

ASSEMBLY BILL NO. 248—ASSEMBLYMEN FIORE, HICKEY, HARDY, FRIERSON, BOBZIEN; AIZLEY, ELLIOT ANDERSON, PAUL ANDERSON, BENITEZ-THOMPSON, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DALY, DIAZ, DONDERO LOOP, DUNCAN, EISEN, ELLISON, FLORES, GRADY, HAMBRICK, HANSEN, HEALEY, HOGAN, HORNE, KIRKPATRICK, KIRNER, LIVERMORE, MARTIN, MUNFORD, NEAL, OHRENSCHALL, OSCARSON, PIERCE, SPIEGEL, STEWART, SWANK, WHEELER AND WOODBURY

MARCH 13, 2013

JOINT SPONSORS: SENATORS ATKINSON, SEGERBLOM, HUTCHISON, CEGAVSKE, HAMMOND; DENIS, FORD, GOICOECHEA, GUSTAVSON, HARDY, KIECKHEFER, KIHUEN, MANENDO, PARKS, ROBERSON, SETTELMAYER, SPEARMAN AND WOODHOUSE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to certain criminal offenses involving vehicles. (BDR 43-616)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 vehicles; providing that violations of certain traffic laws and ordinances must be treated as civil matters; providing that violations of certain laws relating to drivers' licenses, the registration of motor vehicles and insurance on motor vehicles must be treated as civil matters; establishing procedures for the imposition of civil penalties for violations of certain traffic laws and certain laws relating to vehicles; and providing other matters properly relating thereto.



* A B 2 4 8 *

Legislative Counsel's Digest:

Existing law provides that a violation of any traffic law or ordinance is a misdemeanor, unless a different penalty is prescribed by a different statute. (NRS 484A.900) Existing law further provides that a county or an incorporated city may enact ordinances imposing civil penalties for violations of certain ordinances enacted by the county or incorporated city. (NRS 244.3575, 268.019) **Sections 12-23 and 39** of this bill enact provisions based on Arizona law to provide for the imposition of civil penalties rather than criminal penalties for violations of certain traffic laws and ordinances. Under **sections 19 and 39**: (1) the maximum civil penalty that may be imposed for a violation of a traffic law or ordinance punishable by a civil penalty is \$250, unless a different amount is specified by statute; and (2) the judgment imposing the civil penalty must include the administrative assessments currently imposed for violations of traffic laws and ordinances.

Existing law provides that any violation of state law regarding drivers' licenses or the registration of motor vehicles is a misdemeanor, unless a statute specifies a different penalty. (NRS 482.555, 483.620) **Sections 1-4, 9 and 10** of this bill enact provisions based on Arizona law to provide that a person who: (1) operates, or knowingly permits the operation of, a motor vehicle in this State without current registration and license plates is subject to a civil penalty rather than the penalty for a misdemeanor; (2) fails to register his or her motor vehicle in this State within a certain period after becoming a resident of this State is subject to a civil penalty in the same amount as the criminal fine provided under existing law; or (3) does not obtain a driver's license in this State within a certain period after becoming a resident or drives a motor vehicle in this State without being the holder of a valid driver's license is subject to a civil penalty of not more than \$250 rather than the penalty for a misdemeanor, except that a person who drives a motor vehicle in this State when the person is disqualified from driving is guilty of a misdemeanor.

Existing law provides that a person commits a misdemeanor if he or she: (1) operates a motor vehicle registered or required to be registered in this State without having insurance; (2) operates or knowingly permits the operation of the motor vehicle without evidence of insurance in the vehicle; or (3) fails or refuses to surrender, upon demand, to a peace officer or an authorized representative of the Department of Motor Vehicles the evidence of insurance. (NRS 485.187) **Section 37** of this bill enacts provisions based on Arizona law to provide that a person who commits these violations is subject to a civil penalty in the same amount as the criminal fine imposed under current law.

