

ASSEMBLY BILL NO. 19—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—Makes various changes concerning manner of handling money paid on certain traffic citations. (BDR 43-175)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to motor vehicles; clarifying that money paid on a traffic citation without appearing in court must include any administrative assessment that would be imposed if paid in court; requiring money paid on certain traffic citations to be treated as a fine; providing that certain traffic citations must not designate payment of the citation as a forfeiture of bail; 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.** NRS 483.460 is hereby amended to read as follows:
- 2 483.460 1. Except as otherwise provided by statute, the department
- 3 shall revoke the license, permit or privilege of any driver upon receiving a
- 4 record of his conviction of any of the following offenses, when that
- 5 conviction has become final, and the driver is not eligible for a license,
- 6 permit or privilege to drive for the period indicated:
- 7 (a) For a period of 3 years if the offense is:
- 8 (1) A violation of subsection 2 of NRS 484.377.
- 9 (2) A third or subsequent violation within 7 years of NRS 484.379.
- 10 (3) A violation of NRS 484.3795 or homicide resulting from driving a
- 11 vehicle while under the influence of intoxicating liquor or a controlled
- 12 substance.

1 The period during which such a driver is not eligible for a license, permit or
2 privilege to drive must be set aside during any period of imprisonment and
3 the period of revocation must resume upon completion of the period of
4 imprisonment or when the person is placed on residential confinement.

5 (b) For a period of 1 year if the offense is:

6 (1) Any other manslaughter resulting from the driving of a motor
7 vehicle or felony in the commission of which a motor vehicle is used,
8 including the unlawful taking of a motor vehicle.

9 (2) Failure to stop and render aid as required pursuant to the laws of
10 this state in the event of a motor vehicle accident resulting in the death or
11 bodily injury of another.

12 (3) Perjury or the making of a false affidavit or statement under oath
13 to the department pursuant to NRS 483.010 to 483.630, inclusive, or
14 pursuant to any other law relating to the ownership or driving of motor
15 vehicles.

16 (4) Conviction ~~[, or forfeiture of bail not vacated,]~~ upon three charges
17 of reckless driving committed within a period of 12 months.

18 (5) A second violation within 7 years of NRS 484.379 and, except as
19 otherwise provided in subsection 2 of NRS 483.490, the driver is not
20 eligible for a restricted license during any of that period.

21 (6) A violation of NRS 484.348.

22 (c) For a period of 90 days, if the offense is a first violation within 7
23 years of NRS 484.379.

24 2. The department shall revoke the license, permit or privilege of a
25 driver convicted of violating NRS 484.379 who fails to complete the
26 educational course on the use of alcohol and controlled substances within
27 the time ordered by the court and shall add a period of 90 days during
28 which the driver is not eligible for a license, permit or privilege to drive.

29 3. When the department is notified by a court that a person who has
30 been convicted of violating NRS 484.379 has been permitted to enter a
31 program of treatment pursuant to NRS 484.37937 or 484.3794, the
32 department shall reduce by one-half the period during which he is not
33 eligible for a license, permit or privilege to drive, but shall restore that
34 reduction in time if notified that he was not accepted for or failed to
35 complete the treatment.

36 4. The department shall revoke the license, permit or privilege to drive
37 of a person who is required to install a device pursuant to NRS 484.3943
38 but who operates a motor vehicle without such a device:

39 (a) For 3 years, if it is his first such offense during the period of required
40 use of the device.

41 (b) For 5 years, if it is his second such offense during the period of
42 required use of the device.

1 5. A driver whose license, permit or privilege is revoked pursuant to
2 subsection 4 is not eligible for a restricted license during the period set
3 forth in paragraph (a) or (b) of that subsection, whichever is applicable.

4 6. When the department is notified that a court has:

5 (a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS
6 62.224, 62.2255, 62.226 or 62.228, ordered the suspension or delay in the
7 issuance of a child's license;

8 (b) Pursuant to NRS 206.330, ordered the suspension or delay in the
9 issuance of a person's license; or

10 (c) Pursuant to NRS 62.227, ordered the revocation of a child's license,
11 the department shall take such actions as are necessary to carry out the
12 court's order.

