

ASSEMBLY BILL NO. 16—COMMITTEE ON JUDICIARY

PREFILED JANUARY 7, 1999

(ON BEHALF OF LEGISLATIVE COMMISSION'S STUDY CONCERNING FEES, FINES,
FORFEITURES AND ADMINISTRATIVE ASSESSMENTS)

Referred to Committee on Judiciary

SUMMARY—Provides for nonrenewal of registration of motor vehicle or driver's license of defendant who is delinquent in payment of fine, administrative assessment, fee or restitution. (BDR 14-177)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to collections; authorizing a court to file a notice of nonpayment with the department of motor vehicles and public safety if a defendant is delinquent in the payment of a fine, administrative assessment, fee or restitution; prohibiting the department from renewing the registration of a motor vehicle of a person for whom it has received a notice of nonpayment from a court; prohibiting the department from renewing the driver's license of a person for whom it has received a notice of nonpayment from a court or local authority; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 176 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1. *In addition to any other action authorized pursuant to***
4 ***NRS 176.064, if a fine, administrative assessment, fee, restitution or other***
5 ***charge is imposed upon a defendant for a violation of a law, a regulation***
6 ***or an ordinance in this state and the defendant is the registered owner of***
7 ***a motor vehicle or has a driver's license issued by the State of Nevada,***
8 ***whether or not the fine, administrative assessment, fee, restitution or***
9 ***other charge is in addition to any other punishment, and the fine,***
10 ***administrative assessment, fee, restitution or other charge or any part of it***
11 ***remains unpaid after the time established by the court for its payment, the***

1 court may, on its own motion or at the request of a state or local entity
2 that is responsible for collecting the delinquent fine, administrative
3 assessment, fee, restitution or other charge, file a notice of nonpayment
4 with the department of motor vehicles and public safety.

5 2. The notice of nonpayment must include:

6 (a) The time, place and date of each violation;

7 (b) If the defendant is a registered owner of a motor vehicle, the
8 number of the license plate of the motor vehicle of the defendant and the
9 make and model year of the motor vehicle of the defendant;

10 (c) If the defendant has a driver's license issued by the State of
11 Nevada, the number of the driver's license of the defendant;

12 (d) The total amount of a delinquent fine, administrative assessment,
13 fee, restitution or other charge owed by the defendant; and

14 (e) Any other information the department of motor vehicles and public
15 safety may require.

16 3. The department of motor vehicles and public safety shall prescribe
17 the form for the notice of nonpayment and may adopt such regulations as
18 are necessary to carry out the provisions of this section.

19 **Sec. 3.** If a court files with the department of motor vehicles and
20 public safety a notice of nonpayment pursuant to section 2 of this act and
21 the registered owner of the motor vehicle for which the department
22 received the notice pays the fine, administrative assessment, fee,
23 restitution or other charge imposed against him, the court shall issue to
24 the registered owner a receipt which indicates that the fine, administrative
25 assessment, fee, restitution or other charge has been paid.

26 **Sec. 4.** NRS 176.064 is hereby amended to read as follows:

27 176.064 1. If a fine, administrative assessment, fee , ~~{or}~~ restitution
28 or other charge is imposed upon a defendant , ~~{pursuant to this chapter,}~~
29 whether or not the fine, administrative assessment, fee , ~~{or}~~ restitution or
30 other charge is in addition to any other punishment, and the fine,
31 administrative assessment, fee , ~~{or}~~ restitution or other charge or any part
32 of it remains unpaid after the time established by the court for its payment,
33 the defendant is liable for a collection fee, to be imposed by the court at the
34 time it finds that the fine, administrative assessment, fee , ~~{or}~~ restitution or
35 other charge is delinquent, of:

36 (a) Not more than \$100, if the amount of the delinquency is less than
37 \$2,000.

38 (b) Not more than \$500, if the amount of the delinquency is \$2,000 or
39 greater, but is less than \$5,000.

40 (c) Ten percent of the amount of the delinquency, if the amount of the
41 delinquency is \$5,000 or greater.

42 2. A state or local entity that is responsible for collecting a delinquent
43 fine, administrative assessment, fee , ~~{or}~~ restitution or other charge may,

1 in addition to attempting to collect the fine, administrative assessment, fee ,
2 ~~for~~ restitution *or other charge* through any other lawful means, take any or
3 all of the following actions:

4 (a) Report the delinquency to reporting agencies that assemble or
5 evaluate information concerning credit.