Existing law provides that it is unlawful for a person to violate a written promise to appear given to a peace officer upon the issuance of a traffic citation and that a warrant may issue upon a violation of a written promise to appear. (NRS 484A.670) **Sections 18, 25 and 27** of this bill provide that a person who violates a written promise to appear given upon the issuance of a citation for a violation that is punishable by a civil penalty must have a judgment for the civil penalty entered against him or her and that a warrant must be issued for the failure to appear. **Sections 7 and 22** of this bill provide for the suspension of the driver's license of a person who fails to pay a civil penalty within the time prescribed by law.

Sections 5, 6 and 8 of this bill provide that, for the purposes of maintaining a person's driving record, the imposition of a civil penalty for a traffic violation is treated the same as a conviction for a traffic offense under existing law.

Sections 25, 26, 31 and 33-36 of this bill maintain the designation of certain traffic offenses as misdemeanors. **Section 32** of this bill provides that a person who commits certain civil traffic violations in a road construction zone is subject to an additional civil penalty.

Sections 40-42 of this bill enact provisions to govern the jurisdiction and disposition of civil violations committed by juveniles.



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

1 **Section 1.** NRS 482.385 is hereby amended to read as follows:
2 482.385 1. Except as otherwise provided in subsections 5 and
3 7 and NRS 482.390, a nonresident owner of a vehicle of a type
4 subject to registration pursuant to the provisions of this chapter,
5 owning any vehicle which has been registered for the current year in
6 the state, country or other place of which the owner is a resident and
7 which at all times when operated in this State has displayed upon it
8 the registration license plate issued for the vehicle in the place of
9 residence of the owner, may operate or permit the operation of the
10 vehicle within this State without its registration in this State
11 pursuant to the provisions of this chapter and without the payment
12 of any registration fees to this State:

13 (a) For a period of not more than 30 days in the aggregate in any
14 1 calendar year; and

15 (b) Notwithstanding the provisions of paragraph (a), during any
16 period in which the owner is:

17 (1) On active duty in the military service of the United
18 States;

19 (2) An out-of-state student;

20 (3) Registered as a student at a college or university located
21 outside this State and who is in the State for a period of not more
22 than 6 months to participate in a work-study program for which the
23 student earns academic credits from the college or university; or

24 (4) A migrant or seasonal farm worker.

25 2. This section does not:

26 (a) Prohibit the use of manufacturers', distributors' or dealers'
27 license plates issued by any state or country by any nonresident in
28 the operation of any vehicle on the public highways of this State.

29 (b) Require registration of vehicles of a type subject to
30 registration pursuant to the provisions of this chapter operated by
31 nonresident common motor carriers of persons or property, contract
32 motor carriers of persons or property, or private motor carriers of
33 property as stated in NRS 482.390.

34 (c) Require registration of a vehicle operated by a border state
35 employee.

36 3. Except as otherwise provided in subsection 5, when a
37 person, formerly a nonresident, becomes a resident of this State, the
38 person shall:

39 (a) Within 30 days after becoming a resident; or

40 (b) At the time he or she obtains a driver's license,

41 ➔ whichever occurs earlier, apply for the registration of each
42 vehicle the person owns which is operated in this State. When a



1 person, formerly a nonresident, applies for a driver's license in this
2 State, the Department shall inform the person of the requirements
3 imposed by this subsection and of the penalties that may be imposed
4 for failure to comply with the provisions of this subsection.

5 4. A citation may be issued pursuant to subsection 1, 3 or 5
6 only if the violation is discovered when the vehicle is halted or its
7 driver arrested for another alleged violation or offense. The
8 Department shall maintain or cause to be maintained a list or other
9 record of persons who fail to comply with the provisions of
10 subsection 3 and shall, at least once each month, provide a copy of
11 that list or record to the Department of Public Safety.

