

ASSEMBLY BILL NO. 229—ASSEMBLYMEN SPIEGEL,  
ARAUJO, CARRILLO; BROOKS, COHEN, FLORES,  
FRIERSON, FUMO AND JOINER

FEBRUARY 21, 2017

JOINT SPONSORS: SENATORS PARKS, MANENDO,  
ATKINSON, SPEARMAN; AND SEGERBLOM

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing domestic relations.  
(BDR 11-701)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

~

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

AN ACT relating to domestic relations; authorizing the marriage of two persons of any gender under certain circumstances; revising provisions relating to the division of community property and liabilities in certain domestic relations actions; revising certain provisions governing domestic relations; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under the Nevada Constitution, only marriage between one man and one  
2 woman is recognized. (Nev. Const. Art. 1, § 21) Existing law currently provides  
3 that one man and one woman may be joined in marriage. (NRS 122.020) On  
4 June 26, 2015, the Supreme Court of the United States held that under the  
5 Fourteenth Amendment of the United States Constitution: (1) same-sex couples  
6 may exercise the fundamental right to marry; (2) state laws that exclude same-sex  
7 couples from civil marriage on the same terms and conditions as opposite-sex  
8 couples are invalid; and (3) states may not refuse to recognize a same-sex marriage  
9 that was lawfully licensed and performed in another state. *Obergefell v. Hodges*,  
10 135 S.Ct. 2584 (2015). **Section 1** of this bill authorizes two persons, regardless of  
11 gender, to be joined in marriage. **Sections 2-90** of this bill make conforming  
12 changes related to same-sex couples and parents.



\* A B 2 2 9 R 1 \*

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

1 Section 1. NRS 122.020 is hereby amended to read as follows:  
2 122.020 1. Except as otherwise provided in this section, ~~{a~~  
3 ~~male and a female person,}~~ *two persons, regardless of gender,* at  
4 least 18 years of age, not nearer of kin than second cousins or  
5 cousins of the half blood, and not having a ~~{husband or wife}~~ *spouse*  
6 living, may be joined in marriage.

7 2. ~~{A male and a female person}~~ *Two persons, regardless of*  
8 *gender,* who are ~~{the husband and wife of}~~ *married to* each other  
9 may be rejoined in marriage if the record of their marriage has been  
10 lost or destroyed or is otherwise unobtainable.

11 3. A person at least 16 years of age but less than 18 years of  
12 age may marry only if the person has the consent of:

- 13 (a) Either parent; or
- 14 (b) Such person's legal guardian.

15 Sec. 2. NRS 122.050 is hereby amended to read as follows:

16 122.050 The marriage license must contain the name of each  
17 applicant as shown in the documents presented pursuant to  
18 subsection 2 of NRS 122.040 and must be substantially in the  
19 following form:

20  
21 MARRIAGE LICENSE  
22 (EXPIRES 1 YEAR AFTER ISSUANCE)  
23

24 State of Nevada }  
25 } ss.  
26 County of..... }

27  
28 These presents are to authorize any minister, other church  
29 or religious official authorized to solemnize a marriage or  
30 notary public who has obtained a certificate of permission to  
31 perform marriages, any Supreme Court justice, judge of the  
32 Court of Appeals or district judge within this State, or justice  
33 of the peace within a township wherein the justice of the  
34 peace is permitted to solemnize marriages or if authorized  
35 pursuant to subsection 3 of NRS 122.080, or a municipal  
36 judge if authorized pursuant to subsection 4 of NRS 122.080  
37 or any commissioner of civil marriages or his or her deputy  
38 within a commissioner township wherein they are permitted  
39 to solemnize marriages, to join in marriage ..... of (City,  
40 town or location) ....., State of ..... State of birth (If not in  
41 U.S.A., name of country) .....; Date of birth ..... ~~{Father's~~  
42 ~~name}~~ *Name of Parent No. 1* ..... ~~{Father's state}~~ *State* of



1 birth *of Parent No. 1* (If not in U.S.A., name of country)  
 2 .....  ~~[Mother's maiden name]~~  *Name of Parent No. 2* .....  
 3  ~~[Mother's state]~~  *State* of birth *of Parent No. 2* (If not in  
 4 U.S.A., name of country) ..... Number of this marriage (1st,  
 5 2nd, etc.) .....  ~~[Wife deceased]~~  *Former Spouse: Deceased*  
 6 ..... Divorced ..... Annulled ..... When ..... Where .....  
 7 And ..... of (City, town or location) ....., State of .....  
 8 State of birth (If not in U.S.A., name of country) .....; Date  
 9 of birth .....  ~~[Father's name]~~  *Name of Parent No. 1* .....  
 10  ~~[Father's state]~~  *State* of birth *of Parent No. 1* (If not in  
 11 U.S.A., name of country) .....  ~~[Mother's maiden name]~~   
 12 *Name of Parent No. 2* .....  ~~[Mother's state]~~  *State* of birth *of*  
 13 *Parent No. 2* (If not in U.S.A., name of country) .....  
 14 Number of this marriage (1st, 2nd, etc.) .....  ~~[Husband~~  
 15  ~~deceased]~~  *Former Spouse: Deceased* ..... Divorced .....  
 16 Annulled ..... When ..... Where .....; and to certify the  
 17 marriage according to law.

18 Witness my hand and the seal of the county, this .... day  
 19 of the month of ..... of the year .....

20  
 21 .....  
 22 (Seal) Clerk  
 23  
 24 .....  
 25 Deputy clerk

26 **Sec. 3.** NRS 122.062 is hereby amended to read as follows:  
 27 122.062 1. Any licensed, ordained or appointed minister or  
 28 other church or religious official authorized to solemnize a marriage  
 29 in good standing within his or her church or religious organization,  
 30 or either of them, incorporated, organized or established in this  
 31 State, or a notary public appointed by the Secretary of State  
 32 pursuant to chapter 240 of NRS and in good standing with the  
 33 Secretary of State, may join together  ~~[as husband and wife]~~  *in*  
 34 *marriage* persons who present a marriage license obtained from any  
 35 county clerk of the State, if the minister, other church or religious  
 36 official authorized to solemnize a marriage or notary public first  
 37 obtains a certificate of permission to perform marriages as provided  
 38 in NRS 122.062 to 122.073, inclusive. The fact that a minister or  
 39 other church or religious official authorized to solemnize a marriage  
 40 is retired does not disqualify him or her from obtaining a certificate  
 41 of permission to perform marriages if, before retirement, the  
 42 minister or other church or religious official authorized to solemnize  
 43 a marriage had active charge of a church or religious organization  
 44 for a period of at least 3 years.



1 2. A temporary replacement for a licensed, ordained or  
2 appointed minister or other church or religious official authorized to  
3 solemnize a marriage certified pursuant to NRS 122.062 to 122.073,  
4 inclusive, may solemnize marriages pursuant to subsection 1 for a  
5 period not to exceed 90 days, if the requirements of this subsection  
6 are satisfied. The minister or other church or religious official  
7 authorized to solemnize a marriage whom he or she temporarily  
8 replaces shall provide him or her with a written authorization which  
9 states the period during which it is effective, and the temporary  
10 replacement shall obtain from the county clerk in the county in  
11 which he or she is a temporary replacement a written authorization  
12 to solemnize marriage and submit to the county clerk an application  
13 fee of \$25.

14 3. Any chaplain who is assigned to duty in this State by the  
15 Armed Forces of the United States may solemnize marriages if the  
16 chaplain obtains a certificate of permission to perform marriages  
17 from the county clerk of the county in which his or her duty station  
18 is located. The county clerk shall issue such a certificate to a  
19 chaplain upon proof of his or her military status as a chaplain and of  
20 his or her assignment.

21 4. A licensed, ordained or appointed minister, other church or  
22 religious official authorized to solemnize a marriage, active or  
23 retired, or a notary public may submit to the county clerk in the  
24 county in which a marriage is to be performed an application to  
25 perform a specific marriage in the county. The application must:

26 (a) Include the full names and addresses of the persons to be  
27 married;

28 (b) Include the date and location of the marriage ceremony;

29 (c) Include the information and documents required pursuant to  
30 subsection 1 of NRS 122.064; and

31 (d) Be accompanied by an application fee of \$25.

32 5. A county clerk may grant authorization to perform a specific  
33 marriage to a person who submitted an application pursuant to  
34 subsection 4 if the county clerk is satisfied that the minister or other  
35 church or religious official authorized to solemnize a marriage,  
36 whether he or she is active or retired, is in good standing with his or  
37 her church or religious organization or, in the case of a notary  
38 public, if the notary public is in good standing with the Secretary of  
39 State. The authorization must be in writing and need not be filed  
40 with any other public officer. A separate authorization is required  
41 for each marriage performed. A person may not obtain more than  
42 five authorizations to perform a specific marriage pursuant to this  
43 section in any calendar year and must acknowledge that he or she is  
44 subject to the jurisdiction of the county clerk with respect to the  
45 provisions of this chapter governing the conduct of ministers, other



1 church or religious officials authorized to solemnize a marriage or  
2 notaries public to the same extent as if he or she had obtained a  
3 certificate of permission to perform marriages.

4 **Sec. 4.** NRS 122.080 is hereby amended to read as follows:

5 122.080 1. After receipt of the marriage license previously  
6 issued to persons wishing to be married as provided in NRS 122.040  
7 and 122.050, it is lawful for any justice of the Supreme Court, any  
8 judge of the Court of Appeals, any judge of the district court, any  
9 justice of the peace in his or her township if it is not a commissioner  
10 township, any justice of the peace in a commissioner township if  
11 authorized pursuant to subsection 3, any municipal judge if  
12 authorized pursuant to subsection 4, any commissioner of civil  
13 marriages within his or her county and within a commissioner  
14 township therein, or any deputy commissioner of civil marriages  
15 within the county of his or her appointment and within a  
16 commissioner township therein, to join together ~~as husband and~~  
17 ~~wife~~ *in marriage* all persons not prohibited by this chapter.

18 2. This section does not prohibit:

19 (a) A justice of the peace of one township, while acting in the  
20 place and stead of the justice of the peace of any other township,  
21 from performing marriage ceremonies within the other township, if  
22 such other township is not a commissioner township.

23 (b) A justice of the peace of one township performing marriages  
24 in another township of the same county where there is no duly  
25 qualified and acting justice of the peace, if such other township is  
26 not a commissioner township or if he or she is authorized to perform  
27 the marriage pursuant to subsection 3.

28 3. In any calendar year, a justice of the peace may perform not  
29 more than 20 marriage ceremonies in commissioner townships if he  
30 or she does not accept any fee, gratuity, gift, honorarium or anything  
31 of value for or in connection with solemnizing the marriage other  
32 than a nonmonetary gift that is of nominal value.

33 4. In any calendar year, a municipal judge may perform not  
34 more than 20 marriage ceremonies in this State if he or she does not  
35 accept any fee, gratuity, gift, honorarium or anything of value for or  
36 in connection with solemnizing the marriage other than a  
37 nonmonetary gift that is of nominal value.

38 5. Any justice of the peace who performs a marriage ceremony  
39 in a commissioner township or any municipal judge who performs a  
40 marriage ceremony in this State and who, in violation of this  
41 section, accepts any fee, gratuity, gift, honorarium or anything of  
42 value for or in connection with solemnizing the marriage is guilty of  
43 a misdemeanor.



1 **Sec. 5.** NRS 122.110 is hereby amended to read as follows:

2 122.110 1. In the solemnization of marriage, no particular  
3 form is required except that the parties shall declare, in the presence  
4 of the justice, judge, minister or other church or religious official  
5 authorized to solemnize a marriage, notary public to whom a  
6 certificate of permission to perform marriages has been issued,  
7 justice of the peace, commissioner of civil marriages or deputy  
8 commissioner of civil marriages, and the attending witness, that they  
9 take each other as ~~husband and wife.~~ *spouses.*

10 2. In every case, there shall be at least one witness present  
11 besides the person performing the ceremony.

12 **Sec. 6.** NRS 122.120 is hereby amended to read as follows:

13 122.120 1. After a marriage is solemnized, the person  
14 solemnizing the marriage shall give to each couple being married a  
15 certificate of marriage.

16 2. The certificate of marriage must contain the date of birth of  
17 each applicant as contained in the form of marriage license pursuant  
18 to NRS 122.050. If ~~a male and female person~~ *two persons,*  
19 *regardless of gender,* who are ~~the husband and wife~~ *spouses* of  
20 each other are being rejoined in marriage pursuant to subsection 2 of  
21 NRS 122.020, the certificate of marriage must state that the ~~male~~  
22 ~~and female person~~ *persons* were rejoined in marriage and that the  
23 certificate is replacing a record of marriage which was lost or  
24 destroyed or is otherwise unobtainable. The certificate of marriage  
25 must be in substantially the following form:

26  
27 STATE OF NEVADA  
28 MARRIAGE CERTIFICATE  
29

30 State of Nevada }  
31 } ss.  
32 County of..... }

33  
34 This is to certify that the undersigned, .....  
35 (a minister or other church or religious official authorized to  
36 solemnize a marriage, notary public, judge, justice of the  
37 peace of ..... County, commissioner of civil  
38 marriages or deputy commissioner of civil marriages, as the  
39 case may be), did on the ..... day of the month of  
40 ..... of the year ....., at ..... (address or  
41 church), ..... (city), Nevada, join or rejoin, as the case  
42 may be, in lawful wedlock ..... (name), of .....  
43 (city), State of ....., date of birth ....., and  
44 ..... (name), of .....(city), State of ....., date  
45 of birth ....., with their mutual consent, in the presence



1 of ..... and ..... (witnesses). (If ~~fa male and~~  
2 ~~female person~~ *two persons, regardless of gender*, who are  
3 the ~~husband and wife~~ *spouses* of each other are being  
4 rejoined in marriage pursuant to subsection 2 of NRS  
5 122.020, this certificate replaces the record of the marriage of  
6 the ~~male and female person~~ *persons* who are being rejoined  
7 in marriage.)  
8

9 .....  
10 Signature of person performing  
11 (Seal of County Clerk) the marriage

12 .....  
13 Name under signature typewritten  
14 or printed in black ink  
15

16 .....  
17 .....  
18 County Clerk

19 .....  
20 .....  
21 Official title of person  
22 performing the marriage  
23

24 .....  
25 .....  
26 .....  
27 Couple's mailing address  
28

29 3. All information contained in the certificate of marriage must  
30 be typewritten or legibly printed in black ink, except the signatures.  
31 The signature of the person performing the marriage must be an  
32 original signature.

33 **Sec. 7.** NRS 122.220 is hereby amended to read as follows:

34 122.220 1. It is unlawful for any Supreme Court justice,  
35 judge of the Court of Appeals, judge of a district court, justice of the  
36 peace, municipal judge, minister or other church or religious official  
37 authorized to solemnize a marriage, notary public, commissioner of  
38 civil marriages or deputy commissioner of civil marriages to join  
39 together as ~~husband and wife~~ *spouses* persons allowed by law to  
40 be joined in marriage, until the persons proposing such marriage  
41 exhibit to him or her a license from the county clerk as provided by  
42 law.

43 2. Any Supreme Court justice, judge of the Court of Appeals,  
44 judge of a district court, justice of the peace, municipal judge,  
45 minister or other church or religious official authorized to solemnize



1 a marriage, notary public, commissioner of civil marriages or deputy  
2 commissioner of civil marriages who violates the provisions of  
3 subsection 1 is guilty of a misdemeanor.

4 **Sec. 8.** NRS 123.010 is hereby amended to read as follows:

5 123.010 1. The property rights of ~~husband and wife~~ *a*  
6 *married couple* are governed by this chapter, unless there is:

7 (a) A premarital agreement which is enforceable pursuant to  
8 chapter 123A of NRS; or

9 (b) A marriage contract or settlement,  
10 ↪ containing stipulations contrary thereto.

11 2. Chapter 76, Statutes of Nevada 1865, is repealed, but no  
12 rights vested or proceedings taken before March 10, 1873, shall be  
13 affected by anything contained in this chapter of NRS.

14 **Sec. 9.** NRS 123.020 is hereby amended to read as follows:

15 123.020 No estate is allowed ~~the husband~~ *one spouse* as  
16 tenant by curtesy upon the death of his ~~wife,~~ *or her spouse*, nor is  
17 any estate in dower allotted to the ~~wife~~ *other spouse* upon the  
18 death of *his or her* ~~husband,~~ *spouse*.

19 **Sec. 10.** NRS 123.030 is hereby amended to read as follows:

20 123.030 A ~~husband and wife~~ *married couple* may hold real  
21 or personal property as joint tenants, tenants in common, or as  
22 community property.

23 **Sec. 11.** NRS 123.060 is hereby amended to read as follows:

24 123.060 Except as mentioned in NRS 123.070, neither  
25 ~~husband nor wife~~ *spouse* has any interest in the property of the  
26 other ~~+~~ *spouse*.