6 (b) Request that the court take appropriate action pursuant to subsection
7 3 ~~H~~ *or section 2 of this act.*

8 (c) Contract with a collection agency licensed pursuant to NRS 649.075
9 to collect the delinquent amount and the collection fee. The collection
10 agency must be paid as compensation for its services an amount not greater
11 than the amount of the collection fee imposed pursuant to subsection 1, in
12 accordance with the provisions of the contract.

13 3. The court may, on its own motion or at the request of a state or local
14 entity that is responsible for collecting the delinquent fine, administrative
15 assessment, fee ~~for restitution,~~ *restitution or other charge*, take any or all
16 of the following actions, in the following order of priority if practicable:

17 (a) Request that a prosecuting attorney undertake collection of the
18 delinquency, including, without limitation, the original amount and the
19 collection fee, by attachment or garnishment of the defendant's property,
20 wages or other money receivable.

21 (b) Order the suspension of the driver's license of the defendant. If the
22 defendant does not possess a driver's license, the court may prohibit the
23 defendant from applying for a driver's license for a specified period. If the
24 defendant is already the subject of a court order suspending or delaying the
25 issuance of his driver's license, the court may order the additional
26 suspension or delay, as appropriate, to apply consecutively with the
27 previous order. At the time the court issues an order suspending the driver's
28 license of a defendant pursuant to this paragraph, the court shall require the
29 defendant to surrender to the court all driver's licenses then held by the
30 defendant. The court shall, within 5 days after issuing the order, forward to
31 the department of motor vehicles and public safety the licenses, together
32 with a copy of the order. At the time the court issues an order pursuant to
33 this paragraph delaying the ability of a defendant to apply for a driver's
34 license, the court shall, within 5 days after issuing the order, forward to the
35 department of motor vehicles and public safety a copy of the order. The
36 department of motor vehicles and public safety shall report a suspension
37 pursuant to this paragraph to an insurance company or its agent inquiring
38 about the defendant's driving record, but such a suspension must not be
39 considered for the purpose of rating or underwriting.

40 (c) For a delinquent fine or administrative assessment, order the
41 confinement of the person in the appropriate prison, jail or detention
42 facility, as provided in NRS 176.065 and 176.075.

1 4. Money collected from a collection fee imposed pursuant to
2 subsection 1 must be distributed in the following manner:

3 (a) Except as otherwise provided in paragraph (d), if the money is
4 collected by or on behalf of a municipal court, the money must be
5 deposited in a special fund in the appropriate city treasury. The city may
6 use the money in the fund only to develop and implement a program for the
7 collection of fines, administrative assessments, fees ~~{and restitution.}~~,
8 *restitution and other charges imposed upon a defendant.*

9 (b) Except as otherwise provided in paragraph (d), if the money is
10 collected by or on behalf of a justice's court or district court, the money
11 must be deposited in a special fund in the appropriate county treasury. The
12 county may use the money in the special fund only to develop and
13 implement a program for the collection of fines, administrative
14 assessments, fees ~~{and restitution.}~~, *restitution and other charges imposed*
15 *upon a defendant.*

16 (c) Except as otherwise provided in paragraph (d), if the money is
17 collected by a state entity, the money must be deposited in an account,
18 which is hereby created in the state treasury. The court administrator may
19 use the money in the account only to develop and implement a program for
20 the collection of fines, administrative assessments, fees, ~~{and}~~ *restitution*
21 *and other charges imposed upon a defendant* in this state.

22 (d) If the money is collected by a collection agency, after the collection
23 agency has been paid its fee pursuant to the terms of the contract, any
24 remaining money must be deposited in the state, city or county treasury,
25 whichever is appropriate, to be used only for the purposes set forth in
26 paragraph (a), (b) or (c) of this subsection.

27 **Sec. 5.** NRS 482.280 is hereby amended to read as follows:

28 482.280 1. The registration of every vehicle expires at midnight on
29 the day specified on the receipt of registration, unless the day specified falls
30 on a Saturday, Sunday or legal holiday. If the day specified on the receipt
31 of registration is a Saturday, Sunday or legal holiday, the registration of the
32 vehicle expires at midnight on the next judicial day. The department shall
33 mail to each holder of a certificate of registration an application for renewal
34 of registration for the following period of registration. The applications
35 must be mailed by the department in sufficient time to allow all applicants
36 to mail the applications to the department and to receive new certificates of
37 registration and license plates, stickers, tabs or other suitable devices by
38 mail before the expiration of their registrations. An applicant may present
39 the application to any agent or office of the department.