12 5. Except as otherwise provided in this subsection, a resident or
13 nonresident owner of a vehicle of a type subject to registration
14 pursuant to the provisions of this chapter who engages in a trade,
15 profession or occupation or accepts gainful employment in this State
16 or who enrolls his or her children in a public school in this State
17 shall, within 30 days after the commencement of such employment
18 or enrollment, apply for the registration of each vehicle the person
19 owns which is operated in this State. The provisions of this
20 subsection do not apply to a nonresident who is:

21 (a) On active duty in the military service of the United States;

22 (b) An out-of-state student;

23 (c) Registered as a student at a college or university located
24 outside this State and who is in the State for a period of not more
25 than 6 months to participate in a work-study program for which the
26 student earns academic credits from the college or university; or

27 (d) A migrant or seasonal farm worker.

28 6. A ~~person who violates~~ *violation of* the provisions of
29 subsection 1, 3 or 5 ~~is guilty of a misdemeanor~~ *must be treated as*
30 *a civil matter pursuant to sections 12 to 22, inclusive, of this act*
31 and, except as otherwise provided in this subsection, *a person who*
32 *violates the provisions of subsection 1, 3 or 5* shall be punished by
33 a ~~fine~~ *civil penalty* of \$1,000. The ~~fine~~ *civil penalty* imposed
34 pursuant to this subsection is in addition to any fine or penalty
35 imposed for the other alleged violation or offense for which the
36 vehicle was halted or its driver arrested pursuant to subsection 4.
37 The ~~fine~~ *civil penalty* imposed pursuant to this subsection may be
38 reduced to not less than \$200 if the person presents evidence at the
39 time of the hearing that the person has registered the vehicle
40 pursuant to this chapter.

41 7. Any resident operating upon a highway of this State a motor
42 vehicle which is owned by a nonresident and which is furnished to
43 the resident operator for his or her continuous use within this State,
44 shall cause that vehicle to be registered within 30 days after
45 beginning its operation within this State.



1 8. A person registering a vehicle pursuant to the provisions of
2 subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:

3 (a) Must be assessed the registration fees and governmental
4 services tax, as required by the provisions of this chapter and
5 chapter 371 of NRS; and

6 (b) Must not be allowed credit on those taxes and fees for the
7 unused months of the previous registration.

8 9. If a vehicle is used in this State for a gainful purpose, the
9 owner shall immediately apply to the Department for registration,
10 except as otherwise provided in NRS 482.390, 482.395 and 706.801
11 to 706.861, inclusive.

12 10. An owner registering a vehicle pursuant to the provisions
13 of this section shall surrender the existing nonresident license plates
14 and registration certificates to the Department for cancellation.

15 11. A vehicle may be cited for a violation of this section
16 regardless of whether it is in operation or is parked on a highway, in
17 a public parking lot or on private property which is open to the
18 public if, after communicating with the owner or operator of the
19 vehicle, the peace officer issuing the citation determines that:

20 (a) The owner of the vehicle is a resident of this State;

21 (b) The vehicle is used in this State for a gainful purpose;

22 (c) Except as otherwise provided in paragraph (b) of subsection
23 1, the owner of the vehicle is a nonresident and has operated the
24 vehicle in this State for more than 30 days in the aggregate in any 1
25 calendar year; or

26 (d) The owner of the vehicle is a nonresident required to register
27 the vehicle pursuant to subsection 5.

28 ➔ As used in this subsection, "peace officer" includes a constable.

29 **Sec. 2.** NRS 482.545 is hereby amended to read as follows:

30 482.545 It is unlawful for any person to commit any of the
31 following acts:

32 1. To operate, or for the owner thereof knowingly to permit the
33 operation of, upon a highway any motor vehicle, trailer or
34 semitrailer which is not registered or which does not have attached
35 thereto and displayed thereon the number of plate or plates assigned
36 thereto by the Department for the current period of registration or
37 calendar year, subject to the exemption allowed in NRS 482.316 to
38 482.3175, inclusive, 482.320 to 482.363, inclusive, 482.385 to
39 482.3965, inclusive, and 482.420. *A person who violates this
40 subsection is subject to a civil penalty of not more than \$250 to be
41 imposed pursuant to sections 12 to 22, inclusive, of this act.*

42 2. To display, cause or permit to be displayed or to have in
43 possession any certificate of registration, license plate, certificate of
44 title, temporary placard, movement permit or other document of title



1 knowing it to be fictitious or to have been cancelled, revoked,
2 suspended or altered.