13 7. As used in this section, "device" has the meaning ascribed to it in
14 NRS 484.3941.

15 **Sec. 2.** NRS 484.813 is hereby amended to read as follows:

16 484.813 1. Every peace officer upon issuing a traffic citation to an
17 alleged violator of any provision of the motor vehicle laws of this state or
18 of any traffic ordinance of any city or town shall deposit the original or a
19 copy of the traffic citation with a court having jurisdiction over the alleged
20 offense or with its traffic violations bureau.

21 2. Upon the deposit of the original or a copy of the traffic citation with
22 a court having jurisdiction over the alleged offense or with its traffic
23 violations bureau, the traffic citation may be disposed of only by trial in
24 that court ~~for~~, *by* other official action by a judge of that court ~~[, including~~
25 ~~forfeiture of the bail,]~~ or by the ~~[deposit of sufficient bail with, or]~~ *entry of*
26 *a plea of guilty, guilty but mentally ill or nolo contendere and the* payment
27 of a fine to ~~[t]~~ the traffic violations bureau by the person to whom the
28 traffic citation ~~[has been issued by the peace officer.]~~ *was issued.*

29 3. *The amount of money required to be paid by a defendant for a*
30 *traffic citation issued for a misdemeanor without appearing in court must*
31 *include any administrative assessment the court is otherwise required to*
32 *impose if the person appears in court.*

33 4. *Money paid by a defendant for a traffic citation issued for a*
34 *misdemeanor, other than for any fee or administrative assessment, must*
35 *be treated as a fine for the purposes of revenue, regardless of the manner*
36 *in which the payment is characterized on the citation.*

37 5. *A traffic citation issued for a misdemeanor must not include a*
38 *statement designating the payment of the citation as a forfeiture of bail,*
39 *regardless of whether the payment is mailed in or the defendant makes*
40 *payment after he appears in court.*

41 6. It is unlawful and official misconduct for any peace officer or other
42 officer or public employee to dispose of a traffic citation or copies of it or

1 of the record of the issuance of a traffic citation in a manner other than as
2 required in this section.

3 ~~[4.]~~ 7. The chief administrative officer of every traffic enforcement
4 agency shall require the return to him of a copy of every traffic citation
5 issued by an officer under his supervision to an alleged violator of any
6 traffic law or ordinance and of all copies of every traffic citation which has
7 been spoiled or upon which any entry has been made and not issued to an
8 alleged violator.

9 ~~[5.]~~ 8. The chief administrative officer shall also maintain or cause to
10 be maintained a record of every traffic citation issued by officers under his
11 supervision. The record must be retained for at least 2 years after issuance
12 of the citation.

13 **Sec. 3.** NRS 485.3099 is hereby amended to read as follows:

14 485.3099 1. The division shall upon request consent to the immediate
15 cancellation of any certificate of financial responsibility, or the division
16 shall waive the requirement of filing proof of financial responsibility, in
17 any of the following events:

18 (a) At any time after 3 years from the date the proof of financial
19 responsibility was required when, during the 3-year period preceding the
20 request, the division has not received a record of a conviction ~~for a~~
21 ~~forfeiture of bail~~ which would require or permit the suspension or
22 revocation of the license, registration or nonresident's operating privilege
23 of the person by or for whom the proof of financial responsibility was
24 furnished;

25 (b) In the event of the death of the person on whose behalf the proof of
26 financial responsibility was filed or the permanent incapacity of the person
27 to operate a motor vehicle; or

28 (c) If the person who is required to file proof of financial responsibility
29 surrenders his license and registration to the division.

30 2. If a person who surrenders his license and registration pursuant to
31 paragraph (c) of subsection 1 applies for a license or registration within a
32 period of 3 years after the date proof of financial responsibility was
33 originally required, the application must be refused unless the applicant
34 reestablishes proof of financial responsibility for the remainder of the
35 3-year period.

36 **Sec. 4.** A forfeiture of bail not vacated by a court which occurred
37 before July 1, 2000, shall be deemed a conviction for the purposes of NRS
38 483.460 as amended by section 1 of this act and NRS 485.3099 as amended
39 by section 3 of this act.

40 **Sec. 5.** This act becomes effective on July 1, 2000.