27 **Sec. 12.** NRS 123.070 is hereby amended to read as follows:

28 123.070 Either ~~husband or wife~~ *spouse* may enter into any  
29 contract, engagement or transaction with the other ~~+~~ *spouse*, or  
30 with any other person respecting property, which either might enter  
31 into if unmarried, subject in any contract, engagement or transaction  
32 between themselves, to the general rules which control the actions  
33 of persons occupying relations of confidence and trust toward each  
34 other.

35 **Sec. 13.** NRS 123.080 is hereby amended to read as follows:

36 123.080 1. A ~~husband and wife~~ *married couple* cannot by  
37 any contract with each other alter their legal relations except as to  
38 property, and except that they may agree to an immediate separation  
39 and may make provision for the support of either of them and of  
40 their children during such separation.

41 2. The mutual consent of the parties is a sufficient  
42 consideration for such an agreement as is mentioned in subsection 1.

43 3. In the event that a suit for divorce is pending or immediately  
44 contemplated by one of the spouses against the other, the validity of  
45 such agreement shall not be affected by a provision therein that the



\* A B 2 2 9 R 1 \*



1 agreement is made for the purpose of removing the subject matter  
2 thereof from the field of litigation, and that in the event of a divorce  
3 being granted to either party, the agreement shall become effective  
4 and not otherwise.

5 4. If a contract executed by a ~~{husband and wife,}~~ *married*  
6 *couple*, or a copy thereof, be introduced in evidence as an exhibit in  
7 any divorce action, and the court shall by decree or judgment ratify  
8 or adopt or approve the contract by reference thereto, the decree or  
9 judgment shall have the same force and effect and legal  
10 consequences as though the contract were copied into the decree, or  
11 attached thereto.

12 **Sec. 14.** NRS 123.090 is hereby amended to read as follows:

13 123.090 If ~~{the husband}~~ *a spouse* neglects to make adequate  
14 provision for the support of his ~~{wife,}~~ *or her spouse*, any other  
15 person may in good faith supply ~~{her}~~ *the neglected spouse* with  
16 articles necessary for *his or* her support, and recover the reasonable  
17 value thereof from the ~~{husband,}~~ *neglecting spouse*. The separate  
18 property of the ~~{husband}~~ *neglecting spouse* is liable for the cost of  
19 such necessities if the community property of the spouses is not  
20 sufficient to satisfy such debt.

21 **Sec. 15.** NRS 123.100 is hereby amended to read as follows:

22 123.100 A ~~{husband or wife}~~ *spouse* abandoned by his or her  
23 spouse is not liable for the support of the abandoning spouse until  
24 such spouse offers to return unless the misconduct of the ~~{husband~~  
25 ~~or wife}~~ *abandoned spouse* justified the abandonment.

26 **Sec. 16.** NRS 123.110 is hereby amended to read as follows:

27 123.110 ~~{The wife}~~ *A spouse* must support ~~{the husband}~~ *his*  
28 *or her spouse* out of *his or* her separate property when ~~{he}~~ *the*  
29 *spouse* has no separate property and they have no community  
30 property and ~~{he,}~~ *the spouse*, from infirmity, is not able or  
31 competent to support himself ~~{}~~ *or herself*.

32 **Sec. 17.** NRS 123.121 is hereby amended to read as follows:

33 123.121 When ~~{a husband and wife}~~ *spouses* sue jointly, any  
34 damages awarded shall be segregated as follows:

35 1. If the action is for personal injuries, damages assessed for:

36 (a) Personal injuries and pain and suffering, to the injured  
37 spouse as his or her separate property.

38 (b) Loss of comfort and society, to the spouse who suffers such  
39 loss.

40 (c) Loss of services and hospital and medical expenses, to the  
41 spouses as community property.

42 2. If the action is for injury to property, damages shall be  
43 awarded according to the character of the injured property. Damages  
44 to separate property shall be awarded to the spouse owning such



1 property, and damages to community property shall be awarded to  
2 the spouses as community property.

3 **Sec. 18.** NRS 123.130 is hereby amended to read as follows:

4 123.130 ~~{-}~~ All property of ~~{the wife}~~ *a spouse* owned by  
5 *him or* her before marriage, and that was acquired by *him or* her  
6 afterwards by gift, bequest, devise, descent or by an award for  
7 personal injury damages, with the rents, issues and profits thereof, is  
8 *his or* her separate property.

9 ~~{2.—All property of the husband owned by him before marriage,  
10 and that acquired by him afterwards by gift, bequest, devise, descent  
11 or by an award for personal injury damages, with the rents, issues  
12 and profits thereof, is his separate property.}~~

13 **Sec. 19.** NRS 123.180 is hereby amended to read as follows:

14 123.180 1. Any property acquired by a child by gift, bequest,  
15 devise or descent, with the rents, issues and profits thereof, is the  
16 child's own property, and neither parent is entitled to any interest  
17 therein.

18 2. The earnings and accumulations of earnings of a minor child  
19 are the community property of his or her parents unless relinquished  
20 to the child. Such relinquishment may be shown by written  
21 instrument, proof of a specific oral gift, or proof of a course of  
22 conduct.

23 3. When a ~~{husband and wife are}~~ *married couple is* living  
24 separate and apart the earnings and accumulations of earnings of  
25 their minor children, unless relinquished, are the separate property  
26 of the spouse who has their custody or, if no custody award has been  
27 made, then the separate property of the spouse with whom such  
28 children are living.

29 **Sec. 20.** NRS 123.190 is hereby amended to read as follows:

30 123.190 ~~{-}~~ When ~~{the husband}~~ *a spouse* has given written  
31 authority to ~~{the wife}~~ *his or her spouse* to appropriate to *his or* her  
32 own use ~~{her}~~ *the spouse's* earnings, the same, with the issues and  
33 profits thereof, is deemed a gift from ~~{him to her,}~~ *one spouse to the*  
34 *other*, and is, with such issues and profits, ~~{her}~~ *the latter spouse's*  
35 separate property.

36 ~~{2.—When the wife has given written authority to the husband to  
37 appropriate to his own use his earnings, the same, with the issues  
38 and profits thereof, is deemed a gift from her to him, and is, with  
39 such issues and profits, his separate property.}~~

40 **Sec. 21.** NRS 123.220 is hereby amended to read as follows:

41 123.220 All property, other than that stated in NRS 123.130,  
42 acquired after marriage by either ~~{husband or wife,}~~ *spouse* or both  
43 ~~{-}~~ *spouses*, is community property unless otherwise provided by:

44 1. An agreement in writing between the spouses.



1 2. A decree of separate maintenance issued by a court of  
2 competent jurisdiction.

3 3. NRS 123.190.

4 4. A decree issued or agreement in writing entered pursuant to  
5 NRS 123.259.

6 **Sec. 22.** NRS 123.225 is hereby amended to read as follows:

7 123.225 1. The respective interests of ~~{the husband and wife}~~  
8 *each spouse* in community property during continuance of the  
9 marriage relation are present, existing and equal interests, subject to  
10 the provisions of NRS 123.230.

11 2. The provisions of this section apply to all community  
12 property, whether the community property was acquired before, on  
13 or after March 26, 1959.

14 **Sec. 23.** NRS 123.250 is hereby amended to read as follows:

15 123.250 1. Except as otherwise provided in subsection 2,  
16 upon the death of either ~~{husband or wife}~~ *spouse*:

17 (a) An undivided one-half interest in the community property is  
18 the property of the surviving spouse and his or her sole separate  
19 property.

20 (b) The remaining interest:

21 (1) Is subject to the testamentary disposition of the decedent  
22 or, in the absence of such a testamentary disposition, goes to the  
23 surviving spouse; and

24 (2) Is the only portion subject to administration under the  
25 provisions of title 12 of NRS.

26 2. The provisions of this section:

27 (a) Do not apply to the extent that they are inconsistent with the  
28 provisions of chapter 41B of NRS.

29 (b) Do not apply to community property with right of  
30 survivorship.

31 (c) Apply to all other community property, whether the  
32 community property was acquired before, on or after July 1, 1975.

33 3. As used in this section, "community property with right of  
34 survivorship" means community property in which a right of  
35 survivorship exists pursuant to NRS 111.064 or 115.060 or any  
36 other provision of law.

37 **Sec. 24.** NRS 123.259 is hereby amended to read as follows:

38 123.259 1. Except as otherwise provided in subsection 2, a  
39 court of competent jurisdiction may, upon a proper petition filed by  
40 a spouse or the guardian of a spouse, enter a decree dividing the  
41 income and resources of a ~~{husband and wife}~~ *married couple*  
42 pursuant to this section if one spouse is an institutionalized spouse  
43 and the other spouse is a community spouse.



1 2. The court shall not enter such a decree if the division is  
2 contrary to a premarital agreement between the spouses which is  
3 enforceable pursuant to chapter 123A of NRS.

4 3. Unless modified pursuant to subsection 4 or 5, the court may  
5 divide the income and resources:

6 (a) Equally between the spouses; or

7 (b) By protecting income for the community spouse through  
8 application of the maximum federal minimum monthly maintenance  
9 needs allowance set forth in 42 U.S.C. § 1396r-5(d)(3)(C) and by  
10 permitting a transfer of resources to the community spouse an  
11 amount which does not exceed the amount set forth in 42 U.S.C. §  
12 1396r-5(f)(2)(A)(ii).

13 4. If either spouse establishes that the community spouse needs  
14 income greater than that otherwise provided under paragraph (b) of  
15 subsection 3, upon finding exceptional circumstances resulting in  
16 significant financial duress and setting forth in writing the reasons  
17 for that finding, the court may enter an order for support against the  
18 institutionalized spouse for the support of the community spouse in  
19 an amount adequate to provide such additional income as is  
20 necessary.

21 5. If either spouse establishes that a transfer of resources to the  
22 community spouse pursuant to paragraph (b) of subsection 3, in  
23 relation to the amount of income generated by such a transfer, is  
24 inadequate to raise the income of the community spouse to the  
25 amount allowed under paragraph (b) of subsection 3 or an order for  
26 support issued pursuant to subsection 4, the court may substitute an  
27 amount of resources adequate to provide income to fund the amount  
28 so allowed or to fund the order for support.

29 6. A copy of a petition for relief under subsection 4 or 5 and  
30 any court order issued pursuant to such a petition must be served on  
31 the Administrator of the Division of Welfare and Supportive  
32 Services of the Department of Health and Human Services when  
33 any application for medical assistance is made by or on behalf of an  
34 institutionalized spouse. The Administrator may intervene no later  
35 than 45 days after receipt by the Division of Welfare and Supportive  
36 Services of the Department of Health and Human Services of an  
37 application for the medical assistance and a copy of the petition and any  
38 order entered pursuant to subsection 4 or 5, and may move to  
39 modify the order.

40 7. A person may enter into a written agreement with his or her  
41 spouse dividing their community income, assets and obligations into  
42 equal shares of separate income, assets and obligations of the  
43 spouses. Such an agreement is effective only if one spouse is an  
44 institutionalized spouse and the other spouse is a community spouse



1 or a division of the income or resources would allow one spouse to  
2 qualify for services under NRS 427A.250 to 427A.280, inclusive.

3 8. An agreement entered into or decree entered pursuant to this  
4 section may not be binding on the Division of Welfare and  
5 Supportive Services of the Department of Health and Human  
6 Services in making determinations under the State Plan for  
7 Medicaid.

8 9. As used in this section, "community spouse" and  
9 "institutionalized spouse" have the meanings respectively ascribed  
10 to them in 42 U.S.C. § 1396r-5(h).

11 **Sec. 25.** NRS 125.010 is hereby amended to read as follows:

12 125.010 Divorce from the bonds of matrimony may be  
13 obtained for any of the following causes:

14 1. Insanity existing for 2 years prior to the commencement of  
15 the action. Upon this cause of action the court, before granting a  
16 divorce, shall require corroborative evidence of the insanity of the  
17 defendant at that time, and a decree granted on this ground shall not  
18 relieve the successful party from contributing to the support and  
19 maintenance of the defendant, and the court may require the plaintiff  
20 in such action to give bond therefor in an amount to be fixed by the  
21 court.

22 2. When the ~~husband and wife~~ *spouses* have lived separate  
23 and apart for 1 year without cohabitation the court may, in its  
24 discretion, grant an absolute decree of divorce at the suit of either  
25 party.

26 3. Incompatibility.

27 **Sec. 26.** NRS 125.130 is hereby amended to read as follows:

28 125.130 1. A judgment or decree of divorce granted pursuant  
29 to the provisions of this chapter is a final decree.

30 2. Whenever a decree of divorce from the bonds of matrimony  
31 is granted in this State by a court of competent authority, the decree  
32 fully and completely dissolves the marriage contract as to both  
33 parties.

34 3. A court that grants a decree of divorce pursuant to the  
35 provisions of this section shall ensure that the social security  
36 numbers of both parties are placed in the records relating to the  
37 matter and, except as otherwise required to carry out a specific  
38 statute, maintained in a confidential manner.

39 4. In all suits for divorce, if a divorce is granted, the court may,  
40 for just and reasonable cause and by an appropriate order embodied  
41 in its decree, change the name of ~~the wife~~ *either party* to any  
42 former name which *he or* she has legally borne.

43 **Sec. 27.** NRS 125.150 is hereby amended to read as follows:

44 125.150 Except as otherwise provided in NRS 125.155 and  
45 125.165, and unless the action is contrary to a premarital agreement



1 between the parties which is enforceable pursuant to chapter 123A  
2 of NRS:

3 1. In granting a divorce, the court:

4 (a) May award such alimony to ~~the wife or to the husband,~~  
5 *either spouse*, in a specified principal sum or as specified periodic  
6 payments, as appears just and equitable; and

7 (b) Shall, to the extent practicable, make an equal disposition of  
8 the community property of the parties, except that the court may  
9 make an unequal disposition of the community property in such  
10 proportions as it deems just if the court finds a compelling reason to  
11 do so and sets forth in writing the reasons for making the unequal  
12 disposition.

13 2. Except as otherwise provided in this subsection, in granting  
14 a divorce, the court shall dispose of any property held in joint  
15 tenancy in the manner set forth in subsection 1 for the disposition of  
16 community property. If a party has made a contribution of separate  
17 property to the acquisition or improvement of property held in joint  
18 tenancy, the court may provide for the reimbursement of that party  
19 for his or her contribution. The amount of reimbursement must not  
20 exceed the amount of the contribution of separate property that can  
21 be traced to the acquisition or improvement of property held in joint  
22 tenancy, without interest or any adjustment because of an increase in  
23 the value of the property held in joint tenancy. The amount of  
24 reimbursement must not exceed the value, at the time of the  
25 disposition, of the property held in joint tenancy for which the  
26 contribution of separate property was made. In determining whether  
27 to provide for the reimbursement, in whole or in part, of a party who  
28 has contributed separate property, the court shall consider:

29 (a) The intention of the parties in placing the property in joint  
30 tenancy;

31 (b) The length of the marriage; and

32 (c) Any other factor which the court deems relevant in making a  
33 just and equitable disposition of that property.

34 ➔ As used in this subsection, "contribution" includes, without  
35 limitation, a down payment, a payment for the acquisition or  
36 improvement of property, and a payment reducing the principal of a  
37 loan used to finance the purchase or improvement of property. The  
38 term does not include a payment of interest on a loan used to finance  
39 the purchase or improvement of property, or a payment made for  
40 maintenance, insurance or taxes on property.

41 3. A party may file a postjudgment motion in any action for  
42 divorce, annulment or separate maintenance to obtain adjudication  
43 of any community property or liability omitted from the decree or  
44 judgment as the result of fraud or mistake. A motion pursuant to this  
45 subsection must be filed within 3 years after the discovery by the



1 aggrieved party of the facts constituting the fraud or mistake. The  
2 court has continuing jurisdiction to hear such a motion and shall  
3 equally divide the omitted community property or liability between  
4 the parties unless the court finds that:

5 (a) The community property or liability was included in a prior  
6 equal disposition of the community property of the parties or in an  
7 unequal disposition of the community property of the parties which  
8 was made pursuant to written findings of a compelling reason for  
9 making that unequal disposition; or

10 (b) The court determines a compelling reason in the interests of  
11 justice to make an unequal disposition of the community property or  
12 liability and sets forth in writing the reasons for making the unequal  
13 disposition.

14 ➤ If a motion pursuant to this subsection results in a judgment  
15 dividing a defined benefit pension plan, the judgment may not be  
16 enforced against an installment payment made by the plan more  
17 than 6 years after the installment payment.

18 4. Except as otherwise provided in NRS 125.141, whether or  
19 not application for suit money has been made under the provisions  
20 of NRS 125.040, the court may award a reasonable attorney's fee to  
21 either party to an action for divorce.

22 5. In granting a divorce, the court may also set apart such  
23 portion of the ~~{husband's}~~ separate property *of either spouse* for the  
24 ~~{wife's}~~ *other spouse's* support ~~{, the wife's separate property for~~  
25 ~~the husband's support}~~ or the separate property of either spouse for  
26 the support of their children as is deemed just and equitable.