3 3. To lend to, or knowingly permit the use of by, one not
4 entitled thereto any registration card, plate, temporary placard or
5 movement permit issued to the person so lending or permitting the
6 use thereof.

7 4. To fail or to refuse to surrender to the Department, upon
8 demand, any registration card or plate which has been suspended,
9 cancelled or revoked as provided in this chapter.

10 5. To use a false or fictitious name or address in any
11 application for the registration of any vehicle or for any renewal or
12 duplicate thereof, or knowingly to make a false statement or
13 knowingly to conceal a material fact or otherwise commit a fraud in
14 an application. A violation of this subsection is a gross
15 misdemeanor.

16 6. Knowingly to operate a vehicle which:

17 (a) Has an identification number or mark which has been falsely
18 attached, removed, defaced, altered or obliterated; or

19 (b) Contains a part which has an identification number or mark
20 which has been falsely attached, removed, defaced, altered or
21 obliterated.

22 **Sec. 3.** NRS 482.555 is hereby amended to read as follows:

23 482.555 In addition to any other penalty provided by this
24 chapter:

25 1. It is a gross misdemeanor for any person knowingly to
26 falsify:

27 (a) A dealer's or rebuilder's report of sale, as described in NRS
28 482.423 and 482.424;

29 (b) An application or document to obtain any license, permit,
30 certificate of title or vehicle registration issued under the provisions
31 of this chapter; or

32 (c) An application or document to obtain a salvage title or
33 nonrepairable vehicle certificate as defined in chapter 487 of NRS.

34 2. ~~It~~ *Except as otherwise provided in subsection 6 of NRS*
35 *482.385 and subsection 1 of NRS 482.545, it* is a misdemeanor for
36 any person to violate any of the provisions of this chapter unless
37 such violation is by this section or other provision of this chapter or
38 other law of this State declared to be a gross misdemeanor or a
39 felony.

40 **Sec. 4.** NRS 483.245 is hereby amended to read as follows:

41 483.245 1. When a person becomes a resident of Nevada as
42 defined in this chapter and chapter 482 of NRS, the person must,
43 within 30 days, obtain a Nevada driver's license as a prerequisite to
44 driving any motor vehicle in the State of Nevada. *A person who*
45 *violates this subsection is subject to a civil penalty of not more*



1 *than \$250 to be imposed pursuant to sections 12 to 22, inclusive,*
2 *of this act.*

3 2. Where a person who applies for a license has a valid driver's
4 license from a state which has requirements for issuance of drivers'
5 licenses comparable to those of the State of Nevada, the Department
6 may issue a Nevada license under the same terms and conditions
7 applicable to a renewal of a license in this State.

8 3. In carrying out the provisions of this chapter, the
9 Administrator is authorized to enter into reciprocal agreements with
10 appropriate officials of other states concerning the licensing of
11 drivers of motor vehicles.

12 **Sec. 5.** NRS 483.447 is hereby amended to read as follows:

13 483.447 A person who does not hold a valid license issued by
14 this State or any other state and who operates a vehicle in this State
15 shall be deemed to have future driving privileges that may be
16 suspended if the person is convicted of any traffic offense in this
17 State ~~or~~ *or if a judgment for a civil penalty is entered against the*
18 *person pursuant to sections 12 to 22, inclusive, of this act for any*
19 *traffic offense in this State.*

20 **Sec. 6.** NRS 483.450 is hereby amended to read as follows:

21 483.450 1. A record of conviction must be made in a manner
22 approved by the Department. The court shall provide sufficient
23 information to allow the Department to include accurately the
24 information regarding the conviction in the driver's record.

25 2. The Department shall adopt regulations prescribing the
26 information necessary to record the conviction in the driver's
27 record.