40 2. An application mailed or presented to the department or to a county
41 assessor pursuant to the provisions of this section, or presented to an
42 authorized inspection station or authorized station pursuant to the

1 provisions of NRS 482.281 must include, if required, evidence of
2 compliance with standards for control of emissions.

3 3. The department shall insert in each application mailed pursuant to
4 subsection 1:

5 (a) The amount of privilege tax to be collected for the county pursuant
6 to the provisions of NRS 482.260.

7 (b) The amount set forth in a notice of nonpayment filed with the
8 department by a *court pursuant to section 2 of this act or by a* local
9 authority pursuant to NRS 484.444.

10 (c) A statement which informs the applicant that, pursuant to NRS
11 485.185, he is legally required to maintain insurance during the period in
12 which the motor vehicle is registered.

13 4. An owner who has made proper application for renewal of
14 registration before the expiration of the current registration but who has not
15 received the license plate or plates or card of registration for the ensuing
16 period of registration is entitled to operate or permit the operation of that
17 vehicle upon the highways upon displaying thereon the license plate or
18 plates issued for the preceding period of registration for such a time as may
19 be prescribed by the department as it may find necessary for the issuance of
20 the new plate or plates or card of registration.

21 **Sec. 6.** NRS 482.2805 is hereby amended to read as follows:

22 482.2805 1. Except as otherwise provided in subsection 3, the
23 department shall not renew the registration of a motor vehicle if a *court has*
24 *filed with the department a notice of nonpayment pursuant to section 2 of*
25 *this act or a* local authority has filed with the department a notice of
26 nonpayment pursuant to NRS 484.444 unless, at the time for renewal of the
27 registration, the registered owner of the motor vehicle provides to the
28 department a receipt issued by the *court pursuant to section 3 of this act or*
29 *by the* local authority pursuant to NRS 482.2807.

30 2. If the registered owner provides a receipt to the department pursuant
31 to subsection 1 and complies with the other requirements of this chapter,
32 the department shall renew the registration of the motor vehicle.

33 3. The department shall renew the registration of a motor vehicle
34 owned by a short-term lessor for which the department has received a
35 notice of nonpayment pursuant to NRS 484.444 *or section 2 of this act for*
36 *a violation of the provisions of NRS 484.395 to 484.443, inclusive, or a*
37 *violation of an ordinance of a local authority authorized by chapter 484*
38 *of NRS that prohibits the same conduct as the provisions of NRS 484.395*
39 *to 484.443, inclusive,* without requiring the short-term lessor to provide a
40 receipt pursuant to subsection 1 if the short-term lessor submits to the
41 department a certificate issued by a *court or* local authority pursuant to
42 subsection

1 4. A ***court or*** local authority shall, upon request, issue to a short-term
2 lessor ***for which the department has received a notice of nonpayment***
3 ***pursuant to NRS 484.444 or section 2 of this act for a violation of the***
4 ***provisions of NRS 484.395 to 484.443, inclusive, or a violation of an***
5 ***ordinance of a local authority authorized by chapter 484 of NRS that***
6 ***prohibits the same conduct as the provisions of NRS 484.395 to 484.443,***
7 ***inclusive,*** a certificate which requires the department to renew the
8 registration of a motor vehicle owned by the short-term lessor without
9 requiring the short-term lessor to provide a receipt pursuant to subsection 1
10 if the short-term lessor provides the ***court or*** local authority with the name,
11 address and number of the driver's license of the short-term lessee who was
12 leasing the vehicle at the time of the violation.

13 5. Upon the request of the registered owner of a motor vehicle, the
14 department shall provide a copy of the notice of nonpayment filed with the
15 department by ~~the local agency~~ ***a court pursuant to section 2 of this act***
16 ***or by a local authority*** pursuant to NRS 484.444.

17 6. If the registration of a motor vehicle that is identified in a notice of
18 nonpayment filed with the department ~~by a local authority~~ pursuant to
19 NRS 484.444 ***or section 2 of this act*** is not renewed for two consecutive
20 periods of registration, the department shall delete any records maintained
21 by the department concerning that notice.

