

Laws Passed in the 2017 Legislative Session Effective on or Before July 1, 2017

LOCAL GOVERNMENT

Senate Bill 56

Allows Mesquite to become a chartered city with the ability to levy taxes and fees in same manner as other cities. Mesquite is moving forward for adoption of a charter in July.

Senate Bill 149

Authorizes the RTC (in Clark County only) to construct, develop and operate a high-capacity transit system with the approval of the county or city which owns any public right-of-way. The RTC may recommend the imposition of an additional sales tax to the County Commission. The board of county commissioners may submit the question to the voters at the next general election asking whether the tax recommended by the RTC should be imposed. If a majority of voters approve, the board of county commissioners is required to impose the approved tax at the rate specified in the question. The ballot question may only be submitted once and may only be put to voters for the 2018 General Election or 2020 General Election.

Senate Bill 448

Provides RTC and other public bodies in Clark County with authorization to enter into public-private partnerships to plan, finance, design, construct, improve, maintain, operate or acquire the rights-of-way for transportation facilities. Eminent domain may be exercised with respect to any property necessary for a transportation facility. Section 13.5 prohibits the imposition toll roads.

Senate Bill 338

SNHBA supported a bill in the 2015 Session (Senate Bill 223) that attempted to address problems with the liability of general contractors for payment of wages and benefits of employees of its subcontractors. Senate Bill No. 223 of the 2015 Legislative Session was overturned by the federal courts (*Nevada in Board of Trustees of the Glazing Health and Welfare Trust v. Chambers*). This bill sets forth amendments that would prevent the provisions of law amended in Senate Bill No. 223 from being preempted. Section 1 increases the statute of limitations in which to commence a legal action from 1 year to 2 years. Section 4 creates new notification requirements and penalties that a potential claimant under section must provide to an original contractor or subcontractor. Section 5 removes preempted language and requires an original contractor to be liable for the indebtedness for labor that is incurred by a subcontractor or other contractor. Section 8 of this bill repeals this provision of law that the manager of a Taft-Hartley trust must provide a notice of delinquency when an owed benefit payment is not received.

Assembly Bill 233

Authorizes a lessor of a motortruck to impose an additional charge to recover any costs incurred by the lessor in conducting his or her business. Any such additional charges must be disclosed at the time the lessor provides a price quote or estimate for the lease.

Assembly Bill 246

Allows for two or more contiguous counties or contiguous municipalities to jointly create a tax increment area/improvement district.

Assembly Bill 379

Allows for cities and counties to create parks, trails and open space districts. Districts may be initiated by resolution or by petition of any property owner. Local governments are not required to act on petitions. The district may cross city/county boundaries and may be made up of noncontiguous parcels. If district, and service plan are approved by a local government, all property owners will be noticed. If a majority of property owners submit written protest, the local government cannot proceed with creation of the district. The district may also not be formed if the Boards of all overlapping improvement districts have not approved of the creation of the district. The governing board of the district may assess fees or special assessments on properties within the district and issue bonds to build, operate or repair parks, trails and open space and related facilities and appurtenances.

Senate Bill 429

Authorizes a governing body of a city or county to establish an urban agriculture zone by ordinance. Provides that a master plan may also include an urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening (Clark County and all cities in Clark County are exempted from this requirement). In short, there will be no requirement, but there may be tax advantages to taking a look at designation of certain parcels for this purpose that may be of interest to some.

Senate Bill 462

Authorizes a board of county commissioners to create a committee to review the existing general improvement districts to determine if the districts should be continued, modified, consolidated, merged or dissolved. The committee must consist of: (1) three members appointed by the board of county commissioners, including a member of the Senate who represents the county and a member of the Assembly who represents the county; and (2) two additional members, one appointed by the member of the Senate and one appointed by the member of the Assembly. The burden of proof on the general improvement district to establish that there is a public need for its continued existence. Section 3 limits the committee to reviewing not more than six general improvement districts per year.

Senate Bill 255 – Allows notification to homeowners of a change in HOA governing documents or delivery of resale package by means other than US Mail, such as electronic transmission.

Senate Bill 258 - Authorizes a majority of property owners who own additional common property jointly with other property owners to act on behalf of all property owners if the property is: 1) subject to covenant, condition or restriction recorded against the property before July 1, 2017; and 2) not subject to the provisions of chapter 116 of NRS. This would apply to a neighborhood improvement district or homeowner agreement for maintenance of common areas where there is no HOA or other limited-purpose association regulated by NRS 116.