27 6. In the event of the death of either party or the subsequent  
28 remarriage of the spouse to whom specified periodic payments were  
29 to be made, all the payments required by the decree must cease,  
30 unless it was otherwise ordered by the court.

31 7. If the court adjudicates the property rights of the parties, or  
32 an agreement by the parties settling their property rights has been  
33 approved by the court, whether or not the court has retained  
34 jurisdiction to modify them, the adjudication of property rights, and  
35 the agreements settling property rights, may nevertheless at any time  
36 thereafter be modified by the court upon written stipulation signed  
37 and acknowledged by the parties to the action, and in accordance  
38 with the terms thereof.

39 8. If a decree of divorce, or an agreement between the parties  
40 which was ratified, adopted or approved in a decree of divorce,  
41 provides for specified periodic payments of alimony, the decree or  
42 agreement is not subject to modification by the court as to accrued  
43 payments. Payments pursuant to a decree entered on or after July 1,  
44 1975, which have not accrued at the time a motion for modification  
45 is filed may be modified upon a showing of changed circumstances,



1 whether or not the court has expressly retained jurisdiction for the  
2 modification. In addition to any other factors the court considers  
3 relevant in determining whether to modify the order, the court shall  
4 consider whether the income of the spouse who is ordered to pay  
5 alimony, as indicated on the spouse's federal income tax return for  
6 the preceding calendar year, has been reduced to such a level that  
7 the spouse is financially unable to pay the amount of alimony the  
8 spouse has been ordered to pay.

9 9. In addition to any other factors the court considers relevant  
10 in determining whether to award alimony and the amount of such an  
11 award, the court shall consider:

12 (a) The financial condition of each spouse;

13 (b) The nature and value of the respective property of each  
14 spouse;

15 (c) The contribution of each spouse to any property held by the  
16 spouses pursuant to NRS 123.030;

17 (d) The duration of the marriage;

18 (e) The income, earning capacity, age and health of each spouse;

19 (f) The standard of living during the marriage;

20 (g) The career before the marriage of the spouse who would  
21 receive the alimony;

22 (h) The existence of specialized education or training or the  
23 level of marketable skills attained by each spouse during the  
24 marriage;

25 (i) The contribution of either spouse as homemaker;

26 (j) The award of property granted by the court in the divorce,  
27 other than child support and alimony, to the spouse who would  
28 receive the alimony; and

29 (k) The physical and mental condition of each party as it relates  
30 to the financial condition, health and ability to work of that spouse.

31 10. In granting a divorce, the court shall consider the need to  
32 grant alimony to a spouse for the purpose of obtaining training or  
33 education relating to a job, career or profession. In addition to any  
34 other factors the court considers relevant in determining whether  
35 such alimony should be granted, the court shall consider:

36 (a) Whether the spouse who would pay such alimony has  
37 obtained greater job skills or education during the marriage; and

38 (b) Whether the spouse who would receive such alimony  
39 provided financial support while the other spouse obtained job skills  
40 or education.

41 11. If the court determines that alimony should be awarded  
42 pursuant to the provisions of subsection 10:

43 (a) The court, in its order, shall provide for the time within  
44 which the spouse who is the recipient of the alimony must



\* A B 2 2 9 R 1 \*



1 commence the training or education relating to a job, career or  
2 profession.

3 (b) The spouse who is ordered to pay the alimony may, upon  
4 changed circumstances, file a motion to modify the order.

5 (c) The spouse who is the recipient of the alimony may be  
6 granted, in addition to any other alimony granted by the court,  
7 money to provide for:

8 (1) Testing of the recipient's skills relating to a job, career or  
9 profession;

10 (2) Evaluation of the recipient's abilities and goals relating to  
11 a job, career or profession;

12 (3) Guidance for the recipient in establishing a specific plan  
13 for training or education relating to a job, career or profession;

14 (4) Subsidization of an employer's costs incurred in training  
15 the recipient;

16 (5) Assisting the recipient to search for a job; or

17 (6) Payment of the costs of tuition, books and fees for:

18 (I) The equivalent of a high school diploma;

19 (II) College courses which are directly applicable to the  
20 recipient's goals for his or her career; or

21 (III) Courses of training in skills desirable for  
22 employment.

23 12. For the purposes of this section, a change of 20 percent or  
24 more in the gross monthly income of a spouse who is ordered to pay  
25 alimony shall be deemed to constitute changed circumstances  
26 requiring a review for modification of the payments of alimony. As  
27 used in this subsection, "gross monthly income" has the meaning  
28 ascribed to it in NRS 125B.070.

29 **Sec. 28.** NRS 125.181 is hereby amended to read as follows:

30 125.181 A marriage may be dissolved by the summary  
31 procedure for divorce set forth in NRS 125.181 to 125.184,  
32 inclusive, when all of the following conditions exist at the time the  
33 proceeding is commenced:

34 1. Either party has met the jurisdictional requirements of  
35 NRS 125.020.

36 2. The ~~husband and wife~~ *spouses* have lived separate and  
37 apart for 1 year without cohabitation or they are incompatible.

38 3. There are no minor children of the relationship of the parties  
39 born before or during the marriage or adopted by the parties during  
40 the marriage and ~~the~~ *a* wife, to her knowledge, is not pregnant, or  
41 the parties have executed an agreement as to the custody of any  
42 children and setting forth the amount and manner of their support.

43 4. There is no community or joint property or the parties have  
44 executed an agreement setting forth the division of community  
45 property and the assumption of liabilities of the community, if any,



1 and have executed any deeds, certificates of title, bills of sale or  
2 other evidence of transfer necessary to effectuate the agreement.

3 5. The parties waive any rights to spousal support or the parties  
4 have executed an agreement setting forth the amount and manner of  
5 spousal support.

6 6. The parties waive their respective rights to written notice of  
7 entry of the decree of divorce, to appeal, to request findings of fact  
8 and conclusions of law and to move for a new trial.

9 7. The parties desire that the court enter a decree of divorce.

10 **Sec. 29.** NRS 125.182 is hereby amended to read as follows:

11 125.182 1. A summary proceeding for divorce may be  
12 commenced by filing in any district court a joint petition, signed  
13 under oath by both ~~the husband and the wife,~~ *spouses*, stating that  
14 as of the date of filing, every condition set forth in NRS 125.181 has  
15 been met and specifying the:

16 (a) Facts which support the jurisdictional requirements of NRS  
17 125.020; and

18 (b) Grounds for the divorce.

19 2. The petition must also state:

20 (a) The date and the place of the marriage.

21 (b) The mailing address of both ~~the husband and the wife,~~  
22 *spouses*.

23 (c) Whether there are minor children of the relationship of the  
24 parties born before or during the marriage or adopted by the parties  
25 during the marriage, or ~~the~~ *a* wife, to her knowledge, is pregnant.

26 (d) Whether ~~the wife~~ *either spouse* elects to have *his or* her  
27 ~~maiden or~~ former name restored and, if so, the name to be  
28 restored.

29 3. An affidavit of corroboration of residency which complies  
30 with the provisions of subsections 1, 2 and 4 of NRS 125.123 must  
31 accompany the petition. If there is a marital settlement agreement  
32 which the parties wish the court to approve or make a part of the  
33 decree, it must be identified and attached to the petition as an  
34 exhibit.

35 **Sec. 30.** NRS 125.210 is hereby amended to read as follows:

36 125.210 1. Except as otherwise provided in subsection 2, in  
37 any action brought pursuant to NRS 125.190, the court may:

38 (a) Assign and decree to either spouse the possession of any real  
39 or personal property of the other spouse;

40 (b) Order or decree the payment of a fixed sum of money for the  
41 support of the other spouse and their children;

42 (c) Provide that the payment of that money be secured upon real  
43 estate or other security, or make any other suitable provision; and

44 (d) Determine the time and manner in which the payments must  
45 be made.



1 2. The court may not:

2 (a) Assign and decree to either spouse the possession of any real  
3 or personal property of the other spouse; or

4 (b) Order or decree the payment of a fixed sum of money for the  
5 support of the other spouse,

6 ↪ if it is contrary to a premarital agreement between the spouses  
7 which is enforceable pursuant to chapter 123A of NRS.

8 3. Unless the action is contrary to a premarital agreement  
9 between the parties which is enforceable pursuant to chapter 123A  
10 of NRS, in determining whether to award money for the support of a  
11 spouse or the amount of any award of money for the support of a  
12 spouse, the court shall not attach, levy or seize by or under any legal  
13 or equitable process, either before or after receipt by a veteran, any  
14 federal disability benefits awarded to a veteran for a service-  
15 connected disability pursuant to 38 U.S.C. §§ 1101 to 1151,  
16 inclusive.

17 4. Except as otherwise provided in chapter 130 of NRS, the  
18 court may change, modify or revoke its orders and decrees from  
19 time to time.

20 5. No order or decree is effective beyond the joint lives of the  
21 ~~husband and wife~~ spouses.

22 **Sec. 31.** NRS 125.290 is hereby amended to read as follows:

23 125.290 All marriages which are prohibited by law because of:

24 1. Consanguinity between the parties; or

25 2. Either of the parties having a former ~~husband or wife~~  
26 spouse then living, if solemnized within this State,

27 ↪ are void without any decree of divorce or annulment or other  
28 legal proceedings. A marriage void under this section shall not bar  
29 prosecution for the crime of bigamy pursuant to NRS 201.160.

30 **Sec. 32.** NRS 125.320 is hereby amended to read as follows:

31 125.320 1. When the consent of ~~the father, mother,~~ a  
32 parent, guardian or district court, as required by NRS 122.020 or  
33 122.025, has not been obtained, the marriage is void from the time  
34 its nullity is declared by a court of competent jurisdiction.

35 2. If the consent required by NRS 122.020 or 122.025 is not  
36 first obtained, the marriage contracted without the consent of ~~the~~  
37 father, mother, a parent, guardian or district court may be annulled  
38 upon application by or on behalf of the person who fails to obtain  
39 such consent, unless such person after reaching the age of 18 years  
40 freely cohabits for any time with the other party to the marriage as  
41 ~~husband and wife~~ a married couple. Any such annulment  
42 proceedings must be brought within 1 year after such person reaches  
43 the age of 18 years.



1       **Sec. 33.** NRS 125.330 is hereby amended to read as follows:

2       125.330 1. When either of the parties to a marriage for want  
3 of understanding shall be incapable of assenting thereto, the  
4 marriage shall be void from the time its nullity shall be declared by  
5 a court of competent authority.

6       2. The marriage of any insane person shall not be adjudged  
7 void, after his or her restoration to reason, if it shall appear that the  
8 parties freely cohabited together as ~~husband and wife~~ *a married*  
9 *couple* after such insane person was restored to a sound mind.

10       **Sec. 34.** NRS 125.340 is hereby amended to read as follows:

11       125.340 1. If the consent of either party was obtained by  
12 fraud and fraud has been proved, the marriage shall be void from the  
13 time its nullity shall be declared by a court of competent authority.

14       2. No marriage may be annulled for fraud if the parties to the  
15 marriage voluntarily cohabit as ~~husband and wife~~ *a married*  
16 *couple* having received knowledge of such fraud.

17       **Sec. 35.** NRS 125A.515 is hereby amended to read as follows:

18       125A.515 1. Unless the court issues a temporary emergency  
19 order pursuant to NRS 125A.335, upon a finding that a petitioner is  
20 entitled to immediate physical custody of the child, the court shall  
21 order that the petitioner may take immediate physical custody of the  
22 child unless the respondent establishes that:

23       (a) The child custody determination has not been registered and  
24 confirmed pursuant to NRS 125A.465 and that:

25           (1) The issuing court did not have jurisdiction pursuant to  
26 NRS 125A.305 to 125A.395, inclusive;

27           (2) The child custody determination for which enforcement  
28 is sought has been vacated, stayed or modified by a court of a state  
29 having jurisdiction to do so pursuant to NRS 125A.305 to  
30 125A.395, inclusive; or

31           (3) The respondent was entitled to notice, but notice was not  
32 given in accordance with the standards of NRS 125A.255, in the  
33 proceedings before the court that issued the order for which  
34 enforcement is sought; or

35       (b) The child custody determination for which enforcement is  
36 sought was registered and confirmed pursuant to NRS 125A.465,  
37 but has been vacated, stayed or modified by a court of a state having  
38 jurisdiction to do so pursuant to NRS 125A.305 to 125A.395,  
39 inclusive.

40       2. The court shall award the fees, costs and expenses  
41 authorized pursuant to NRS 125A.535 and may grant additional  
42 relief, including a request for the assistance of law enforcement  
43 officers, and set a further hearing to determine whether additional  
44 relief is appropriate.



1 3. If a party called to testify refuses to answer on the ground  
2 that the testimony may be self-incriminating, the court may draw an  
3 adverse inference from the refusal.

4 4. A privilege against disclosure of communications between  
5 spouses and a defense of immunity based on the relationship of  
6 ~~husband and wife~~ *a married couple* or parent and child may not be  
7 invoked in a proceeding conducted pursuant to NRS 125A.405 to  
8 125A.585, inclusive.

9 **Sec. 36.** NRS 128.060 is hereby amended to read as follows:

10 128.060 1. After a petition has been filed, unless the party or  
11 parties to be served voluntarily appear and consent to the hearing,  
12 the court shall direct the clerk to issue a notice, reciting briefly the  
13 substance of the petition and stating the date set for the hearing  
14 thereof, and requiring the person served therewith to appear before  
15 the court at the time and place if that person desires to oppose the  
16 petition.

17 2. The following persons must be personally served with the  
18 notice:

19 (a) ~~The father or mother~~ *Either parent* of the minor person, if  
20 residing within this State, and if his or her place of residence is  
21 known to the petitioner, or, if there is no parent so residing, or if the  
22 place of residence of ~~the father or mother~~ *either parent* is not  
23 known to the petitioner, then the nearest known relative of that  
24 person, if there is any residing within the State, and if his or her  
25 residence and relationship are known to the petitioner; and

26 (b) The minor's legal custodian or guardian, if residing within  
27 this State and if his or her place of residence is known to the  
28 petitioner.

29 3. If the petitioner or the child is receiving public assistance,  
30 the petitioner shall mail a copy of the notice of hearing and a copy  
31 of the petition to the Chief of the Child Support Enforcement  
32 Program of the Division of Welfare and Supportive Services of the  
33 Department of Health and Human Services by registered or  
34 certified mail return receipt requested at least 45 days before the  
35 hearing.

36 **Sec. 37.** NRS 128.070 is hereby amended to read as follows:

37 128.070 1. When ~~the father or mother~~ *either parent* of a  
38 minor child or the child's legal custodian or guardian resides out of  
39 the State, has departed from the State, or cannot, after due diligence,  
40 be found within the State, or conceals himself or herself to avoid the  
41 service of the notice of hearing, and the fact appears, by affidavit, to  
42 the satisfaction of the court thereof, and it appears, either by  
43 affidavit or by a verified petition on file, that the named ~~father or~~  
44 ~~mother~~ *parent* or custodian or guardian is a necessary or proper  
45 party to the proceedings, the court may grant an order that the



1 service be made by the publication of the notice of hearing. When  
2 the affidavit is based on the fact that the ~~father or mother~~ *parent* or  
3 custodian or guardian resides out of the State, and his or her present  
4 address is unknown, it is a sufficient showing of that fact if the  
5 affiant states generally in the affidavit that:

6 (a) At a previous time the person resided out of this State in a  
7 certain place (naming the place and stating the latest date known to  
8 the affiant when the person so resided there);

9 (b) That place is the last place in which the person resided to the  
10 knowledge of the affiant;

11 (c) The person no longer resides at that place;

12 (d) The affiant does not know the present place of residence of  
13 the person or where the person can be found; and

14 (e) The affiant does not know and has never been informed  
15 and has no reason to believe that the person now resides in this  
16 State.

17 ↪ In such case, it shall be presumed that the person still resides and  
18 remains out of the State, and the affidavit shall be deemed to be a  
19 sufficient showing of due diligence to find ~~the father or mother~~  
20 *either parent* or *the* custodian or guardian.

21 2. The order must direct the publication to be made in a  
22 newspaper, to be designated by the court, for a period of 4 weeks,  
23 and at least once a week during that time. In case of publication,  
24 where the residence of a nonresident or absent ~~father or mother~~  
25 *parent* or custodian or guardian is known, the court shall also direct  
26 a copy of the notice of hearing and petition to be deposited in the  
27 post office, directed to the person to be served at his or her place of  
28 residence. When publication is ordered, personal service of a copy  
29 of the notice of hearing and petition, out of the State, is equivalent to  
30 completed service by publication and deposit in the post office, and  
31 the person so served has 20 days after the service to appear and  
32 answer or otherwise plead. The service of the notice of hearing shall  
33 be deemed complete in cases of publication at the expiration of 4  
34 weeks from the first publication, and in cases when a deposit of a  
35 copy of the notice of hearing and petition in the post office is also  
36 required, at the expiration of 4 weeks from the deposit.