22 7. The department may require a ***court or*** local authority to pay a fee
23 for the creation, maintenance or revision of a record of the department
24 concerning a notice of nonpayment filed with the department ***by the court***
25 ***pursuant to section 2 of this act or*** by the local authority pursuant to NRS
26 484.444. The department shall, by regulation, establish any fee required by
27 this subsection. Any fees collected by the department pursuant to this
28 subsection must be:

29 (a) Deposited with the state treasurer for credit to the motor vehicle
30 fund; and

31 (b) Allocated to the department to defray the cost of carrying out the
32 provisions of this section.

33 **Sec. 7.** Chapter 483 of NRS is hereby amended by adding thereto the
34 provisions set forth as sections 8 and 9 of this act.

35 **Sec. 8. 1.** ***The department shall not renew the driver's license of a***
36 ***licensee if a court has filed a notice of nonpayment with the department***
37 ***pursuant to section 2 of this act or a local authority has filed a notice of***
38 ***nonpayment with the department pursuant to NRS 484.444 unless, at the***
39 ***time for renewal of the license, the licensee provides to the department a***
40 ***receipt issued by the court pursuant to section 3 of this act or by the local***
41 ***authority pursuant to section 9 of this act.***

1 **2. If the licensee provides a receipt to the department pursuant to**
2 **subsection 1 and complies with the other requirements of this chapter, the**
3 **department shall renew the driver's license of the licensee.**

4 **3. Upon the request of the licensee, the department shall provide a**
5 **copy of the notice of nonpayment filed with the department by a court**
6 **pursuant to section 2 of this act or by a local authority pursuant to NRS**
7 **484.444.**

8 **4. If the driver's license that is identified in a notice of nonpayment**
9 **filed with the department pursuant to NRS 484.444 or section 2 of this act**
10 **is not renewed for 2 years after the expiration of the license, the**
11 **department shall delete any records maintained by the department**
12 **concerning that notice.**

13 **5. The department may require a court or local authority to pay a fee**
14 **for the creation, maintenance or revision of a record of the department**
15 **concerning a notice of nonpayment filed with the department by the court**
16 **pursuant to section 2 of this act or by the local authority pursuant to NRS**
17 **484.444. The department shall, by regulation, establish any fee required**
18 **by this subsection. Any fees collected by the department pursuant to this**
19 **subsection must be:**

20 **(a) Deposited with the state treasurer for credit to the motor vehicle**
21 **fund; and**

22 **(b) Allocated to the department to defray the cost of carrying out the**
23 **provisions of this section.**

24 **Sec. 9. If a local authority files with the department a notice of**
25 **nonpayment pursuant to NRS 484.444 of this act and the licensee for**
26 **which the department received the notice pays to the local authority each**
27 **civil penalty or other charge imposed by the local authority against the**
28 **licensee for a violation of:**

29 **1. The provisions of NRS 484.395 to 484.443, inclusive; or**

30 **2. An ordinance of the local authority authorized by chapter 484 of**
31 **NRS that prohibits the same conduct as the provisions of NRS 484.395 to**
32 **484.443, inclusive,**

33 **the local authority shall issue to the licensee a receipt which indicates that**
34 **the penalty or charge has been paid.**

35 **Sec. 10. NRS 483.010 is hereby amended to read as follows:**

36 483.010 NRS 483.010 to 483.630, inclusive, **and sections 8 and 9 of**
37 **this act** may be cited as the Uniform Motor Vehicle Drivers' License Act.

38 **Sec. 11. NRS 483.380 is hereby amended to read as follows:**

39 483.380 1. Except as otherwise provided in NRS 483.247, every
40 driver's license expires on the fourth anniversary of the licensee's birthday,
41 measured in the case of an original license, a renewal license and a renewal
42 of an expired license, from the birthday nearest the date of issuance or
43 renewal. Any applicant whose date of birth was on February 29 in a leap

1 year is, for the purposes of NRS 483.010 to 483.630, inclusive, *and*
2 *sections 8 and 9 of this act*, considered to have the anniversary of his birth
3 fall on February 28.

4 2. ~~{Every}~~ *Except as otherwise provided in section 8 of this act, every*
5 license is renewable at any time before its expiration upon application,
6 submission of the statement required pursuant to NRS 483.293 and
7 payment of the required fee.

8 3. The department may, by regulation, defer the expiration of the
9 driver's license of a person who is on active duty in the Armed Forces upon
10 such terms and conditions as it may prescribe. The department may
11 similarly defer the expiration of the license of the spouse or dependent son
12 or daughter of that person if the spouse or child is residing with the person.