Senate Bill 33 - Requires a unit-owners' association to: (1) inform each unit's owner or his or her successor in interest that if the person is a servicemember or a dependent of a servicemember, he or she may be entitled to certain protections pursuant to section 5.3; and (2) give the person the opportunity to provide any information required to enable the association to verify whether the person is entitled to the protections set forth in section 5.3, including, without limitation, the social security number and date of birth of the person. Section 5.3 also requires that before an association takes certain action relating to the foreclosure of a lien by sale, the association must, if such information is provided, verify whether a unit's owner or his or her successor in interest is entitled to the protections set forth in section 5.3 or, if such information is not provided, make a good faith effort to verify whether a unit's owner or his or her successor in interest is entitled to such protections. Section 5.3 of this bill applies the applicable provisions set forth in section 1 to the foreclosure of a lien of a unit-owners' association against a unit in a common interest community and provides that if a unit's owner or his or her successor in interest is a servicemember or, in certain circumstances, a dependent of a servicemember, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

EMPLOYMENT LAW

[Assembly Bill 113](#) - Requires each employer to provide a reasonable break time and a clean, private place for an employee who is a nursing mother to express breast milk. Break time may be provided with or without compensation. If an employer would face an undue hardship, the employer may meet with the employee to discuss alternatives. If no agreement is reached on such an alternative, employers are authorized to require the employee to accept a reasonable alternative. The bill exempts: private employers with fewer than 50 employees if complying with the requirements would cause an undue hardship; and licensed contractor if the employee is performing work at a construction jobsite that is at least 3 miles from the regular place of business of the employer.

GREYWATER AND BUILDING CODES

[Assembly Bill 138](#) - Provides that the de minimus collection of precipitation from the rooftop of a single-family dwelling for nonpotable domestic use is exempted from the requirements of chapter 533 of NRS and thus may be collected without a water right or permit to appropriate water.

WORKERS' COMP

[Assembly Bill 458](#) - States that an injured employee is entitled to an independent medical examination for a claim for compensation that is open or when the closure of a claim is under dispute. The injured employee is entitled to obtain one independent medical examination per calendar year paid for by the insurer: (1) when a dispute arises from a determination issued by the insurer; (2) within 30 days after the injured employee receives a certain report generated by a medical examination; or (3) by leave of a hearing officer or appeals officer. The injured employee must select a physician or chiropractor from the panel of physicians or chiropractors established by the Administrator of the Division of Industrial Relations. Section 7.3 allows for an insurer to close a claim after 12 months if the benefits required to be paid are less than \$800. Section 9 specifies the maximum amount of a lump sum that a person injured may elect to receive as his or her compensation. Section 9 additionally requires the tables used to calculate the lump sum to be adjusted on July 1 of each year.

Assembly Bill 413 – Allows for electronic signature for execution of trusts. The bill also allows for registration of electronic notaries and allows for notaries to perform notarial acts remotely using audio-video communication.

Senate Bill 267 - Requires each mortgagee or beneficiary of a deed of trust under a residential mortgage loan to provide the Division of Financial Institutions with contact information. Senate Bill No. 278 of the 2013 Legislative Session established an expedited process for the foreclosure of abandoned residential property; and authorized a board of county commissioners or the governing body of an incorporated city to establish by ordinance a registry of abandoned residential real property. This bill extends the prospective expiration of the provisions of S.B. 278 from June 30, 2017 to June 30, 2021.

Assembly Bill 5 - Allows a local government to establish a local improvement district that includes an energy efficiency improvement project or a renewable energy project for commercial or industrial real property. The local government must obtain signed consent from the owner of any tract on which an energy efficiency improvement project or renewable energy project will be located and from lenders who hold a mortgage or other lien on a property on which such a project will be located. Any lender who holds a lien on the property also has the right to make an offer to owner of the property and become the primary lender.

Senate Bill 33 - The federal Servicemembers Civil Relief Act, provides for the temporary suspension of certain proceedings that could adversely affect the rights of a servicemember during his or her military service. (50 U.S.C. § 3902) The provisions of the Act that grant protection from a sale, foreclosure or seizure of property for a period of 1 year after a servicemember's military service. Senate Bill 33 grants under Nevada law the 1 year period of protection currently provided under federal law.