37 3. Personal service outside the State upon a ~~father or mother~~  
38 *parent* over the age of 18 years or upon the minor's legal custodian  
39 or guardian may be made in any action where the person served is a  
40 resident of this State. When the facts appear, by affidavit, to the  
41 satisfaction of the court, and it appears, either by affidavit or by a  
42 verified petition on file, that the person in respect to whom the  
43 service is to be made is a necessary or proper party to the  
44 proceedings, the court may grant an order that the service be made  
45 by personal service outside the State. The service must be made by



1 delivering a copy of the notice of hearing together with a copy of the  
2 petition in person to the person served. The methods of service are  
3 cumulative, and may be utilized with, after or independently of  
4 other methods of service.

5 4. Whenever personal service cannot be made, the court may  
6 require, before ordering service by publication or by publication and  
7 mailing, such further and additional search to determine the  
8 whereabouts of the person to be served as may be warranted by the  
9 facts stated in the affidavit of the petitioner to the end that actual  
10 notice be given whenever possible.

11 5. If one or both of the parents of the minor is unknown, or if  
12 the name of either or both of the parents of the minor is uncertain,  
13 then those facts must be set forth in the affidavit and the court shall  
14 order the notice to be directed and addressed to either ~~the father or~~  
15 ~~the mother} parent~~ parent of the person, and to all persons claiming to be  
16 the ~~father or mother} parent~~ parent of the person. The notice, after the  
17 caption, must be addressed substantially as follows: "To the ~~father~~  
18 ~~and mother} parents~~ parents of the above-named person, and to all persons  
19 claiming to be the ~~father or mother} parent~~ parent of that person."

20 **Sec. 38.** NRS 128.080 is hereby amended to read as follows:

21 128.080 The notice must be in substantially the following  
22 form:

23  
24 In the ..... Judicial District Court of the State of Nevada,  
25 in and for the County of .....

26  
27 In the matter of parental rights  
28 as to ....., a minor.

29  
30 Notice

31  
32 To ....., ~~the father or ....., the~~  
33 ~~mother} parent No. 1 or ....., parent No. 2~~ of the  
34 above-named person; or, to the ~~father and mother} parents~~ of  
35 the above-named person, and to all persons claiming to be  
36 ~~the father or mother} either parent~~ of this person; or, to  
37 ....., related to the above-named minor as  
38 ....., and, to ....., the legal custodian or  
39 guardian of the above-named minor:

40 You are hereby notified that there has been filed in the  
41 above-entitled court a petition praying for the termination of  
42 parental rights over the above-named minor person, and that  
43 the petition has been set for hearing before this court, at the  
44 courtroom thereof, at ....., in the County of  
45 ....., on the ..... day of the month of .....



1 the year ..... at..... o'clock .....m., at which time and place  
2 you are required to be present if you desire to oppose the  
3 petition.  
4

5 Dated ..... (month) ..... (day) ..... (year)

7 .....  
8 Clerk of Court

9 (SEAL)

10 By .....  
11 Deputy

12 **Sec. 39.** NRS 129.100 is hereby amended to read as  
13 follows:

14 129.100 1. After a petition has been filed, unless the person  
15 to be served voluntarily appears and consents to the hearing, the  
16 court shall direct the clerk to issue a notice, reciting briefly the  
17 substance of the petition, stating the time and date set for the hearing  
18 of the petition, and requiring the person served with the notice to  
19 appear before the court at the hearing if the person desires to oppose  
20 the petition.

21 2. The notice issued pursuant to subsection 1 must be in  
22 substantially the following form:

23  
24 In the ..... Judicial District Court of the State of Nevada,  
25 in and for the County of .....

26  
27 In the matter of the emancipation  
28 of ....., a minor.

29  
30 Notice

31  
32 To ....., ~~the father or .....~~  
33 ~~the mother} parent No. 1 or .....~~, **parent No.**  
34 **2** of the above-named minor; or, to the ~~father and mother}~~  
35 **parents** of the above-named minor; or, to  
36 ....., the legal guardian of the above-named  
37 minor; or, to ....., related to the above-named  
38 minor as .....

39 You are hereby notified that there has been filed in the  
40 above-entitled court a petition praying for the emancipation  
41 of the above-named minor person, and that the petition has  
42 been set for hearing before this court, at the courtroom  
43 thereof, at ....., in the County of  
44 ....., on the ..... day of the month of  
45 ..... of the year ..... at ..... o'clock ...m., at which time





1 and place you are required to be present if you desire to  
2 oppose the petition.

3  
4 Dated ..... (month) ..... (day) ..... (year)

5  
6 .....  
7 Clerk of court

8 (SEAL)

9 By .....  
10 Deputy

11 **Sec. 40.** NRS 130.316 is hereby amended to read as follows:

12 130.316 1. The physical presence of a nonresident party who  
13 is a natural person in a tribunal of this State is not required for the  
14 establishment, enforcement or modification of a support order or the  
15 rendition of a judgment determining parentage of a child.

16 2. An affidavit, a document substantially complying with  
17 federally mandated forms or a document incorporated by reference  
18 in any of them, which would not be excluded under the hearsay rule  
19 in NRS 51.065 if given in person, is admissible in evidence if given  
20 under penalty of perjury by a party or witness residing outside this  
21 State.

22 3. A copy of the record of child-support payments certified as a  
23 true copy of the original by the custodian of the record may be  
24 forwarded to a responding tribunal. The copy is evidence of facts  
25 asserted therein and is admissible to show whether payments were  
26 made.

27 4. Copies of bills for testing for parentage of a child, and for  
28 prenatal and postnatal health care of the mother and child, furnished  
29 to the adverse party at least 20 days before trial are admissible in  
30 evidence to prove the amount of the charges billed and that the  
31 charges were reasonable, necessary and customary.

32 5. Documentary evidence transmitted from outside this State to  
33 a tribunal of this State by telephone, telecopier or other electronic  
34 means that do not provide an original record may not be excluded  
35 from evidence on an objection based on the means of transmission.

36 6. In a proceeding under this chapter, a tribunal of this State  
37 shall permit a party or witness residing outside this State to be  
38 deposed or to testify under penalty of perjury by telephone,  
39 audiovisual means or other electronic means at a designated tribunal  
40 or other location. A tribunal of this State shall cooperate with other  
41 tribunals in designating an appropriate location for the deposition or  
42 testimony.

43 7. In a civil proceeding under this chapter, if a party called to  
44 testify refuses to answer a question on the ground that the testimony



1 may be self-incriminating, the trier of fact may draw an adverse  
2 inference from the refusal.

3 8. A privilege against the disclosure of communications  
4 between ~~husband and wife~~ *a married couple* does not apply in a  
5 proceeding under this chapter.

6 9. The defense of immunity based on the relationship of  
7 ~~husband and wife~~ *a married couple* or parent and child does not  
8 apply in a proceeding under this chapter.

9 10. A voluntary acknowledgment of paternity, certified as a  
10 true copy, is admissible to establish parentage of the child.

11 **Sec. 41.** NRS 12.020 is hereby amended to read as follows:

12 12.020 A ~~husband and wife~~ *married couple* may sue jointly  
13 on all causes of action belonging to either or both of them, except:

14 1. When the action is for personal injuries, the spouse having  
15 sustained personal injuries is a necessary party; and

16 2. When the action is for compensation for services rendered,  
17 the spouse having rendered the services is a necessary party.

18 **Sec. 42.** NRS 12.030 is hereby amended to read as follows:

19 12.030 If ~~husband and wife are~~ *a married couple is* sued  
20 together, either or both may defend, and if either neglects to defend,  
21 the other may defend for both.

22 **Sec. 43.** NRS 12.040 is hereby amended to read as follows:

23 12.040 When a ~~husband~~ *spouse* has deserted his *or her*  
24 family, the ~~wife~~ *other spouse* may prosecute or defend in his *or*  
25 *her* name any action which he *or she* might have prosecuted or  
26 defended, and shall have the same powers and rights therein as he  
27 *or she* might have .  ~~[, and, under like circumstances, the husband~~  
28 ~~shall have the same right.]~~

29 **Sec. 44.** NRS 12.080 is hereby amended to read as follows:

30 12.080 The ~~father and mother~~ *parents* jointly, or ~~the father~~  
31 ~~or the mother,~~ *either parent,* without preference to either, may  
32 maintain an action for the injury of a minor child who has not been  
33 emancipated, if the injury is caused by the wrongful act or neglect of  
34 another. A guardian may maintain an action for the injury of his or  
35 her unemancipated ward, if the injury is caused by the wrongful act  
36 or neglect of another, the action by the guardian to be prosecuted for  
37 the benefit of the ward. Any such action may be maintained against  
38 the person causing the injury, or, if the person is employed by  
39 another person who is responsible for his or her conduct, also  
40 against that other person.

41 **Sec. 45.** NRS 41.200 is hereby amended to read as follows:

42 41.200 1. If an unemancipated minor has a disputed claim for  
43 money against a third person, either parent, or if the parents of the  
44 minor are living separate and apart, then the custodial parent, or if  
45 no custody award has been made, the parent with whom the minor is



1 living, or if a general guardian or guardian of the estate of the minor  
2 has been appointed, then that guardian, has the right to compromise  
3 the claim. Such a compromise is not effective until it is approved by  
4 the district court of the county where the minor resides, or if the  
5 minor is not a resident of the State of Nevada, then by the district  
6 court of the county where the claim was incurred, upon a verified  
7 petition in writing, regularly filed with the court.

8 2. The petition must set forth:

9 (a) The name, age and residence of the minor;

10 (b) The facts which bring the minor within the purview of this  
11 section, including:

12 (1) The circumstances which make it a disputed claim for  
13 money;

14 (2) The name of the third person against whom the claim is  
15 made; and

16 (3) If the claim is the result of an accident or motor vehicle  
17 crash, the date, place and facts of the accident or motor vehicle  
18 crash;

19 (c) The names and residence of the parents or the legal guardian  
20 of the minor;

21 (d) The name and residence of the person or persons having  
22 physical custody or control of the minor;

23 (e) The name and residence of the petitioner and the relationship  
24 of the petitioner to the minor;

25 (f) The total amount of the proceeds of the proposed  
26 compromise and the apportionment of those proceeds, including the  
27 amount to be used for:

28 (1) Attorney's fees and whether the attorney's fees are fixed  
29 or contingent fees, and if the attorney's fees are contingent fees the  
30 percentage of the proceeds to be paid as attorney's fees;

31 (2) Medical expenses; and

32 (3) Other expenses,

33 and whether these fees and expenses are to be deducted before or  
34 after the calculation of any contingency fee;

35 (g) Whether the petitioner believes the acceptance of this  
36 compromise is in the best interest of the minor; and

37 (h) That the petitioner has been advised and understands that  
38 acceptance of the compromise will bar the minor from seeking  
39 further relief from the third person offering the compromise.

40 3. If the claim involves a personal injury suffered by the minor,  
41 the petitioner must submit all relevant medical and health care  
42 records to the court at the compromise hearing. The records must  
43 include documentation of:

44 (a) The injury, prognosis, treatment and progress of recovery of  
45 the minor; and



\* A B 2 2 9 R 1 \*

1 (b) The amount of medical expenses incurred to date, the nature  
2 and amount of medical expenses which have been paid and by  
3 whom, any amount owing for medical expenses and an estimate of  
4 the amount of medical expenses which may be incurred in the  
5 future.

6 4. If the court approves the compromise of the claim of the  
7 minor, the court must direct the money to be paid to ~~the father,~~  
8 ~~mother~~ *a parent* or guardian of the minor, with or without the filing  
9 of any bond, or it must require a general guardian or guardian ad  
10 litem to be appointed and the money to be paid to the guardian or  
11 guardian ad litem, with or without a bond, as the court, in its  
12 discretion, deems to be in the best interests of the minor.

13 5. Upon receiving the proceeds of the compromise, the parent  
14 or guardian to whom the proceeds of the compromise are ordered to  
15 be paid, shall establish a blocked financial investment for the benefit  
16 of the minor with the proceeds of the compromise. Money may be  
17 obtained from the blocked financial investment only pursuant to  
18 subsection 6. Within 30 days after receiving the proceeds of the  
19 compromise, the parent or guardian shall file with the court proof  
20 that the blocked financial investment has been established. If the  
21 balance of the investment is more than \$10,000, the parent, guardian  
22 or person in charge of managing the investment shall annually file  
23 with the court a verified report detailing the activities of the  
24 investment during the previous 12 months. If the balance of the  
25 investment is \$10,000 or less, the court may order the parent,  
26 guardian or person in charge of managing the investment to file such  
27 periodic verified reports as the court deems appropriate. The court  
28 may hold a hearing on a verified report only if it deems a hearing  
29 necessary to receive an explanation of the activities of the  
30 investment.

31 6. The beneficiary of a block financial investment may obtain  
32 control of or money from the investment:

33 (a) By an order of the court which held the compromise hearing;  
34 or

35 (b) By certification of the court which held the compromise  
36 hearing that the beneficiary has reached the age of 18 years, at  
37 which time control of the investment must be transferred to the  
38 beneficiary or the investment must be closed and the money  
39 distributed to the beneficiary.

40 7. The clerk of the district court shall not charge any fee for  
41 filing a petition for leave to compromise or for placing the petition  
42 upon the calendar to be heard by the court.

43 8. As used in this section, the term "blocked financial  
44 investment" means a savings account established in a depository  
45 institution in this state, a certificate of deposit, a United States



\* A B 2 2 9 R 1 \*

1 savings bond, a fixed or variable annuity contract, or another  
2 reliable investment that is approved by the court.

3 **Sec. 46.** NRS 41.440 is hereby amended to read as follows:

4 41.440 Any liability imposed upon a ~~{wife, husband,}~~ *spouse*,  
5 son, daughter, ~~{father, mother,}~~ *parent*, brother, sister or other  
6 immediate member of a family arising out of his or her driving and  
7 operating a motor vehicle with the permission, express or implied,  
8 of such owner is hereby imposed upon the owner of the motor  
9 vehicle, and such owner shall be jointly and severally liable with his  
10 or her ~~{wife, husband,}~~ *spouse*, son, daughter, ~~{father, mother,}~~  
11 *parent*, brother, sister or other immediate member of a family for  
12 any damages proximately resulting from such negligence or willful  
13 misconduct, and such negligent or willful misconduct shall be  
14 imputed to the owner of the motor vehicle for all purposes of civil  
15 damages.

16 **Sec. 47.** NRS 49.295 is hereby amended to read as follows:

17 49.295 1. Except as otherwise provided in subsections 2 and  
18 3 and NRS 49.305:

19 (a) A ~~{husband}~~ *married person* cannot be examined as a  
20 witness for or against his *or her* ~~{wife}~~ *spouse* without his *or her*  
21 consent . ~~{nor a wife for or against her husband without her~~  
22 ~~consent.}~~

23 (b) ~~{Neither a husband nor a wife}~~ *No spouse* can be examined,  
24 during the marriage or afterwards, without the consent of the other  
25 ~~{}~~ *spouse*, as to any communication made by one to the other during  
26 marriage.

27 2. The provisions of subsection 1 do not apply to a:

28 (a) Civil proceeding brought by or on behalf of one spouse  
29 against the other spouse;

30 (b) Proceeding to commit or otherwise place a spouse, the  
31 property of the spouse or both the spouse and the property of the  
32 spouse under the control of another because of the alleged mental or  
33 physical condition of the spouse;

34 (c) Proceeding brought by or on behalf of a spouse to establish  
35 his or her competence;

36 (d) Proceeding in the juvenile court or family court pursuant to  
37 title 5 of NRS or NRS 432B.410 to 432B.590, inclusive; or

38 (e) Criminal proceeding in which one spouse is charged with:

39 (1) A crime against the person or the property of the other  
40 spouse or of a child of either, or of a child in the custody or control  
41 of either, whether the crime was committed before or during  
42 marriage.

43 (2) Bigamy or incest.

44 (3) A crime related to abandonment of a child or nonsupport  
45 of the other spouse or child.



1 3. The provisions of subsection 1 do not apply in any criminal  
2 proceeding to events which took place before the ~~husband and~~  
3 ~~wife~~ spouses were married.

4 **Sec. 48.** NRS 49.305 is hereby amended to read as follows:

5 49.305 When a ~~husband or wife~~ married person is insane,  
6 and has been so declared by a court of competent jurisdiction, the  
7 other spouse shall be a competent witness to testify as to any fact  
8 which transpired before or during such insanity, but the privilege of  
9 so testifying shall cease when the party declared insane has been  
10 found by a court of competent jurisdiction to be of sound mind, and  
11 the ~~husband and wife~~ spouses shall then have the testimonial  
12 limitations and privileges provided in NRS 49.295.