28 3. Every court, including a juvenile court, having jurisdiction
29 over violations of the provisions of NRS 483.010 to 483.630,
30 inclusive, or any other law of this State or municipal ordinance
31 regulating the operation of motor vehicles on highways, shall
32 forward to the Department:

33 (a) If the court is other than a juvenile court, a record of the
34 conviction of any person in that court for a violation of any such
35 laws other than regulations governing standing or parking; or

36 (b) If the court is a juvenile court, a record of any finding that a
37 child has violated a traffic law or ordinance other than one
38 governing standing or parking,

39 ↪ within 5 days after the conviction or finding, and may
40 recommend the suspension of the driver's license of the person
41 convicted or child found in violation of a traffic law or ordinance.

42 4. If a record forwarded to the Department pursuant to
43 subsection 3 is a record of the conviction of a person who holds a
44 commercial driver's license, the Department shall, within 5 days
45 after the date on which it receives such a record, transmit notice of



1 the conviction to the Commercial Driver's License Information
2 System.

3 5. For the purposes of NRS 483.010 to 483.630, inclusive:

4 (a) "Conviction" has the meaning prescribed by regulation
5 pursuant to NRS 481.052 ~~+~~ *and includes, without limitation, the*
6 *entering of a judgment for a civil penalty pursuant to sections 12*
7 *to 22, inclusive, of this act.*

8 (b) A forfeiture of bail or collateral deposited to secure a
9 defendant's appearance in court, if the forfeiture has not been
10 vacated, is equivalent to a conviction.

11 6. The necessary expenses of mailing records of conviction to
12 the Department as required by this section must be paid by the court
13 charged with the duty of forwarding those records of conviction.

14 7. As used in this section, "Commercial Driver's License
15 Information System" has the meaning ascribed to it in
16 NRS 483.904.

17 **Sec. 7.** NRS 483.465 is hereby amended to read as follows:

18 483.465 1. If a driver who holds a Nevada driver's license
19 ~~violates~~ :

20 (a) *Fails to pay a civil penalty or any administrative*
21 *assessment imposed pursuant to sections 12 to 22, inclusive, of this*
22 *act within the time required by section 22 of this act, other than*
23 *for a violation of a traffic law or ordinance occurring within this*
24 *State governing standing or parking; or*

25 (b) *Violates* a written promise to appear pursuant to a citation
26 that was prepared manually or electronically for a violation of a
27 traffic law or ordinance *punishable as a misdemeanor and*
28 *occurring within this State other than one governing standing or*
29 *parking,*

30 *the clerk of the court shall immediately notify the Department on*
31 *a form approved by the Department.*

32 2. Upon receipt of notice from a court in this State of a failure
33 to appear, the Department shall notify the driver by mail that his or
34 her privilege to drive is subject to suspension and allow 30 days
35 after the date of mailing the notice to:

36 (a) Appear in court and obtain a dismissal of the citation or
37 complaint as provided by law;

38 (b) Appear in court and, if permitted by the court, make an
39 arrangement acceptable to the court to satisfy a judgment of
40 conviction ~~+~~ *or a judgment for a civil penalty and administrative*
41 *assessments entered pursuant to sections 12 to 22, inclusive, of*
42 *this act;*

43 (c) *Pay the civil penalty and administrative assessments*
44 *imposed pursuant to sections 12 to 22, inclusive, of this act; or*

45 (d) Make a written request to the Department for a hearing.



3. If notified by a court, within 30 days after the notice of a failure to appear, that a driver has been allowed to make an arrangement for the satisfaction of a judgment of conviction ~~or a judgment for a civil penalty and administrative assessments entered pursuant to sections 12 to 22, inclusive, of this act,~~ the Department shall remove the suspension from the driver's record. If the driver subsequently defaults on the arrangement with the court, the court shall notify the Department which shall immediately suspend the driver's license until the court notifies the Department that the suspension may be removed.