Section 1 provides that if a mortgagor or grantor of a deed of trust under a residential mortgage loan is a servicemember or, in certain circumstances, a dependent of a servicemember, a person is prohibited from initiating foreclosure sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end active duty or deployment. Section 1 also provides that in any civil action for a foreclosure sale that is filed against a servicemember while the servicemember is on active duty or deployment or during the 1-

year period immediately following, the court is authorized or required, depending on the circumstances, to stay the proceedings in the action for a certain period or adjust the obligation to preserve the interests of the parties unless the court determines that the ability of the servicemember or dependent to comply with the terms of the obligation secured by the residential mortgage loan is not materially affected by the servicemember's active duty or deployment. Section 1 additionally provides that any such protection against foreclosure only applies to a residential mortgage loan that was secured before the servicemember was called to active duty or deployment. Section 1 further provides that any person who knowingly initiates a foreclosure sale in violation of the provisions of section 1 is guilty of a misdemeanor and may be liable for actual damages, reasonable attorney's fees and costs incurred by the injured party. Finally, section 1 provides that any applicable statute of limitations or period within which a servicemember is required to submit proof of service that is prescribed by state law is tolled during the period of protection provided pursuant to section 1. Section 5.3 of this bill applies the applicable provisions set forth in section 1 to the foreclosure of a lien of a unit-owners' association against a unit in a common interest community and provides that if a unit's owner or his or her successor in interest is a servicemember or, in certain circumstances, a dependent of a servicemember, an association is generally prohibited from initiating the foreclosure of a lien by sale during any period the servicemember is on active duty or deployment or for a period of 1 year immediately following the end of such active duty or deployment.

Assembly Bill 133- Prohibits a landlord from taking adverse action against a tenant based solely upon a tenant or other person in the rental property of the tenant requesting emergency assistance from a provider of emergency services based on a reasonable belief that an emergency response is necessary or that criminal activity has occurred. The bill also prohibits a local government from taking adverse action against a landlord based solely on the request of a tenant or other person for emergency assistance.

Sections 1 and 2 also specify that the provisions of this bill do not prohibit a landlord or a local government from curing a breach of a rental agreement or abating a nuisance or a violation of a local law, ordinance or regulation which is discovered by or reported to the landlord by a peace officer as a result of a request for emergency assistance. Sections 4-6 of this bill provide that a request for emergency assistance by a tenant or other person in the rental property of the tenant as described above does not constitute a nuisance for purposes of civil or criminal law.

Assembly Bill 161 – Creates a presumption that a single-family home is occupied unlawfully if the occupant cannot produce a rental agreement that is notarized or signed by an authorized agent who holds a permit to engage in property management. The lease must also contain contact information for the landlord or authorized agent.

The bill requires all single family leases to contain a disclosure which states that: (1) there are rebuttable presumptions in sections 1.3 and 1.7 of this bill that the tenant does not have lawful occupancy of the residence unless the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management and contains certain contact information for the landlord or the landlord's representative; and (2) the agreement is valid and enforceable regardless of whether the agreement is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management or contains certain contact information for the landlord or the landlord's representative.

WORKFORCE DEVELOPMENT AND EDUCATION CHOICE TAX CREDITS

Senate Bill 555 - This bill authorizes the Department of Taxation to approve \$20,000,000 tax credits. Employers can donate to a scholarship organization that provides scholarships for students under 300% of federal poverty level to attend a private school selected by their parent or guardian. The employer can then apply the credits to their modified business tax liability. Credits can be carried forward 5 years from the date of the donation.

Senate Bill 66 - Authorizes a school district or charter school to offer a work-based learning program upon application to and approval of the State Board of Education. The bill removes the limitation that applied on the amount of credit a pupil can obtain for completing an internship so that a pupil may earn one or more credits for completing a work-based learning program. Section 1 of this bill authorizes a school district, charter school or nonprofit organization to apply for a grant from the Department of Education to develop and implement work-based learning programs in the fields, trades or occupations prescribed by the State Board of Education, in consultation with the Office of Economic Development.

GENERAL BUSINESS PRACTICES

Assembly Bill 361 - Makes it a deceptive trade practice for a person or business to:

1. Offer a free gift certificate or gift card as part of a promotion or incentive to potential customers if the promotion is redeemable only by mail, unless the expiration date of the offer is printed plainly and conspicuously on any written materials concerning the offer provided to the recipient of the offer. This does not apply to an offer if the gift certificate or gift card will be provided directly to a potential customer.
2. Charge a fee to update or change records relating to a person, including billing or credit information, including, in circumstances in which the person requesting the update or change chooses to communicate about the update or change by speaking with a natural person by telephone in lieu of using an automated or computerized telephone system.