13 **Sec. 49.** NRS 111.063 is hereby amended to read as follows:

14 111.063 Tenancy in common in real or personal property may  
15 be created by a single conveyance from a ~~husband and wife~~  
16 married couple holding title as joint tenants to themselves, or to  
17 themselves and others, or to one of them and others, when such  
18 conveyance expressly declares that the grantees thereunder are  
19 tenants in common.

20 **Sec. 50.** NRS 111.064 is hereby amended to read as follows:

21 111.064 1. Estates as tenants in common or estates in  
22 community property may be created by conveyance from ~~husband~~  
23 ~~and wife~~ a married couple to themselves or to themselves and  
24 others or from a sole owner to himself or herself and others in the  
25 same manner as a joint tenancy may be created.

26 2. A right of survivorship does not arise when an estate in  
27 community property is created in a ~~husband and wife,~~ married  
28 couple, as such, unless the instrument creating the estate expressly  
29 declares that the ~~husband and wife~~ married couple take the  
30 property as community property with a right of survivorship. This  
31 right of survivorship is extinguished whenever either spouse, during  
32 the marriage, transfers the spouse's interest in the community  
33 property.

34 **Sec. 51.** NRS 111.065 is hereby amended to read as follows:

35 111.065 1. Joint tenancy in real property may be created by a  
36 single will or transfer when expressly declared in the will or transfer  
37 to be a joint tenancy, or by transfer from a sole owner to himself or  
38 herself and others, or from tenants in common to themselves, or to  
39 themselves and others, or to one of them and others, or from a  
40 ~~husband and wife~~ married couple when holding title as  
41 community property or otherwise to themselves, or to themselves  
42 and others, or to one of them and others, when expressly declared  
43 in the transfer to be a joint tenancy, or when granted or devised to  
44 executors or trustees as joint tenants.



1 2. A joint tenancy in personal property may be created by a  
2 written transfer, agreement or instrument.

3 **Sec. 52.** NRS 111.673 is hereby amended to read as follows:

4 111.673 The owner of an interest in property who creates a  
5 deed upon death may designate in the deed:

6 1. Multiple beneficiaries who will take title to the property  
7 upon his or her death as joint tenants with right of survivorship,  
8 tenants in common, ~~husband and wife~~ *a married couple* as  
9 community property, community property with right of survivorship  
10 or any other tenancy that is recognized in this State.

11 2. The beneficiary or beneficiaries who will take title to the  
12 property upon his or her death as the sole and separate property of  
13 the beneficiary or beneficiaries without the necessity of the filing of  
14 a quitclaim deed or disclaimer by the spouse of any beneficiary.

15 **Sec. 53.** NRS 111.781 is hereby amended to read as follows:

16 111.781 1. Except as otherwise provided by the express  
17 terms of a governing instrument, a court order or a contract relating  
18 to the division of the marital estate made between the divorced  
19 persons before or after the marriage, divorce or annulment, the  
20 divorce or annulment of a marriage:

21 (a) Revokes any revocable:

22 (1) Disposition or appointment of property made by a  
23 divorced person to his or her former spouse in a governing  
24 instrument and any disposition or appointment created by law or in a  
25 governing instrument to a relative of the divorced person's former  
26 spouse;

27 (2) Provision in a governing instrument conferring a general  
28 or nongeneral power of appointment on the divorced person's  
29 former spouse or on a relative of the divorced person's former  
30 spouse; and

31 (3) Nomination in a governing instrument that nominates a  
32 divorced person's former spouse or a relative of the divorced  
33 person's former spouse to serve in any fiduciary or representative  
34 capacity, including a personal representative capacity, including a  
35 personal representative, executor, trustee, conservator, agent or  
36 guardian; and

37 (b) Severs the interest of the former spouses in property held by  
38 them at the time of the divorce or annulment as joint tenants with  
39 the right of survivorship or as community property with a right of  
40 survivorship and transforms the interests of the former spouses into  
41 equal tenancies in common.

42 2. A severance under paragraph (b) of subsection 1 does not  
43 affect any third-party interest in property acquired for value and in  
44 good faith reliance on an apparent title by survivorship in the  
45 survivor of the former spouses unless a writing declaring the



\* A B 2 2 9 R 1 \*

1 severance has been noted, registered, filed or recorded in records  
2 appropriate to the kind and location of the property which records  
3 are relied upon, in the ordinary course of transactions involving such  
4 property, as evidence of ownership.

5 3. The provisions of a governing instrument are given effect as  
6 if the former spouse and relatives of the former spouse disclaimed  
7 all provisions revoked by this section or, in the case of a revoked  
8 nomination in a fiduciary or representative capacity, as if the former  
9 spouse and relatives of the former spouse died immediately before  
10 the divorce or annulment.

11 4. Any provisions revoked solely by this section are revived by  
12 the divorced person's remarriage to the former spouse or by a  
13 nullification of the divorce or annulment.

14 5. Unless a court in an action commenced pursuant to chapter  
15 125 of NRS specifically orders otherwise, a restraining order  
16 entered pursuant to NRS 125.050 does not preclude a party to such  
17 an action from making or changing beneficiary designations that  
18 specify who will receive the party's assets upon the party's death.

19 6. A payor or other third party is not liable for having made a  
20 payment or transferred an item of property or any other benefit to a  
21 beneficiary designated in a governing instrument affected by the  
22 provisions of this section or for having taken any other action in  
23 good faith reliance on the validity of the governing instrument  
24 before the payor or other third party received written or actual notice  
25 of any event affecting a beneficiary designation. A payor or other  
26 third party is liable for a payment made or other action taken after  
27 the payor or other third party received written or actual notice of a  
28 claimed forfeiture or revocation under this section.

29 7. Written notice of the divorce, annulment or remarriage or  
30 written notice of a complaint or petition for divorce or annulment  
31 must be mailed to the payor's or other third party's main office or  
32 home by registered or certified mail, return receipt requested, or  
33 served upon the payor or other third party in the same manner as a  
34 summons in a civil action. Upon receipt of written notice of the  
35 divorce, annulment or remarriage, a payor or other third party may  
36 pay any amount owed or transfer or deposit any item of property  
37 held by it to or with the court having jurisdiction of the probate  
38 proceedings relating to the decedent's estate or, if no proceedings  
39 have been commenced, to or with the court having jurisdiction of  
40 probate proceedings relating to decedents' estates located in the  
41 county of the decedent's residence. The court shall hold the funds or  
42 item of property and, upon its determination under this section, shall  
43 order disbursement or transfer in accordance with the determination.  
44 Payments, transfers or deposits made to or with the court discharge  
45 the payor or other third party from all claims for the value of



\* A B 2 2 9 R 1 \*



1 amounts paid to or items of property transferred to or deposited with  
2 the court.

3 8. A person who purchases property from a former spouse,  
4 relative of a former spouse or any other person for value and  
5 without notice, or who receives from a former spouse, relative of a  
6 former spouse or any other person a payment or other item of  
7 property in partial or full satisfaction of a legally enforceable  
8 obligation, is neither obligated under this section to return the  
9 payment, item of property or benefit nor is liable under this section  
10 for the amount of the payment or the value of the item of property or  
11 benefit. A former spouse, relative of a former spouse or other person  
12 who, not for value, received a payment, item of property or any  
13 other benefit to which that person is not entitled under this section is  
14 obligated to return the payment, item of property or benefit or is  
15 personally liable for the amount of the payment or the value of the  
16 item of property or benefit to the person who is entitled to it under  
17 this section.

18 9. If this section or any part of this section is preempted by  
19 federal law with respect to a payment, an item of property or any  
20 other benefit covered by this section, a former spouse, relative of the  
21 former spouse or any other person who, not for value, received a  
22 payment, item of property or any other benefit to which that person  
23 is not entitled under this section is obligated to return that payment,  
24 item of property or benefit or is personally liable for the amount of  
25 the payment or the value of the item of property or benefit to the  
26 person who would have been entitled to it were this section or part  
27 of this section not preempted.

28 10. This section applies only to nonprobate transfers which  
29 become effective because of the death of a person on or after  
30 October 1, 2011, regardless of when the divorce or annulment  
31 occurred.

32 11. As used in this section:

33 (a) "Disposition or appointment of property" includes a transfer  
34 of an item of property or any other benefit to a beneficiary  
35 designated in a governing instrument.

36 (b) "Divorce or annulment" means any divorce or annulment or  
37 any dissolution or declaration of invalidity of a marriage. A decree  
38 of separation that does not terminate the status of ~~husband and~~  
39 ~~wife~~ *a married couple* is not a divorce for purposes of this section.

40 (c) "Divorced person" includes a person whose marriage has  
41 been annulled.

42 (d) "Governing instrument" means a governing instrument  
43 executed by a divorced person before the divorce or annulment of  
44 the person's marriage to the person's former spouse.



1 (e) "Relative of the divorced person's former spouse" means a  
2 person who is related to the divorced person's former spouse by  
3 blood, adoption or affinity and who, after the divorce or annulment,  
4 is not related to the divorced person by blood, adoption or affinity.

5 (f) "Revocable," with respect to a disposition, appointment,  
6 provision or nomination, means one under which the divorced  
7 person, at the time of the divorce or annulment, was alone  
8 empowered, by law or under the governing instrument, to cancel the  
9 designation in favor of the person's former spouse or former  
10 spouse's relative, whether or not the divorced person was then  
11 empowered to designate himself or herself in place of his or her  
12 former spouse or in place of his or her former spouse's relative and  
13 whether or not the divorced person then had the capacity to exercise  
14 the power.

15 **Sec. 54.** NRS 115.005 is hereby amended to read as follows:

16 115.005 As used in this chapter, unless the context otherwise  
17 requires:

18 1. "Equity" means the amount that is determined by subtracting  
19 from the fair market value of the property the value of any liens  
20 excepted from the homestead exemption pursuant to subsection 3 of  
21 NRS 115.010 or NRS 115.090.

22 2. "Homestead" means the property consisting of:

23 (a) A quantity of land, together with the dwelling house thereon  
24 and its appurtenances;

25 (b) A mobile home whether or not the underlying land is owned  
26 by the claimant; or

27 (c) A unit, whether real or personal property, existing pursuant  
28 to chapter 116 or 117 of NRS, with any appurtenant limited  
29 common elements and its interest in the common elements of the  
30 common-interest community,

31 ➔ to be selected by ~~the husband and wife,~~ **both spouses**, or either  
32 of them, or a single person claiming the homestead.

33 **Sec. 55.** NRS 115.010 is hereby amended to read as follows:

34 115.010 1. The homestead is not subject to forced sale on  
35 execution or any final process from any court, except as otherwise  
36 provided by subsections 2, 3 and 5, and NRS 115.090 and except as  
37 otherwise required by federal law.

38 2. The exemption provided in subsection 1 extends only to that  
39 amount of equity in the property held by the claimant which does  
40 not exceed \$550,000 in value, unless allodial title has been  
41 established and not relinquished, in which case the exemption  
42 provided in subsection 1 extends to all equity in the dwelling, its  
43 appurtenances and the land on which it is located.

44 3. Except as otherwise provided in subsection 4, the exemption  
45 provided in subsection 1 does not extend to process to enforce the



1 payment of obligations contracted for the purchase of the property,  
2 or for improvements made thereon, including any mechanic's lien  
3 lawfully obtained, or for legal taxes, or for:

4 (a) Any mortgage or deed of trust thereon executed and given,  
5 including, without limitation, any second or subsequent mortgage,  
6 mortgage obtained through refinancing, line of credit taken against  
7 the property and a home equity loan; or

8 (b) Any lien to which prior consent has been given through the  
9 acceptance of property subject to any recorded declaration of  
10 restrictions, deed restriction, restrictive covenant or equitable  
11 servitude, specifically including any lien in favor of an association  
12 pursuant to NRS 116.3116 or 117.070,

13 ↪ by both ~~husband and wife,~~ *spouses*, when that relation exists.

14 4. If allodial title has been established and not relinquished, the  
15 exemption provided in subsection 1 extends to process to enforce  
16 the payment of obligations contracted for the purchase of the  
17 property, and for improvements made thereon, including any  
18 mechanic's lien lawfully obtained, and for legal taxes levied by a  
19 state or local government, and for:

20 (a) Any mortgage or deed of trust thereon; and

21 (b) Any lien even if prior consent has been given through the  
22 acceptance of property subject to any recorded declaration of  
23 restrictions, deed restriction, restrictive covenant or equitable  
24 servitude, specifically including any lien in favor of an association  
25 pursuant to NRS 116.3116 or 117.070,

26 ↪ unless a waiver for the specific obligation to which the judgment  
27 relates has been executed by all allodial titleholders of the property.

28 5. Establishment of allodial title does not exempt the property  
29 from forfeiture pursuant to NRS 179.1156 to 179.121, inclusive,  
30 179.1211 to 179.1235, inclusive, or 207.350 to 207.520, inclusive.

31 6. Any declaration of homestead which has been filed before  
32 July 1, 2007, shall be deemed to have been amended on that date by  
33 extending the homestead exemption commensurate with any  
34 increase in the amount of equity held by the claimant in the property  
35 selected and claimed for the exemption up to the amount permitted  
36 by law on that date, but the increase does not impair the right of any  
37 creditor to execute upon the property when that right existed before  
38 July 1, 2007.

39 **Sec. 56.** NRS 115.020 is hereby amended to read as follows:

40 115.020 1. The selection must be made by either ~~the~~  
41 ~~husband or wife,~~ *spouse*, or both of them, or the single person,  
42 declaring an intention in writing to claim the property as a  
43 homestead. The selection may be made on the form prescribed by  
44 the Real Estate Division of the Department of Business and Industry  
45 pursuant to NRS 115.025.



- 1        2. The declaration must state:
- 2        (a) When made by a married person or persons, that they or
- 3 either of them are married, or if not married, that he or she is a
- 4 householder.
- 5        (b) When made by a married person or persons, that they or
- 6 either of them, as the case may be, are, at the time of making the
- 7 declaration, residing with their family, or with the person or persons
- 8 under their care and maintenance, on the premises, particularly
- 9 describing the premises.
- 10       (c) When made by any claimant under this section, that it is their
- 11 or his or her intention to use and claim the property as a homestead.
- 12       3. The declaration must be signed by the person or persons
- 13 making it and acknowledged and recorded as conveyances affecting
- 14 real property are required to be acknowledged and recorded. If the
- 15 property declared upon as a homestead is the separate property of
- 16 either spouse, both must join in the execution and acknowledgment
- 17 of the declaration.
- 18       4. If a person solicits another person to allow the soliciting
- 19 person to file a declaration of homestead on behalf of the other
- 20 person and charges or accepts a fee or other valuable consideration
- 21 for recording the declaration of homestead for the other person, the
- 22 soliciting person shall, before the declaration is recorded or before
- 23 the fee or other valuable consideration is charged to or accepted
- 24 from the other person, provide that person with a notice written in
- 25 bold type which states that:
- 26       (a) Except for the fee which may be charged by the county
- 27 recorder for recording a declaration of homestead, a declaration of
- 28 homestead may be recorded in the county in which the property is
- 29 located without the payment of a fee; and
- 30       (b) The person may record the declaration of homestead on his
- 31 or her own behalf.
- 32       ↪ The notice must clearly indicate the amount of the fee which may
- 33 be charged by the county recorder for recording a declaration of
- 34 homestead.
- 35       5. The rights acquired by declaring a homestead are not
- 36 extinguished by the conveyance of the underlying property in trust
- 37 for the benefit of the person or persons who declared it. A trustee
- 38 may by similar declaration claim property, held by the trustee, as a
- 39 homestead for the settlor or for one or more beneficiaries of the
- 40 trust, or both, if the person or persons for whom the claim is made
- 41 reside on or in the property.
- 42       6. A person who violates the provisions of subsection 4 is
- 43 guilty of a misdemeanor.



1       **Sec. 57.** NRS 115.040 is hereby amended to read as follows:

2       115.040 1. A mortgage or alienation of any kind, made for  
3 the purpose of securing a loan or indebtedness upon the homestead  
4 property, is not valid for any purpose, unless the signature of ~~the~~  
5 ~~husband and wife,~~ **both spouses**, when that relationship exists, is  
6 obtained to the mortgage or alienation and their signatures are  
7 properly acknowledged.

8       2. The homestead property shall not be deemed to be  
9 abandoned without a declaration thereof in writing, signed and  
10 acknowledged by both ~~husband and wife,~~ **spouses**, or the single  
11 person claiming the homestead, and recorded in the same office and  
12 in the same manner as the declaration of claim to the homestead is  
13 required to be recorded.

14       3. If either spouse is not a resident of this State, the signature  
15 of the spouse and the acknowledgment thereof is not necessary to  
16 the validity of any mortgage or alienation of the homestead before it  
17 becomes the homestead of the debtor.

