

SENATE BILL NO. 474—COMMITTEE ON TRANSPORTATION
AND HOMELAND SECURITY

(ON BEHALF OF THE NEVADA JUDGES ASSOCIATION)

MARCH 29, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Prohibits Department of Motor Vehicles under certain circumstances from renewing registration of motor vehicle if court has filed notice of nonpayment of certain outstanding criminal fines and fees with Department. (BDR 43-219)

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

~

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

AN ACT relating to motor vehicles; prohibiting the Department of Motor Vehicles from renewing the registration of a motor vehicle if a court has filed with the Department a notice of nonpayment of certain criminal fines and fees; authorizing a court to file a notice of those fines and fees with the Department; and providing other matters properly relating thereto.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall not renew the registration of a motor vehicle if a court has filed with the Department a notice of nonpayment pursuant to NRS 176.064 unless, at the time for renewal of the registration, the registered owner of the motor vehicle provides the Department with a receipt issued by the court pursuant to subsection 4.



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

3. Upon request of the registered owner of a motor vehicle, the Department shall provide a copy of the notice of nonpayment filed with the Department by the court pursuant to NRS 176.064.

4. If a court files with the Department a notice of nonpayment pursuant to NRS 176.064 and the registered owner of the motor vehicle for which the Department received the notice pays the court the entire amount of the fine, fee, assessment or restitution imposed by the court against the registered owner, the court shall issue to the registered owner a receipt which indicates that the fine, fee, assessment or restitution has been paid.

Sec. 2. NRS 176.064 is hereby amended to read as follows:

176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:

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

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

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

2. A state or local entity that is responsible for collecting a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:

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

(b) Request that the court take appropriate action pursuant to subsection 3.

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



1 3. The court may, on its own motion or at the request of a state
2 or local entity that is responsible for collecting the delinquent fine,
3 administrative assessment, fee or restitution, take any or all of the
4 following actions, in the following order of priority if practicable:

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

9 (b) Order the suspension of the driver's license of the defendant.
10 If the defendant does not possess a driver's license, the court may
11 prohibit the defendant from applying for a driver's license for a
12 specified period. If the defendant is already the subject of a court
13 order suspending or delaying the issuance of his driver's license, the
14 court may order the additional suspension or delay, as appropriate,
15 to apply consecutively with the previous order. At the time the court
16 issues an order suspending the driver's license of a defendant
17 pursuant to this paragraph, the court shall require the defendant to
18 surrender to the court all driver's licenses then held by the
19 defendant. The court shall, within 5 days after issuing the order,
20 forward to the Department of Motor Vehicles the licenses, together
21 with a copy of the order. At the time the court issues an order
22 pursuant to this paragraph delaying the ability of a defendant to
23 apply for a driver's license, the court shall, within 5 days after
24 issuing the order, forward to the Department of Motor Vehicles a
25 copy of the order. The Department of Motor Vehicles shall report a
26 suspension pursuant to this paragraph to an insurance company or
27 its agent inquiring about the defendant's driving record, but such a
28 suspension must not be considered for the purpose of rating or
29 underwriting.

30 (c) *If the defendant is the registered owner of a motor vehicle,*
31 *file a notice of nonpayment of the fine, fee, assessment or*
32 *restitution with the Department of Motor Vehicles. The notice*
33 *must be filed electronically in the manner prescribed by the*
34 *Department of Motor Vehicles and include:*

35 (1) *The number of the license plate and the make and*
36 *model year of each vehicle registered in the name of the*
37 *defendant; and*

38 (2) *The amount of any fine, fee, assessment or restitution*
39 *owing, including the collection fee imposed pursuant to*
40 *subsection 1.*

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

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



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

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

13 (c) Except as otherwise provided in paragraph (d), if the money
14 is collected by a state entity, the money must be deposited in an
15 account, which is hereby created in the State Treasury. The Court
16 Administrator may use the money in the account only to develop
17 and implement a program for the collection of fines, administrative
18 assessments, fees and restitution in this State.

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

24 **Sec. 3.** Notwithstanding the provisions of sections 1 and 2 of
25 this act to the contrary, a court may not file a notice of nonpayment
26 pursuant to NRS 176.064 with the Department of Motor Vehicles
27 and no such notice is effective unless the Director of the Department
28 of Motor Vehicles has notified the Court Administrator in writing
29 that the Department is able to accept filings of notices of
30 nonpayment pursuant to NRS 176.064 electronically.

31 **Sec. 4.** This act becomes effective on July 1, 2005.