13 **Sec. 12.** NRS 483.380 is hereby amended to read as follows:

14 483.380 1. Except as otherwise provided in NRS 483.247, every
15 driver's license expires on the fourth anniversary of the licensee's birthday,
16 measured in the case of an original license, a renewal license and a renewal
17 of an expired license, from the birthday nearest the date of issuance or
18 renewal. Any applicant whose date of birth was on February 29 in a leap
19 year is, for the purposes of NRS 483.010 to 483.630, inclusive, *and*
20 *sections 8 and 9 of this act*, considered to have the anniversary of his birth
21 fall on February 28.

22 2. ~~{Every}~~ *Except as otherwise provided in section 8 of this act, every*
23 license is renewable at any time before its expiration upon application and
24 payment of the required fee.

25 3. The department may, by regulation, defer the expiration of the
26 driver's license of a person who is on active duty in the Armed Forces upon
27 such terms and conditions as it may prescribe. The department may
28 similarly defer the expiration of the license of the spouse or dependent son
29 or daughter of that person if the spouse or child is residing with the person.

30 **Sec. 13.** NRS 483.382 is hereby amended to read as follows:

31 483.382 1. No later than 30 days before the expiration of his license,
32 the drivers' license division of the department shall mail to each licensee
33 who has not already renewed his license an expiration notice.

34 2. *The expiration notice must include, without limitation, the amount*
35 *set forth in a notice of nonpayment filed with the department by a court*
36 *pursuant to section 2 of this act or by a local authority pursuant to NRS*
37 *484.444.*

38 3. The department may require an applicant for a renewal license
39 successfully to pass such additional test as the department finds reasonably
40 necessary to determine his qualification according to the type or class of
41 license applied for.

3 1. To display or cause or permit to be displayed or have in his
4 possession any canceled, revoked, suspended, fictitious, fraudulently
5 altered or fraudulently obtained driver's license;

8 3. To lend his driver's license to any other person or knowingly permit
9 the use thereof by another;

12 5. To fail or refuse to surrender to the department, a peace officer or a
13 court upon lawful demand any driver's license which has been suspended,
14 revoked or canceled;

18 7. To permit any unlawful use of a driver's license issued to him;

21 9. To photograph, photostat, duplicate, or in any way reproduce any
22 driver's license or facsimile thereof in such a manner that it could be
23 mistaken for a valid license, or to display or have in his possession any
24 such photograph, photostat, duplicate, reproduction or facsimile unless
25 authorized by this chapter.

27 484.444 1. If the registered owner of a motor vehicle ***or a person***
28 ***who has a driver's license issued by the State of Nevada*** fails to pay any
29 civil penalty ~~or criminal fine~~ or any other charge imposed against him for
30 a violation of:

(b) An ordinance of a local authority authorized by this chapter which ~~covers~~ **prohibits** the same ~~subject matter~~ **conduct** as the provisions of NRS 484.395 to 484.443, inclusive,

37 2. The notice *of nonpayment* must include:

(b) ~~[The]~~ *If the person is the registered owner of a motor vehicle, the*
number of the license plate of the *motor* vehicle and the make and model
year of the *motor* vehicle;

42 (c) *If the person has a driver's license issued by the State of Nevada,*
43 *the number of the driver's license of the person;*

1 (d) The amount of the fine and any other charge imposed for each
2 violation;

3 ~~[(d)]~~ (e) The total amount of money owed to the local authority *by the*
4 *defendant* for those violations; and

5 ~~[(e)]~~ (f) Any other information the department may require.

6 3. The department shall ~~{adopt regulations which}~~ prescribe the form
7 for the notice of nonpayment and ~~{any information which must be included~~
8 ~~in that notice.}~~ *may adopt such regulations as are necessary to carry out*
9 *the provisions of this section.*

10 **Sec. 16.** 1. This section and sections 1 to 11, inclusive, 13, 14 and 15
11 of this act become effective on July 1, 1999, for the purpose of adopting
12 regulations and on January 1, 2000, for all other purposes.

13 2. Section 12 of this act becomes effective on the date on which the
14 provisions of 42 U.S.C. § 666 requiring each state to establish procedures
15 under which the state has authority to withhold or suspend, or to restrict the
16 use of professional, occupational and recreational licenses of persons who:

17 (a) Have failed to comply with a subpoena or warrant relating to a
18 proceeding to determine the paternity of a child or to establish or enforce an
19 obligation for the support of a child; or

20 (b) Are in arrears in the payment for the support of one or more
21 children,

22 are repealed by the Congress of the United States.