18       **Sec. 58.** NRS 115.050 is hereby amended to read as follows:

19       115.050 1. Whenever execution has been issued against  
20 the property of a party claiming the property as a homestead, and the  
21 creditor in the judgment makes an oath before the judge of the  
22 district court of the county in which the property is situated that  
23 the amount of equity held by the claimant in the property exceeds, to  
24 the best of the creditor's information and belief, the sum of  
25 \$550,000, the judge shall, upon notice to the debtor, appoint three  
26 disinterested and competent persons as appraisers to estimate and  
27 report as to the amount of equity held by the claimant in the  
28 property and, if the amount of equity exceeds the sum of \$550,000,  
29 determine whether the property can be divided so as to leave the  
30 property subject to the homestead exemption without material  
31 injury.

32       2. If it appears, upon the report, to the satisfaction of the judge  
33 that the property can be thus divided, the judge shall order the  
34 excess to be sold under execution. If it appears that the property  
35 cannot be thus divided, and the amount of equity held by the  
36 claimant in the property exceeds the exemption allowed by this  
37 chapter, the judge shall order the entire property to be sold, and out  
38 of the proceeds the sum of \$550,000 to be paid to the defendant in  
39 execution, and the excess to be applied to the satisfaction on the  
40 execution. No bid under \$550,000 may be received by the officer  
41 making the sale.

42       3. When the execution is against a ~~husband or wife,~~ **spouse**,  
43 the judge may direct the \$550,000 to be deposited in court, to be  
44 paid out only upon the joint receipt of ~~the husband and wife,~~ **both**  
45 **spouses**, and the deposit possesses all the protection against legal



1 process and voluntary disposition by either spouse as did the  
2 original homestead.

3 **Sec. 59.** NRS 115.060 is hereby amended to read as follows:

4 115.060 Except as otherwise provided in a premarital  
5 agreement between ~~{the husband and wife}~~ *a married couple* which  
6 is enforceable pursuant to chapter 123A of NRS:

7 1. If the property declared upon as a homestead is community  
8 property, the ~~{husband and wife}~~ *married couple* shall be deemed to  
9 hold the homestead as community property with a right of  
10 survivorship. Upon the death of either spouse:

11 (a) The exemption of the homestead from execution continues,  
12 without further filing, as to any debt or liability existing against the  
13 spouses, or either of them, until the death of the survivor and  
14 thereafter as to any debt or liability existing against the survivor at  
15 the time of the survivor's death.

16 (b) The property vests absolutely in the survivor.

17 2. If the property declared upon as a homestead is the separate  
18 property of either spouse, the ~~{husband and wife}~~ *married couple*  
19 shall be deemed to hold the right to exemption of the homestead  
20 from execution jointly while both spouses are living. If the property  
21 retains its character as separate property until the death of one or the  
22 other of the spouses:

23 (a) If it is the separate property of the survivor, the exemption of  
24 the homestead continues.

25 (b) If it was the separate property of the decedent, the exemption  
26 of the homestead from execution continues as to any debt or liability  
27 existing against the spouses, or either of them, at the time of death  
28 of the decedent but ceases as to any subsequent debt or liability of  
29 the survivor.

30 (c) The property belongs to the person, or his or her heirs, to  
31 whom it belonged when filed upon as a homestead.

32 3. If the property declared upon as a homestead is the property  
33 of a single person, upon the death of the single person:

34 (a) The exemption of the homestead from execution continues,  
35 without further filing, as to any debt or liability existing against the  
36 person at the time of his or her death and as to any subsequent debt  
37 or liability against a person who was living in his or her house at the  
38 time of his or her death, if that person continues to reside on the  
39 homestead property and is related to him or her by consanguinity or  
40 affinity, even if the person through whom the relation by affinity  
41 was created predeceased the declarant.

42 (b) The right of enjoyment of the property belongs to each  
43 person described in paragraph (a) until that person no longer  
44 qualifies under that paragraph.



1 4. If two or more persons who are not related by consanguinity  
2 or affinity have claimed as a homestead their respective undivided  
3 interests in a single parcel of land or a mobile home, upon the death  
4 of one the exemption of the entire property from execution  
5 continues as to any debt or liability of the decedent and the other  
6 declarants until the death of the last declarant to die, but only for the  
7 benefit of a declarant who continues to reside on or in the property.

8 **Sec. 60.** NRS 134.050 is hereby amended to read as follows:

9 134.050 1. If the decedent leaves no issue, the estate goes  
10 one-half to the surviving spouse, one-fourth to ~~the father~~ *one*  
11 *parent* of the decedent and one-fourth to the ~~mother~~ *other parent*  
12 of the decedent, if both are living. If both parents are not living, one-  
13 half to ~~either~~ the ~~father or the mother~~ *parent* then living.

14 2. If the decedent leaves no issue ~~;} or father or mother,;~~  
15 *parent*, one-half of the separate property of the decedent goes to the  
16 surviving spouse and the other one-half goes in equal shares to the  
17 brothers and sisters of the decedent.

18 3. If the decedent leaves no issue or surviving spouse, the  
19 estate goes one-half to ~~the father~~ *one parent* of the decedent and  
20 one-half to the ~~mother~~ *other parent* of the decedent, if both are  
21 living. If both parents are not living, the whole estate goes to ~~either~~  
22 the ~~father or the mother~~ *parent* then living.

23 4. If the decedent leaves no issue, ~~father, mother,;~~ *parent*,  
24 brother or sister, or children of any issue, all of the separate property  
25 of the decedent goes to the surviving spouse.

26 **Sec. 61.** NRS 134.060 is hereby amended to read as follows:

27 134.060 If there is no issue, surviving spouse ~~;} or father or~~  
28 ~~mother,;~~ *parent*, then the estate goes in equal shares to the brothers  
29 and sisters of the decedent and to the lawful issue of any deceased  
30 brother or sister by right of representation as follows:

31 1. To the brothers and sisters, each a share; and

32 2. To the lawful issue of each deceased brother and sister, by  
33 right of representation, the same share that the parent would have  
34 received if the parent had been living at the time of the death of the  
35 decedent.

36 **Sec. 62.** NRS 134.070 is hereby amended to read as follows:

37 134.070 If the decedent leaves no issue, surviving spouse, ~~or~~  
38 ~~father or mother,;~~ *parent*, ~~and no~~ brother or sister living at the time  
39 of death, the estate goes to the next of kin in equal degree, except  
40 that if there are two or more collateral kindred in equal degree, but  
41 claiming through different ancestors, those who claim through the  
42 nearest ancestors are preferred to those who claim through ancestors  
43 more remote.



1       **Sec. 63.** NRS 139.040 is hereby amended to read as follows:  
2       139.040 1. Administration of the intestate estate of a  
3 decedent must be granted to one or more of the persons mentioned  
4 in this section, and they are respectively entitled to priority for  
5 appointment in the following order:

- 6       (a) The surviving spouse.
- 7       (b) The children.
- 8       (c) ~~The father or the mother.~~ *A parent.*
- 9       (d) The brother or the sister.
- 10       (e) The grandchildren.
- 11       (f) Any other of the kindred entitled to share in the distribution  
12 of the estate.
- 13       (g) The public administrator.
- 14       (h) Creditors who have become such during the lifetime of the  
15 decedent.
- 16       (i) Any of the kindred not above enumerated, within the fourth  
17 degree of consanguinity.

18       (j) Any person or persons legally qualified.

19       2. A person in each of the foregoing classes is entitled:

20       (a) To appointment, if the person is:

21           (1) A resident of the State of Nevada or the person:

22               (I) Associates as coadministrator a resident of the State of  
23 Nevada or a banking corporation authorized to do business in this  
24 State; or

25               (II) Is named as personal representative in the will if the  
26 will is the subject of a pending petition for probate, and the court in  
27 its discretion believes it would be appropriate to make such an  
28 appointment; or

29           (2) A banking corporation which is authorized to do business  
30 in this State or which:

31               (I) Associates as coadministrator a resident of the State of  
32 Nevada or a banking corporation authorized to do business in this  
33 State; or

34               (II) Is named as personal representative in the will if the  
35 will is the subject of a pending petition for probate, and the court in  
36 its discretion believes it would be appropriate to make such an  
37 appointment.

38       (b) To nominate a resident of the State of Nevada or a qualified  
39 banking corporation for appointment, whether or not the nominator  
40 is a resident of the State of Nevada or a qualified banking  
41 corporation. The nominee has the same priority as the nominator.  
42 That priority is independent of the residence or corporate  
43 qualification of the nominator.

44       3. If any heir who is otherwise entitled to appointment is a  
45 minor or an incompetent person for whom a guardian has been





1 appointed, the court may appoint the guardian of the minor or  
2 incompetent person as administrator.

3 **Sec. 64.** NRS 139.140 is hereby amended to read as follows:

4 139.140 When letters of administration have been granted to  
5 any person other than the surviving spouse or the spouse's nominee,  
6 or the child, ~~{father, mother,}~~ *parent*, brother or sister of the  
7 decedent, any one of them, if otherwise qualified, may obtain the  
8 revocation of the letters by presenting to the court a petition  
9 requesting the revocation, and that letters of administration be  
10 issued to the petitioner.

11 **Sec. 65.** NRS 159.057 is hereby amended to read as follows:

12 159.057 1. Where the appointment of a guardian is sought for  
13 two or more proposed wards who are children of a common parent,  
14 parent and child or ~~{husband and wife,}~~ *married couple*, it is not  
15 necessary that separate petitions, bonds and other papers be filed  
16 with respect to each proposed ward or wards.

17 2. If a guardian is appointed for such wards, the guardian:

18 (a) Shall keep separate accounts of the estate of each ward;

19 (b) May make investments for each ward;

20 (c) May compromise and settle claims against one or more  
21 wards; and

22 (d) May sell, lease, mortgage or otherwise manage the property  
23 of one or more wards.

24 3. The guardianship may be terminated with respect to less  
25 than all the wards in the same manner as provided by law with  
26 respect to a guardianship of a single ward.

27 **Sec. 66.** NRS 166A.220 is hereby amended to read as follows:

28 166A.220 1. Beneficial interests in a custodial trust created  
29 for multiple beneficiaries are deemed to be separate custodial trusts  
30 of equal undivided interests for each beneficiary. Except in a  
31 transfer or declaration for use and benefit of ~~{husband and wife,}~~ *a*  
32 *married couple*, for whom survivorship is presumed, a right of  
33 survivorship does not exist unless the instrument creating the  
34 custodial trust specifically provides for survivorship or survivorship  
35 is required as to community or marital property.

36 2. Custodial trust property held under this chapter by the same  
37 custodial trustee for the use and benefit of the same beneficiary may  
38 be administered as a single custodial trust.

39 3. A custodial trustee of custodial trust property held for more  
40 than one beneficiary shall separately account to each beneficiary  
41 pursuant to NRS 166A.230 and 166A.310 for the administration of  
42 the custodial trust.

43 **Sec. 67.** NRS 199.360 is hereby amended to read as follows:

44 199.360 A person who fraudulently or falsely pretends that any  
45 infant child was born of a parent whose child is or would be entitled



1 to inherit real property or to receive any personal property, or who  
2 falsely represents himself or herself or another to be a person  
3 entitled to an interest or share in the estate of a deceased person as  
4 executor, administrator, ~~husband, wife,~~ *spouse*, heir, heiress,  
5 legatee, devisee, next of kin or relative of the deceased person, is  
6 guilty of a category D felony and shall be punished as provided in  
7 NRS 193.130.

8 **Sec. 68.** NRS 200.160 is hereby amended to read as follows:

9 200.160 Homicide is also justifiable when committed:

10 1. In the lawful defense of the slayer, or his or her ~~husband,~~  
11 ~~wife,~~ *spouse*, parent, child, brother or sister, or of any other person  
12 in his or her presence or company, when there is reasonable ground  
13 to apprehend a design on the part of the person slain to commit a  
14 felony or to do some great personal injury to the slayer or to any  
15 such person, and there is imminent danger of such design being  
16 accomplished; or

17 2. In the actual resistance of an attempt to commit a felony  
18 upon the slayer, in his or her presence, or upon or in a dwelling, or  
19 other place of abode in which the slayer is.

20 **Sec. 69.** NRS 201.070 is hereby amended to read as follows:

21 201.070 1. No other or greater evidence is required to prove  
22 the marriage of the ~~husband and wife,~~ *spouses*, or that the  
23 defendant is the ~~father or mother,~~ *parent* of the child or children,  
24 than is required to prove such facts in a civil action.

25 2. In no prosecution under NRS 201.015 to 201.080, inclusive,  
26 does any existing statute or rule of law prohibiting the disclosure of  
27 confidential communications between ~~husband and wife,~~ *spouses*  
28 apply, and both ~~husband and wife,~~ *spouses* are competent  
29 witnesses to testify against each other to any and all relevant  
30 matters, including the fact of the marriage and the parentage of any  
31 child or children, but neither may be compelled to give evidence  
32 incriminating himself or herself.

33 3. Proof of the failure of the defendant to provide for the  
34 support of the spouse, child or children, is prima facie evidence that  
35 such failure was knowing.

36 **Sec. 70.** NRS 201.160 is hereby amended to read as follows:

37 201.160 1. Bigamy consists in the having of two ~~wives or~~  
38 ~~two husbands,~~ *spouses* at one time, knowing that the former  
39 ~~husband or wife,~~ *spouse* is still alive.

40 2. If a married person marries any other person while the  
41 former ~~husband or wife,~~ *spouse* is alive, the person so offending is  
42 guilty of a category D felony and shall be punished as provided in  
43 NRS 193.130.

44 3. It is not necessary to prove either of the marriages by the  
45 register and certificate thereof, or other record evidence, but those



1 marriages may be proved by such evidence as is admissible to prove  
2 a marriage in other cases, and when the second marriage has taken  
3 place without this State, cohabitation in this State after the second  
4 marriage constitutes the commission of the crime of bigamy.

5 4. This section does not extend:

6 (a) To a person whose ~~husband or wife~~ *spouse* has been  
7 continually absent from that person for the space of 5 years before  
8 the second marriage, if he or she did not know the ~~husband or wife~~  
9 *spouse* to be living within that time.

10 (b) To a person who is, at the time of the second marriage,  
11 divorced by lawful authority from the bonds of the former marriage,  
12 or to a person where the former marriage has been by lawful  
13 authority declared void.

14 **Sec. 71.** NRS 201.170 is hereby amended to read as follows:

15 201.170 If a person, being unmarried, knowingly marries the  
16 ~~husband or wife~~ *spouse* of another, that person is guilty of a  
17 category D felony and shall be punished as provided in  
18 NRS 193.130.

19 **Sec. 72.** NRS 268.594 is hereby amended to read as follows:

20 268.594 1. Whenever it is necessary for the purposes of NRS  
21 268.570 to 268.608, inclusive, to determine the number or identity  
22 of the record owners of real property in a territory proposed to be  
23 annexed, a list of such owners, certified by the county assessor on  
24 any date between the institution of the proceedings, as provided in  
25 NRS 268.584, and the public hearing, as provided in NRS 268.590,  
26 both dates inclusive, shall be prima facie evidence that only those  
27 persons named thereon are such owners.

28 2. A petition or protest is sufficient for the purposes of NRS  
29 268.570 to 268.608, inclusive, as to any lot or parcel of real property  
30 which is owned:

31 (a) As community property, if it is signed by ~~the husband~~ *one*  
32 *spouse*.

33 (b) By two persons, either natural or artificial, other than as  
34 community property, if signed by both such owners.

35 (c) By more than two persons, either natural or artificial, if  
36 signed by a majority of such owners.

37 (d) Either wholly or in part, by an artificial person, if it is signed  
38 by an authorized agent and accompanied by a copy of such  
39 authorization.

40 **Sec. 73.** NRS 325.050 is hereby amended to read as follows:

41 325.050 1. Within 6 months after the first publication of the  
42 notice provided for in NRS 325.040, each person, company,  
43 corporation or association claiming to be an occupant or occupants,  
44 or to have, possess or be entitled to the right of occupancy or  
45 possession of such lands, or any block, lot, share or parcel thereof,



1 shall, in person or by the duly authorized attorney of the person,  
2 company, corporation or association, sign a written statement  
3 containing a correct description of the particular parcel or parts in  
4 which the person, company, corporation or association claims to be  
5 entitled to receive, and deliver the same to, or into the office of, the  
6 corporate authorities or the judge of the district court.

7 2. All applications for conveyances under this chapter for the  
8 benefit of minors and insane persons shall be made by the guardian  
9 or trustee of such minor or insane person. All applications for such  
10 conveyances for the benefit of married ~~twomen~~ *persons* may be  
11 made by their ~~husbands,~~ *spouses*, if in this state, but in case of the  
12 absence of the ~~husband~~ *spouse* from this state or his *or her* refusal  
13 to make such application, then a married ~~woman~~ *person* may  
14 apply in *his or* her own name.

15 3. Except as provided in subsection 4 and in NRS 325.130, all  
16 persons, companies, corporations or associations or their heirs,  
17 successors or assigns failing to sign and deliver such statement  
18 within the time specified in subsection 1 shall be forever debarred  
19 the right of claiming or recovering such lands or any interest or  
20 entail therein, or in any part, parcel or share thereof, in any court of  
21 law or equity.