4. The Department shall suspend the license of a driver 31 days after it mails the notice provided for in subsection 2 to the driver, unless within that time it has received a written request for a hearing from the driver or notice from the court on a form approved by the Department that the driver has appeared, ~~for~~ the citation or complaint has been dismissed ~~or the civil penalty and administrative assessments imposed pursuant to sections 12 to 22, inclusive, of this act have been paid.~~ A license so suspended remains suspended until further notice is received from the court that the driver has appeared or that the case has been otherwise disposed of as provided by law.

Sec. 8. NRS 483.473 is hereby amended to read as follows:

483.473 1. As used in this section, "traffic violation" means conviction of a moving traffic violation, ~~or the entering of a judgment for a civil penalty pursuant to sections 12 to 22, inclusive, of this act,~~ in any municipal court, justice court or district court in this State. The term includes a finding by a juvenile court that a child has violated a traffic law or ordinance other than one governing standing or parking. The term does not include a conviction or a finding by a juvenile court of a violation of the speed limit posted by a public authority under the circumstances described in subsection 1 of NRS 484B.617.

2. The Department shall establish a uniform system of demerit points for various traffic violations occurring within this State affecting the driving privilege of any person who holds a driver's license issued by the Department and persons deemed to have future driving privileges pursuant to NRS 483.447. The system must be based on the accumulation of demerits during a period of 12 months.

3. The system must be uniform in its operation, and the Department shall set up a schedule of demerits for each traffic violation, depending upon the gravity of the violation, on a scale of one demerit point for a minor violation of any traffic law to eight demerit points for an extremely serious violation of the law governing traffic violations. If a conviction of, ~~or the entering of a~~



1 *judgment for a civil penalty for*, two or more traffic violations
2 committed on a single occasion is obtained, points must be assessed
3 for one ~~offense,~~ *violation*, and if the point values differ, points
4 must be assessed for the ~~offense~~ *violation* having the greater point
5 value. Details of the violation must be submitted to the Department
6 by the court where the conviction is obtained ~~or the judgment for~~
7 *the civil penalty is entered*. The Department may provide for a
8 graduated system of demerits within each category of violations
9 according to the extent to which the traffic law was violated.

10 **Sec. 9.** NRS 483.550 is hereby amended to read as follows:

11 483.550 1. ~~It is unlawful for any~~ *Except as otherwise*
12 *provided in this subsection, a* person ~~to drive~~ *who drives* a motor
13 vehicle upon a public street or highway in this State without being
14 the holder of a valid driver's license ~~or~~ *is subject to a civil penalty*
15 *of not more than \$250 to be imposed pursuant to sections 12 to 22,*
16 *inclusive, of this act. A person who drives a motor vehicle upon a*
17 *public street or highway in this State when the person is*
18 *disqualified from driving is guilty of a misdemeanor.*

19 2. The court shall ~~require~~ *order* any person ~~convicted of~~
20 *upon whom a civil penalty is imposed for* violating this section to
21 obtain a valid driver's license or produce a notice of disqualification
22 from the Department.

23 **Sec. 10.** NRS 483.620 is hereby amended to read as follows:

24 483.620 ~~or~~ *Except as otherwise provided in NRS 483.245*
25 *and 483.550, it* is a misdemeanor for any person to violate any of
26 the provisions of NRS 483.010 to 483.630, inclusive, unless such
27 violation is, by NRS 483.010 to 483.630, inclusive, or other law of
28 this State, declared to be a felony.

29 **Sec. 11.** Chapter 484A of NRS is hereby amended by adding
30 thereto the provisions set forth as sections 12 to 22, inclusive, of this
31 act.

