSEN; BUCK, HAMMOND,
KIECKHEFER AND SEEVERS GANSERT

MARCH 16, 2021

JOINT SPONSORS: ASSEMBLYMEN TITUS, WHEELER, DICKMAN,
O’NEILL, ELLISON; BLACK, HAFEN, KASAMA, KRASNER,
LEAVITT, MATTHEWS, MCARTHUR, ROBERTS AND TOLLES

Referred to Committee on Judiciary

SUMMARY—Establishes provisions requiring the award of
reasonable attorney’s fees under certain
circumstances. (BDR 2-640)

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.

AN ACT relating to civil actions; requiring a court to award
reasonable attorney’s fees to a plaintiff who prevails in a
civil action for the establishment, protection or
enforcement of a right pursuant to a provision of the
Nevada Constitution; and providing other matters
properly relating thereto.

Legislative Counsel’s Digest:

1 **Section 1** of this bill requires a court to award reasonable attorney’s fees to a
2 plaintiff who prevails in a civil action for the establishment, protection or
3 enforcement of a right pursuant to a provision of the Nevada Constitution. **Section**
4 **1** also: (1) limits the calculation of the award to only the portion of attorney’s fees
5 associated with a claim for the establishment, protection or enforcement of a right
6 pursuant to a provision of the Nevada Constitution; and (2) defines the term
7 “plaintiff” to include a person who seeks the establishment, protection or
8 enforcement of a right pursuant to a provision of the Nevada Constitution in a
9 counterclaim, cross-claim or third-party complaint. **Section 2** of this bill makes a
10 conforming change to indicate proper placement of **section 1** within the Nevada
11 Revised Statutes. **Section 3** of this bill provides that the provisions of this bill apply
12 to an action commenced on or after the effective date of this bill.



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

1 **Section 1.** Chapter 18 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *In a civil action for the establishment, protection or*
4 *enforcement of a right pursuant to a provision of the Nevada*
5 *Constitution, a court shall award reasonable attorney's fees to a*
6 *plaintiff who prevails in the action.*

7 2. *In calculating the reasonable attorney's fees pursuant to*
8 *subsection 1, a court shall include only the portion of the*
9 *attorney's fees incurred by a plaintiff that are associated with a*
10 *claim for the establishment, protection or enforcement of a right*
11 *pursuant to a provision of the Nevada Constitution.*

12 3. *This section must not be construed to prohibit any other*
13 *award of attorney's fees pursuant to any applicable statute or*
14 *court rule.*

15 4. *As used in this section, "plaintiff" includes a person who*
16 *seeks the establishment, protection or enforcement of a right*
17 *pursuant to a provision of the Nevada Constitution in a*
18 *counterclaim, cross-claim or third-party complaint.*

19 **Sec. 2.** NRS 18.005 is hereby amended to read as follows:

20 18.005 For the purposes of NRS 18.010 to 18.150, inclusive,
21 *and section 1 of this act* the term "costs" means:

22 1. Clerks' fees.

23 2. Reporters' fees for depositions, including a reporter's fee for
24 one copy of each deposition.

25 3. Jurors' fees and expenses, together with reasonable
26 compensation of an officer appointed to act in accordance with
27 NRS 16.120.

28 4. Fees for witnesses at trial, pretrial hearings and deposing
29 witnesses, unless the court finds that the witness was called at the
30 instance of the prevailing party without reason or necessity.

31 5. Reasonable fees of not more than five expert witnesses in an
32 amount of not more than \$1,500 for each witness, unless the court
33 allows a larger fee after determining that the circumstances
34 surrounding the expert's testimony were of such necessity as to
35 require the larger fee.

36 6. Reasonable fees of necessary interpreters.

37 7. The fee of any sheriff or licensed process server for the
38 delivery or service of any summons or subpoena used in the action,
39 unless the court determines that the service was not necessary.

40 8. Compensation for the official reporter or reporter pro
41 tempore.



1 9. Reasonable costs for any bond or undertaking required as
2 part of the action.

3 10. Fees of a court bailiff or deputy marshal who was required
4 to work overtime.

5 11. Reasonable costs for telecopies.

6 12. Reasonable costs for photocopies.

7 13. Reasonable costs for long distance telephone calls.

8 14. Reasonable costs for postage.

9 15. Reasonable costs for travel and lodging incurred taking
10 depositions and conducting discovery.

11 16. Fees charged pursuant to NRS 19.0335.

12 17. Any other reasonable and necessary expense incurred in
13 connection with the action, including reasonable and necessary
14 expenses for computerized services for legal research.

15 **Sec. 3.** The provisions of this act apply to an action
16 commenced on or after the effective date of this act.

17 **Sec. 4.** This act becomes effective upon passage and approval.