22 4. The bar to the right of claiming or recovering such lands or  
23 any interest or entail therein as provided in subsection 3 shall not  
24 apply to minors or insane persons.

25 **Sec. 74.** NRS 417.090 is hereby amended to read as follows:

26 417.090 The Director and the Deputy Director shall:

27 1. Assist veterans, and those presently serving in the military  
28 and naval forces of the United States who are residents of the State  
29 of Nevada, their ~~twives,~~ *spouses*, widows, widowers, ~~husbands,~~  
30 children, dependents, administrators, executors and personal  
31 representatives, in preparing, submitting and presenting any claim  
32 against the United States, or any state, for adjusted compensation,  
33 hospitalization, insurance, pension, disability compensation,  
34 vocational training, education or rehabilitation and assist them in  
35 obtaining any aid or benefit to which they may, from time to time,  
36 be entitled under the laws of the United States or of any of the  
37 states.

38 2. Aid, assist, encourage and cooperate with every nationally  
39 recognized service organization insofar as the activities of such  
40 organizations are for the benefit of veterans, servicemen and  
41 servicewomen.

42 3. Give aid, assistance and counsel to each and every problem,  
43 question and situation, individual as well as collective, affecting any  
44 veteran, serviceman or servicewoman, or their dependents, or any



1 group of veterans, servicemen and servicewomen, when in their  
2 opinion such comes within the scope of this chapter.

3 4. Coordinate activities of veterans' organizations.

4 5. Serve as a clearinghouse and disseminate information  
5 relating to veterans' benefits.

6 6. Conduct any studies which will assist veterans to obtain  
7 compensation, hospitalization, insurance, pension, disability  
8 compensation, vocational training, education, rehabilitation or any  
9 other benefit to which veterans may be entitled under the laws of the  
10 United States or of any state.

11 7. Aid, assist and cooperate with the office of coordinator of  
12 services for veterans created in a county pursuant to NRS 244.401.

13 8. Pay to each county that creates the office of coordinator of  
14 services for veterans, from state money available to him or her, a  
15 portion of the cost of operating the office in an amount determined  
16 by the Director.

17 9. Take possession of any abandoned or unclaimed artifacts or  
18 other property that has military value for safekeeping. The Director  
19 or Deputy Director may transfer such property to a veterans' or  
20 military museum.

21 **Sec. 75.** NRS 425.3832 is hereby amended to read as follows:

22 425.3832 1. Except as otherwise provided in this chapter, a  
23 hearing conducted pursuant to NRS 425.382 to 425.3852, inclusive,  
24 must be conducted in accordance with the provisions of this section  
25 by a qualified master appointed pursuant to NRS 425.381.

26 2. Subpoenas may be issued by:

27 (a) The master.

28 (b) The attorney of record for the office.

29 ➔ Obedience to the subpoena may be compelled in the same  
30 manner as provided in chapter 22 of NRS. A witness appearing  
31 pursuant to a subpoena, other than a party or an officer or employee  
32 of the Chief, is entitled to receive the fees and payment for mileage  
33 prescribed for a witness in a civil action.

34 3. Except as otherwise provided in this section, the master need  
35 not observe strict rules of evidence but shall apply those rules of  
36 evidence prescribed in NRS 233B.123.

37 4. The affidavit of any party who resides outside of the judicial  
38 district is admissible as evidence regarding the duty of support, any  
39 arrearages and the establishment of paternity. The master may  
40 continue the hearing to allow procedures for discovery regarding  
41 any matter set forth in the affidavit.

42 5. The physical presence of a person seeking the establishment,  
43 enforcement, modification or adjustment of an order for the support  
44 of a dependent child or the establishment of paternity is not  
45 required.



1 6. A verified petition, an affidavit, a document substantially  
2 complying with federally mandated forms and a document  
3 incorporated by reference in any of them, not excluded under NRS  
4 51.065 if given in person, is admissible in evidence if given under  
5 oath by a party or witness residing outside of the judicial district.

6 7. A copy of the record of payments for the support of a  
7 dependent child, certified as a true copy of the original by the  
8 custodian of the record, may be forwarded to the master. The copy  
9 is evidence of facts asserted therein and is admissible to show  
10 whether payments were made.

11 8. Copies of bills for testing for paternity, and for prenatal and  
12 postnatal health care of the mother and child, furnished to the  
13 adverse party at least 20 days before the hearing, are admissible in  
14 evidence to prove the amount of the charges billed and that the  
15 charges were reasonable, necessary and customary.

16 9. Documentary evidence transmitted from outside of the  
17 judicial district by telephone, telecopier or other means that do not  
18 provide an original writing may not be excluded from evidence on  
19 an objection based on the means of transmission.

20 10. The master may:

21 (a) Conduct a hearing by telephone, audiovisual means or other  
22 electronic means outside of the judicial district in which the master  
23 is appointed.

24 (b) Permit a party or witness residing outside of the judicial  
25 district to be deposed or to testify by telephone, audiovisual means  
26 or other electronic means before a designated court or at another  
27 location outside of the judicial district.

28 ➔ The master shall cooperate with courts outside of the judicial  
29 district in designating an appropriate location for the hearing,  
30 deposition or testimony.

31 11. If a party called to testify at a hearing refuses to answer a  
32 question on the ground that the testimony may be self-incriminating,  
33 the master may draw an adverse inference from the refusal.

34 12. A privilege against the disclosure of communications  
35 between ~~husband and wife~~ *a married couple* does not apply.

36 13. The defense of immunity based on the relationship of  
37 ~~husband and wife~~ *a married couple* or parent and child does not  
38 apply.

39 **Sec. 76.** NRS 433A.610 is hereby amended to read as follows:

40 433A.610 1. When a person is admitted to a division facility  
41 or hospital under one of the various forms of admission prescribed  
42 by law, the parent or legal guardian of a person with mental illness  
43 who is a minor or the ~~husband or wife~~ *spouse* of a person with  
44 mental illness, if of sufficient ability, and the estate of the person  
45 with mental illness, if the estate is sufficient for the purpose, shall



1 pay the cost of the maintenance for the person with mental illness,  
2 including treatment and surgical operations, in any hospital in which  
3 the person is hospitalized under the provisions of this chapter:

4 (a) To the administrative officer if the person is admitted to a  
5 division facility; or

6 (b) In all other cases, to the hospital rendering the service.

7 2. If a person or an estate liable for the care, maintenance and  
8 support of a committed person neglects or refuses to pay the  
9 administrative officer or the hospital rendering the service, the State  
10 is entitled to recover, by appropriate legal action, all money owed to  
11 a division facility or which the State has paid to a hospital for the  
12 care of a committed person, plus interest at the rate established  
13 pursuant to NRS 99.040.

14 **Sec. 77.** NRS 435.655 is hereby amended to read as follows:

15 435.655 1. When a person is admitted to a division facility or  
16 hospital under one of the various forms of admission prescribed by  
17 law, the parent or legal guardian of a person with an intellectual  
18 disability or person with a related condition who is a minor or the  
19 ~~husband or wife~~ *spouse* of a person with an intellectual disability  
20 or person with a related condition, if of sufficient ability, and the  
21 estate of the person with an intellectual disability or person with a  
22 related condition, if the estate is sufficient for the purpose, shall pay  
23 the cost of the maintenance for the person with an intellectual  
24 disability or person with a related condition, including treatment and  
25 surgical operations, in any hospital in which the person is  
26 hospitalized under the provisions of this chapter:

27 (a) To the administrative officer if the person is admitted to a  
28 division facility; or

29 (b) In all other cases, to the hospital rendering the service.

30 2. If a person or an estate liable for the care, maintenance and  
31 support of a committed person neglects or refuses to pay the  
32 administrative officer or the hospital rendering the service, the State  
33 is entitled to recover, by appropriate legal action, all money owed to  
34 a division facility or which the State has paid to a hospital for the  
35 care of a committed person, plus interest at the rate established  
36 pursuant to NRS 99.040.

37 **Sec. 78.** NRS 440.280 is hereby amended to read as follows:

38 440.280 1. If a birth occurs in a hospital or the mother and  
39 child are immediately transported to a hospital, the person in charge  
40 of the hospital or his or her designated representative shall obtain  
41 the necessary information, prepare a birth certificate, secure the  
42 signatures required by the certificate and file it within 10 days with  
43 the health officer of the registration district where the birth occurred.  
44 The physician in attendance shall provide the medical information  
45 required by the certificate and certify to the fact of birth within



1 72 hours after the birth. If the physician does not certify to the fact  
2 of birth within the required 72 hours, the person in charge of the  
3 hospital or the designated representative shall complete and sign the  
4 certification.

5 2. If a birth occurs outside a hospital and the mother and child  
6 are not immediately transported to a hospital, the birth certificate  
7 must be prepared and filed by one of the following persons in the  
8 following order of priority:

9 (a) The physician in attendance at or immediately after the birth.

10 (b) Any other person in attendance at or immediately after the  
11 birth.

12 (c) The father, mother or, if the father is absent and the mother is  
13 incapacitated, the person in charge of the premises where the birth  
14 occurred.

15 3. If a birth occurs in a moving conveyance, the place of birth  
16 is the place where the child is removed from the conveyance.

17 4. In cities, the certificate of birth must be filed sooner than 10  
18 days after the birth if so required by municipal ordinance or  
19 regulation.

20 5. If the mother was:

21 (a) Married at the time of birth, the name of her ~~husband~~  
22 *spouse* must be entered on the certificate as the ~~father~~ *other parent*  
23 of the child unless:

24 (1) A court has issued an order establishing that a person  
25 other than the mother's ~~husband~~ *spouse* is the ~~father~~ *other*  
26 *parent* of the child; or

27 (2) The mother and a person other than the mother's  
28 ~~husband~~ *spouse* have signed a declaration for the voluntary  
29 acknowledgment of paternity developed by the Board pursuant to  
30 NRS 440.283.

31 (b) Widowed at the time of birth but married at the time of  
32 conception, the name of her ~~husband~~ *spouse* at the time of  
33 conception must be entered on the certificate as the ~~father~~ *other*  
34 *parent* of the child unless:

35 (1) A court has issued an order establishing that a person  
36 other than the mother's ~~husband~~ *spouse* at the time of conception  
37 is the ~~father~~ *other parent* of the child; or

38 (2) The mother and a person other than the mother's  
39 ~~husband~~ *spouse* at the time of conception have signed a  
40 declaration for the voluntary acknowledgment of paternity  
41 developed by the Board pursuant to NRS 440.283.

42 6. If the mother was unmarried at the time of birth, the name of  
43 the ~~father~~ *other parent* may be entered on the original certificate  
44 of birth only if:





1 (a) The provisions of paragraph (b) of subsection 5 are  
2 applicable;

3 (b) A court has issued an order establishing that the person is the  
4 ~~{father}~~ *other parent* of the child; or

5 (c) The ~~{mother and father}~~ *parents* of the child have signed a  
6 declaration for the voluntary acknowledgment of paternity  
7 developed by the Board pursuant to NRS 440.283. If both ~~{the father~~  
8 ~~and mother}~~ *parents* execute a declaration consenting to the use of  
9 the surname of ~~{the father}~~ *one parent* as the surname of the child,  
10 the name of ~~{the father}~~ *that parent* must be entered on the original  
11 certificate of birth and the surname of ~~{the father}~~ *that parent* must  
12 be entered thereon as the surname of the child.

13 7. An order entered or a declaration executed pursuant to  
14 subsection 6 must be submitted to the local health officer, the local  
15 health officer's authorized representative, or the attending physician  
16 or midwife before a proper certificate of birth is forwarded to the  
17 State Registrar. The order or declaration must then be delivered to  
18 the State Registrar for filing. The State Registrar's file of orders and  
19 declarations must be sealed and the contents of the file may be  
20 examined only upon order of a court of competent jurisdiction or at  
21 the request of ~~{the father or mother}~~ *either parent* or the Division of  
22 Welfare and Supportive Services of the Department of Health and  
23 Human Services as necessary to carry out the provisions of 42  
24 U.S.C. § 654a. The local health officer shall complete the original  
25 certificate of birth in accordance with subsection 6 and other  
26 provisions of this chapter.

27 8. As used in this section, "court" has the meaning ascribed to  
28 it in NRS 125B.004.

29 **Sec. 79.** NRS 445B.805 is hereby amended to read as follows:

30 445B.805 The provisions of NRS 445B.800 do not apply to:

31 1. Transfer of registration or ownership between:

32 (a) ~~{Husband and wife;}~~ *Spouses;* or

33 (b) Companies whose principal business is leasing of vehicles, if  
34 there is no change in the lessee or operator of the vehicle.

35 2. Motor vehicles which are subject to prorated registration  
36 pursuant to the provisions of NRS 706.801 to 706.861, inclusive,  
37 and which are not based in this State.

38 3. Transfer of registration if evidence of compliance was issued  
39 within 90 days before the transfer.

40 4. A consignee who is conducting a consignment auction  
41 which meets the requirements set forth in NRS 445B.807 if the  
42 consignee:

43 (a) Informs the buyer, using a form, including, without  
44 limitation, an electronic form, if applicable, as approved by the  
45 Department of Motor Vehicles, that the consignee is not required to



1 obtain an inspection or testing of the motor vehicle pursuant to the  
2 regulations adopted by the Commission under NRS 445B.770 and  
3 that any such inspection or testing that is required must be obtained  
4 by the buyer before the buyer registers the motor vehicle;

5 (b) Posts a notice in a conspicuous location at the site of the  
6 consignment auction or, if applicable, on the Internet website on  
7 which the consignment auction is conducted, and includes a notice  
8 in any document published by the consignee that lists the vehicles  
9 available for the consignment auction or solicits persons to bid at the  
10 consignment auction, stating that the consignee is exempt from any  
11 requirement to obtain an inspection or testing of a motor vehicle  
12 pursuant to the regulations adopted by the Commission under NRS  
13 445B.770 if the motor vehicle is sold at the consignment auction;  
14 and

15 (c) Makes the vehicle available for inspection before the  
16 consignment auction:

17 (1) In the case of a live auction with an auctioneer verbally  
18 calling for and accepting bids, at the location of the consignment  
19 auction; or

20 (2) In the case of an auction that is conducted on an auction  
21 website on the Internet by a consignee who is certified pursuant to  
22 subsection 2 of NRS 445B.807, at the primary place of business of  
23 the consignee conducting the consignment auction.

24 **Sec. 80.** NRS 449.246 is hereby amended to read as follows:

25 449.246 1. Before discharging an unmarried woman who has  
26 borne a child, a hospital or obstetric center shall provide to the  
27 child's ~~mother and father;~~ **parents:**

28 (a) The opportunity to sign, in the hospital, a declaration for the  
29 voluntary acknowledgment of paternity developed pursuant to  
30 NRS 440.283;

31 (b) Written materials about establishing paternity;

32 (c) The forms necessary to acknowledge paternity voluntarily;

33 (d) A written description of the rights and responsibilities of  
34 acknowledging paternity; and

35 (e) The opportunity to speak by telephone with personnel of the  
36 program for enforcement of child support who are trained to clarify  
37 information and answer questions about the establishment of  
38 paternity.

39 2. The Administrator of the Division of Welfare and  
40 Supportive Services of the Department of Health and Human  
41 Services shall adopt the regulations necessary to ensure that the  
42 services provided by a hospital or obstetric center pursuant to this  
43 section are in compliance with the regulations adopted by the  
44 Secretary of Health and Human Services pursuant to 42 U.S.C. §  
45 666(a)(5)(C).



1       **Sec. 81.** NRS 451.010 is hereby amended to read as follows:

2       451.010 1. The right to dissect the dead body of a human  
3 being is limited to cases:

4       (a) Specially provided by statute or by the direction or will of  
5 the deceased.

6       (b) Where a coroner is authorized under NRS 259.050 or an  
7 ordinance enacted pursuant to NRS 244.163 to hold an inquest upon  
8 the body, and then only as the coroner may authorize dissection.

9       (c) Where the ~~husband, wife~~ *spouse* or next of kin charged by  
10 law with the duty of burial authorize dissection for the purpose of  
11 ascertaining the cause of death, and then only to the extent so  
12 authorized.

13       (d) Where authorized by the provisions of NRS 451.350 to  
14 451.470, inclusive.

15       (e) Where authorized by the provisions of NRS 451.500 to  
16 451.598, inclusive.

17       2. Every person who makes, causes or procures to be made any  
18 dissection of the body of a human being, except as provided in  
19 subsection 1, is guilty of a gross misdemeanor.

20       **Sec. 82.** NRS 451.023 is hereby amended to read as follows:

21       451.023 The ~~husband or wife~~ *spouse* of a minor child or the  
22 parent of an unmarried or otherwise unemancipated minor child  
23 shall be primarily responsible for the decent burial or cremation of  
24 his or her spouse or such child within a reasonable time after death.