32 **Sec. 12.** *A violation of a provision of chapters 484A to 484E,*
33 *inclusive, of NRS must be treated as a civil matter pursuant to*
34 *sections 12 to 22, inclusive, of this act, unless a provision of those*
35 *chapters specifically provides that a particular violation is a*
36 *misdemeanor, gross misdemeanor or felony.*

37 **Sec. 13.** 1. *Municipal courts and justice courts have*
38 *concurrent jurisdiction over all violations of a provision of*
39 *chapters 484A to 484E, inclusive, of NRS which must be treated as*
40 *a civil matter pursuant to sections 12 to 22, inclusive, of this act*
41 *and which are committed within their boundaries by persons 18*
42 *years of age or older.*

43 2. *Municipal courts and justice courts have concurrent*
44 *jurisdiction over civil traffic violations committed within their*



1 *boundaries by persons under 18 years of age if the juvenile court*
2 *has transferred the case pursuant to NRS 62B.380.*

3 **Sec. 14. 1.** *A case involving a civil traffic violation is*
4 *commenced by the issuance or filing of a traffic citation pursuant*
5 *to sections 12 to 22, inclusive, of this act.*

6 *2. Except as otherwise provided in this subsection, a case*
7 *involving a civil traffic violation must be commenced within 60*
8 *days after the alleged violation of chapters 484A to 484E,*
9 *inclusive, of NRS. Except as otherwise provided in this subsection,*
10 *if an alleged violation of chapters 484A to 484E, inclusive, of NRS*
11 *that must be treated as a civil matter pursuant to sections 12 to 22,*
12 *inclusive, of this act is under investigation in conjunction with a*
13 *traffic accident, a case involving a civil traffic violation must be*
14 *commenced within 180 days after the alleged violation. If an*
15 *alleged violation of chapters 484A to 484E, inclusive, of NRS that*
16 *must be treated as a civil matter pursuant to sections 12 to 22,*
17 *inclusive, of this act is under investigation in conjunction with a*
18 *traffic accident resulting in death or substantial bodily harm of*
19 *any person, the case involving a civil traffic violation must be*
20 *commenced within 1 year after the alleged violation.*

21 *3. If a case involving a civil traffic violation is commenced by*
22 *the filing of a traffic citation in a court having jurisdiction, the*
23 *traffic citation must be filed in the court within 60 days after the*
24 *alleged violation and be served within 90 days after the filing date.*

25 **Sec. 15.** *A traffic citation may be served by delivering a copy*
26 *of the traffic citation to the person charged with the violation or by*
27 *any means authorized by the Nevada Rules of Civil Procedure. At*
28 *the discretion of the issuing traffic enforcement agency, a traffic*
29 *citation issued after an investigation in conjunction with a traffic*
30 *accident may be sent by certified mail, return receipt requested*
31 *and delivered to the addressee only, to the address provided by the*
32 *person charged with the violation. Service of the traffic citation is*
33 *complete on filing the receipt in the court having jurisdiction of*
34 *the violation.*

35 **Sec. 16.** *A peace officer or a duly authorized member or*
36 *volunteer of a traffic enforcement agency in this State who has*
37 *reasonable cause to believe that a person has violated a provision*
38 *of chapters 484A to 484E, inclusive, of NRS that must be treated*
39 *as a civil matter pursuant to sections 12 to 22, inclusive, of this act*
40 *may stop and detain the person as is reasonably necessary to*
41 *investigate the alleged violation and to serve a copy of a traffic*
42 *citation for the alleged violation.*

43 **Sec. 17. 1.** *When a person is halted by a peace officer or a*
44 *duly authorized member or volunteer of a traffic enforcement*
45 *agency in this State for any violation of chapters 484A to 484E,*



1 *inclusive, of NRS that must be treated as a civil matter pursuant to*
2 *sections 12 to 22, inclusive, of this act, the peace officer, member*
3 *or volunteer may prepare a traffic citation manually or*
4 *electronically in the form of a complaint issuing in the name of*
5 *"The State of Nevada," containing a notice to appear in court, the*
6 *name and address of the person, the state registration number of*
7 *the person's vehicle, if any, the number of the person's driver's*
8 *license, if any, the violation alleged, including a brief description*
9 *of the violation and the NRS citation, the time when and place*
10 *where the person is required to appear in court, and such other*
11 *pertinent information as may be necessary. The citation must be*
12 *signed by the peace officer, member or volunteer. If the citation is*
13 *prepared electronically, the officer, member or volunteer shall*
14 *sign the copy of the citation that is delivered to the person charged*
15 *with the violation.*