25       **Sec. 83.** NRS 451.025 is hereby amended to read as follows:

26       451.025 If the governing body of any county, city or town  
27 within the State of Nevada must arrange for and order the decent  
28 burial of any person dying within such county, city or town, leaving  
29 a ~~husband or wife~~ *spouse* or parent in whose custody such person  
30 remained at the time he or she died, which ~~husband or wife~~ *spouse*  
31 or parent is not indigent and not otherwise eligible for assistance as  
32 a poor person and expenses for a decent burial have been paid out of  
33 public funds pursuant to such an order, the county, city or town  
34 must be reimbursed for its expenses of burial of the dead body of  
35 such person by the ~~husband, wife~~ *spouse* or parent charged by law  
36 with the duty of burial.

37       **Sec. 84.** NRS 486.101 is hereby amended to read as follows:

38       486.101 1. The application of any person under the age of 18  
39 years for a motorcycle driver's license must be signed and verified,  
40 before a person authorized to administer oaths, by either or both ~~the~~  
41 ~~father or mother~~ *parents* of the applicant, if either or both are living  
42 and have custody of the applicant, or if neither parent is living, then  
43 by the guardian having custody, or by an employer of the minor, or  
44 if there is no guardian or employer, then by any responsible person  
45 who is willing to assume the obligation imposed pursuant to



1 NRS 486.011 to 486.381, inclusive, upon a person signing the  
2 application of a minor.

3 2. Any negligence or willful misconduct of a minor under the  
4 age of 18 years when driving a motorcycle upon a highway is  
5 imputed to the person who signed the application of the minor for a  
6 license. That person is jointly and severally liable with the minor for  
7 any damages caused by negligence or willful misconduct.

8 **Sec. 85.** NRS 598B.110 is hereby amended to read as follows:

9 598B.110 1. A creditor shall consider the combined income  
10 of both ~~husband and wife~~ *spouses* for the purpose of extending  
11 credit to a married couple and shall not exclude the income of either  
12 without just cause. The creditor shall determine the creditworthiness  
13 of the *married* couple upon a reasonable evaluation of the past,  
14 present and foreseeable economic circumstances of both spouses.

15 2. A request for the signatures of both parties to a marriage for  
16 the purpose of creating a valid lien or passing clear title, waiving  
17 inchoate rights to property or assigning earnings, does not constitute  
18 credit discrimination.

19 3. An inquiry of marital status does not constitute  
20 discrimination for the purposes of this chapter if such inquiry is for  
21 the purpose of ascertaining the creditor's rights and remedies  
22 applicable to the particular extension of credit, and not to  
23 discriminate in a determination of creditworthiness.

24 4. Consideration or application of state property laws directly  
25 or indirectly affecting creditworthiness does not constitute  
26 discrimination for the purposes of this chapter.

27 **Sec. 86.** NRS 612.105 is hereby amended to read as follows:

28 612.105 "Employment" does not include service performed by  
29 an individual in the employ of the individual's son, daughter or  
30 spouse, and service performed by a child under the age of 18 years  
31 in the employ of the child's ~~father or mother.~~ *parent.*

32 **Sec. 87.** NRS 616C.505 is hereby amended to read as follows:

33 616C.505 If an injury by accident arising out of and in the  
34 course of employment causes the death of an employee in the  
35 employ of an employer, within the provisions of chapters 616A to  
36 616D, inclusive, of NRS, the compensation is known as a death  
37 benefit and is payable as follows:

38 1. In addition to any other compensation payable pursuant to  
39 chapters 616A to 616D, inclusive, of NRS, burial expenses are  
40 payable in an amount not to exceed \$10,000, plus the cost of  
41 transporting the remains of the deceased employee. When the  
42 remains of the deceased employee and the person accompanying the  
43 remains are to be transported to a mortuary or mortuaries, the charge  
44 of transportation must be borne by the insurer.



1 2. Except as otherwise provided in subsection 3, to the  
2 surviving spouse of the deceased employee,  $66 \frac{2}{3}$  percent of the  
3 average monthly wage is payable until the death of the surviving  
4 spouse.

5 3. If there is a surviving spouse and any surviving children of  
6 the deceased employee who are not the children of the surviving  
7 spouse, the compensation otherwise payable pursuant to subsection  
8 2 must be paid as follows until the entitlement of all children of the  
9 deceased employee to receive compensation pursuant to this  
10 subsection ceases:

11 (a) To the surviving spouse, 50 percent of the death benefit is  
12 payable until the death of the surviving spouse; and

13 (b) To each child of the deceased employee, regardless of  
14 whether the child is the child of the surviving spouse, the child's  
15 proportionate share of 50 percent of the death benefit and, except as  
16 otherwise provided in subsection 11, if the child has a guardian, the  
17 compensation the child is entitled to receive may be paid to the  
18 guardian.

19 4. In the event of the subsequent death of the surviving spouse:

20 (a) Each surviving child of the deceased employee, in addition  
21 to any amount the child may be entitled to pursuant to subsection 3,  
22 must share equally the compensation theretofore paid to the  
23 surviving spouse but not in excess thereof, and it is payable until the  
24 youngest child reaches the age of 18 years.

25 (b) Except as otherwise provided in subsection 11, if the  
26 children have a guardian, the compensation they are entitled to  
27 receive may be paid to the guardian.

28 5. If there are any surviving children of the deceased employee  
29 under the age of 18 years, but no surviving spouse, then each such  
30 child is entitled to his or her proportionate share of  $66 \frac{2}{3}$  percent of  
31 the average monthly wage for the support of the child.

32 6. Except as otherwise provided in subsection 7, if there is no  
33 surviving spouse or child under the age of 18 years, there must be  
34 paid:

35 (a) To a parent, if wholly dependent for support upon the  
36 deceased employee at the time of the injury causing the death of the  
37 deceased employee,  $33 \frac{1}{3}$  percent of the average monthly wage.

38 (b) To both parents, if wholly dependent for support upon the  
39 deceased employee at the time of the injury causing the death of the  
40 deceased employee,  $66 \frac{2}{3}$  percent of the average monthly wage.

41 (c) To each brother or sister until he or she reaches the age of 18  
42 years, if wholly dependent for support upon the deceased employee  
43 at the time of the injury causing the death of the deceased employee,  
44 his or her proportionate share of  $66 \frac{2}{3}$  percent of the average  
45 monthly wage.



1 7. The aggregate compensation payable pursuant to subsection  
2 6 must not exceed  $66 \frac{2}{3}$  percent of the average monthly wage.

3 8. In all other cases involving a question of total or partial  
4 dependency:

5 (a) The extent of the dependency must be determined in  
6 accordance with the facts existing at the time of the injury.

7 (b) If the deceased employee leaves dependents only partially  
8 dependent upon the earnings of the deceased employee for support  
9 at the time of the injury causing his or her death, the monthly  
10 compensation to be paid must be equal to the same proportion of the  
11 monthly payments for the benefit of persons totally dependent as the  
12 amount contributed by the deceased employee to the partial  
13 dependents bears to the average monthly wage of the deceased  
14 employee at the time of the injury resulting in his or her death.

15 (c) The duration of compensation to partial dependents must be  
16 fixed in accordance with the facts shown, but may not exceed  
17 compensation for 100 months.

18 9. Compensation payable to a surviving spouse is for the use  
19 and benefit of the surviving spouse and the dependent children, and  
20 the insurer may, from time to time, apportion such compensation  
21 between them in such a way as it deems best for the interest of all  
22 dependents.

23 10. In the event of the death of any dependent specified in this  
24 section before the expiration of the time during which compensation  
25 is payable to the dependent, funeral expenses are payable in an  
26 amount not to exceed \$10,000.

27 11. If a dependent is entitled to receive a death benefit pursuant  
28 to this section and is less than 18 years of age or incompetent, the  
29 legal representative of the dependent shall petition for a guardian to  
30 be appointed for that dependent pursuant to NRS 159.044. An  
31 insurer shall not pay any compensation in excess of \$3,000, other  
32 than burial expenses, to the dependent until a guardian is appointed  
33 and legally qualified. Upon receipt of a certified letter of  
34 guardianship, the insurer shall make all payments required by this  
35 section to the guardian of the dependent until the dependent is  
36 emancipated, the guardianship terminates or the dependent reaches  
37 the age of 18 years, whichever occurs first, unless paragraph (a) of  
38 subsection 12 is applicable. The fees and costs related to the  
39 guardianship must be paid from the estate of the dependent. A  
40 guardianship established pursuant to this subsection must be  
41 administered in accordance with chapter 159 of NRS, except that  
42 after the first annual review required pursuant to NRS 159.176, a  
43 court may elect not to review the guardianship annually. The court  
44 shall review the guardianship at least once every 3 years. As used in



\* A B 2 2 9 R 1 \*

1 this subsection, "incompetent" has the meaning ascribed to it in  
2 NRS 159.019.

3 12. Except as otherwise provided in paragraphs (a) and (b), the  
4 entitlement of any child to receive his or her proportionate share of  
5 compensation pursuant to this section ceases when the child dies,  
6 marries or reaches the age of 18 years. A child is entitled to continue  
7 to receive compensation pursuant to this section if the child is:

8 (a) Over 18 years of age and incapable of supporting himself or  
9 herself, until such time as the child becomes capable of supporting  
10 himself or herself; or

11 (b) Over 18 years of age and enrolled as a full-time student in an  
12 accredited vocational or educational institution, until the child  
13 reaches the age of 22 years.

14 13. As used in this section, "surviving spouse" means a  
15 surviving ~~husband or wife~~ *person* who was married to the  
16 employee at the time of the employee's death.

17 **Sec. 88.** NRS 645B.015 is hereby amended to read as follows:

18 645B.015 Except as otherwise provided in NRS 645B.016, the  
19 Secure and Fair Enforcement for Mortgage Licensing Act of 2008,  
20 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant  
21 thereto and other applicable law, the provisions of this chapter do  
22 not apply to:

23 1. Any person doing business under the laws of this State, any  
24 other state or the United States relating to banks, savings banks,  
25 trust companies, savings and loan associations, industrial loan  
26 companies, credit unions, thrift companies or insurance companies,  
27 including, without limitation, a subsidiary or a holding company of  
28 such a bank, company, association or union.

29 2. A real estate investment trust, as defined in 26 U.S.C. § 856,  
30 unless the business conducted in this State is not subject to  
31 supervision by the regulatory authority of the other jurisdiction, in  
32 which case licensing pursuant to this chapter is required.

33 3. An employee benefit plan, as defined in 29 U.S.C. §  
34 1002(3), if the loan is made directly from money in the plan by the  
35 plan's trustee.

36 4. An attorney at law rendering services in the performance of  
37 his or her duties as an attorney at law.

38 5. A real estate broker rendering services in the performance of  
39 his or her duties as a real estate broker.

40 6. Any person doing any act under an order of any court.

41 7. Any one natural person, or ~~husband and wife,~~ *married*  
42 *couple*, who provides money for investment in commercial loans  
43 secured by a lien on real property, on his or her own account, unless  
44 such a person makes a loan secured by a lien on real property using  
45 his or her own money and assigns all or a part of his or her interest



1 in the loan to another person, other than his or her spouse or child,  
2 within 3 years after the date on which the loan is made or the deed  
3 of trust is recorded, whichever occurs later.

4 8. A natural person who only offers or negotiates terms of a  
5 residential mortgage loan:

6 (a) With or on behalf of an immediate family member of the  
7 person;

8 (b) Secured by a dwelling that served as the person's residence;  
9 or

10 (c) If:

11 (1) The residential mortgage loan is for a manufactured  
12 home, as defined in NRS 118B.015;

13 (2) The residential mortgage loan is financed by the seller;  
14 and

15 (3) The seller has not engaged in more than five such loans  
16 in this State during the immediately preceding 12 consecutive  
17 months.

18 9. Agencies of the United States and of this State and its  
19 political subdivisions, including the Public Employees' Retirement  
20 System.

21 10. A seller of real property who offers credit secured by a  
22 mortgage of the property sold.

23 11. A nonprofit agency or organization:

24 (a) Which provides self-help housing for a borrower who has  
25 provided part of the labor to construct the dwelling securing the  
26 borrower's loan;

27 (b) Which does not charge or collect origination fees in  
28 connection with the origination of residential mortgage loans;

29 (c) Which only makes residential mortgage loans at an interest  
30 rate of 0 percent per annum;

31 (d) Whose volunteers, if any, do not receive compensation for  
32 their services in the construction of a dwelling;

33 (e) Which does not profit from the sale of a dwelling to a  
34 borrower; and

35 (f) Which maintains tax-exempt status under section 501(c)(3)  
36 of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c)(3).

37 12. A housing counseling agency approved by the United  
38 States Department of Housing and Urban Development.

39 **Sec. 89.** NRS 645E.150 is hereby amended to read as follows:

40 645E.150 Except as otherwise provided in NRS 645E.160, the  
41 Secure and Fair Enforcement for Mortgage Licensing Act of 2008,  
42 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant  
43 thereto or other applicable law, the provisions of this chapter do not  
44 apply to:





- 1 1. Any person doing business under the laws of this State, any  
2 other state or the United States relating to banks, savings banks,  
3 trust companies, savings and loan associations, industrial loan  
4 companies, credit unions, thrift companies or insurance companies,  
5 including, without limitation, a subsidiary or a holding company of  
6 such a bank, company, association or union.
- 7 2. A real estate investment trust, as defined in 26 U.S.C. § 856,  
8 unless the business conducted in this State is not subject to  
9 supervision by the regulatory authority of the other jurisdiction, in  
10 which case licensing pursuant to this chapter is required.
- 11 3. An employee benefit plan, as defined in 29 U.S.C. §  
12 1002(3), if the loan is made directly from money in the plan by the  
13 plan's trustee.
- 14 4. An attorney at law rendering services in the performance of  
15 his or her duties as an attorney at law.
- 16 5. A real estate broker rendering services in the performance of  
17 his or her duties as a real estate broker.
- 18 6. Any person doing any act under an order of any court.
- 19 7. Any one natural person, or ~~husband and wife,~~ *married*  
20 *couple*, who provides money for investment in commercial loans  
21 secured by a lien on real property, on his or her own account, unless  
22 such a person makes a loan secured by a lien on real property using  
23 his or her own money and assigns all or a part of his or her interest  
24 in the loan to another person, other than his or her spouse or child,  
25 within 3 years after the date on which the loan is made or the deed  
26 of trust is recorded, whichever occurs later.
- 27 8. A natural person who only offers or negotiates terms of a  
28 residential mortgage loan:
  - 29 (a) With or on behalf of an immediate family member of the  
30 person; or
  - 31 (b) Secured by a dwelling that served as the person's residence.
- 32 9. Agencies of the United States and of this State and its  
33 political subdivisions, including the Public Employees' Retirement  
34 System.
- 35 10. A seller of real property who offers credit secured by a  
36 mortgage of the property sold.
- 37 11. A nonprofit agency or organization:
  - 38 (a) Which provides self-help housing for a borrower who has  
39 provided part of the labor to construct the dwelling securing the  
40 borrower's loan;
  - 41 (b) Which does not charge or collect origination fees in  
42 connection with the origination of residential mortgage loans;
  - 43 (c) Which only makes residential mortgage loans at an interest  
44 rate of 0 percent per annum;



\* A B 2 2 9 R 1 \*

1 (d) Whose volunteers, if any, do not receive compensation for  
2 their services in the construction of a dwelling; and

3 (e) Which does not profit from the sale of a dwelling to a  
4 borrower.

5 12. A housing counseling agency approved by the United  
6 States Department of Housing and Urban Development.

7 **Sec. 90.** NRS 687B.080 is hereby amended to read as follows:

8 687B.080 1. Except as otherwise provided in subsection 2,  
9 no life or health insurance contract upon a person, except a contract  
10 of group life insurance or of group or blanket health insurance, may  
11 be made or effectuated unless at the time of the making of the  
12 contract the person insured, being of competent legal capacity to  
13 contract, applies therefor or has consented thereto in writing.

14 2. The following persons may enter into a contract for life or  
15 health insurance upon another person without the insured's written  
16 consent:

17 (a) A spouse may effectuate such insurance upon the other  
18 spouse.

19 (b) Any person having an insurable interest in the life of a  
20 minor, or any person upon whom a minor is dependent for support  
21 and maintenance, may effectuate insurance upon the life of or  
22 pertaining to the minor.

23 (c) Family policies may be issued insuring any two or more  
24 members of a family on an application signed by either parent, a  
25 stepparent, a guardian, or by a ~~husband or wife.~~ *spouse.*

26 3. An insurer who receives:

27 (a) An application in accordance with subsection 2 for a contract  
28 for insurance upon the life of another; or

29 (b) A request to increase the existing coverage upon the life of  
30 an insured by a person other than the insured,

31 ➤ shall, unless the application or request relates to a contract of  
32 group life insurance or of group or blanket health insurance, cause  
33 notice of the application or request to be mailed to the insured at the  
34 home or business of the insured within 48 hours after receiving the  
35 application or request.

36 **Sec. 91.** This act becomes effective on July 1, 2017.