16 2. *The time specified in the notice to appear must be at least 5*
17 *days after the alleged violation unless the person charged with the*
18 *violation demands an earlier hearing.*

19 3. *The place specified in the notice to appear must be before a*
20 *magistrate, as designated in NRS 484A.750.*

21 4. *The person charged with the violation may give his or her*
22 *written promise to appear in court by signing at least one copy of*
23 *the traffic citation prepared by the peace officer, member or*
24 *volunteer, in which event the peace officer, member or volunteer*
25 *shall deliver a copy of the citation to the person. If the citation is*
26 *prepared electronically, the officer, member or volunteer shall*
27 *deliver the signed copy of the citation to the person and shall*
28 *indicate on the electronic record of the citation whether the person*
29 *charged gave his or her written promise to appear. A copy of the*
30 *citation that is signed by the person charged or the electronic*
31 *record of the citation which indicates that the person charged gave*
32 *his or her written promise to appear suffices as proof of service.*

33 **Sec. 18.** 1. *A person served with a traffic citation for any*
34 *violation of chapters 484A to 484E, inclusive, of NRS that must be*
35 *treated as a civil matter pursuant to sections 12 to 22, inclusive, of*
36 *this act shall:*

37 (a) *Appear at the time and place stated in the traffic citation;*
38 *and*

39 (b) *Admit or deny the allegations stated in the traffic citation.*
40 *Allegations not denied at the time of appearance are deemed*
41 *admitted.*

42 2. *If the allegations stated in the traffic citation are admitted,*
43 *the court must enter judgment for the State and impose a civil*
44 *penalty. In determining the civil penalty, the court shall consider*
45 *the explanation submitted.*



1 3. If the person served with the traffic citation denies the
2 allegations stated in the traffic citation, the court must set the
3 matter for a hearing. The hearing is informal and without a jury.
4 At the hearing, the State is required to prove the violation charged
5 by a preponderance of the evidence. Technical rules of evidence
6 do not apply, except for statutory provisions relating to privileged
7 communications. If the person elects to be represented by counsel,
8 he or she must notify the court at least 10 days before the hearing
9 date. If the court finds in favor of the person served with a traffic
10 citation, the court must enter an order dismissing the traffic
11 citation. If the court finds in favor of the State, the court must
12 enter judgment for the State and impose a civil penalty for the
13 violation.

14 4. The State and the person served with the traffic citation
15 may subpoena witnesses as provided by NRS 174.305. Witnesses
16 are not entitled to fees for appearing in connection with a case
17 involving a civil traffic violation.

18 5. Except as otherwise provided in sections 12 to 22,
19 inclusive, of this act, the rules of civil procedure do not apply to a
20 case involving a civil traffic violation.

21 6. If a person served with a traffic citation for an alleged
22 violation of chapters 484A to 484E, inclusive, of NRS that must be
23 treated as a civil matter pursuant to sections 12 to 22, inclusive, of
24 this act fails to appear at the time directed to appear or at the time
25 set for a hearing by the court, the court shall enter judgment for
26 the State and impose a civil penalty for the violation.

27 **Sec. 19.** Except as otherwise provided by specific statute, a
28 civil penalty imposed for a violation of chapters 484A to 484E,
29 inclusive, of NRS that must be treated as a civil matter pursuant to
30 sections 12 to 22, inclusive, of this act must not exceed \$250. In
31 addition to any civil penalty imposed pursuant to this section, the
32 justice or judge shall include in the judgment imposing the civil
33 penalty the sum prescribed for the administrative assessments set
34 forth in NRS 176.059, 176.0611 and 176.0613 and the money
35 collected for those administrative assessments must be applied and
36 distributed in the manner set forth in those sections.

37 **Sec. 20.** An admission of the allegations contained in a
38 traffic citation for an alleged violation of chapters 484A to 484E,
39 inclusive, of NRS that must be treated as a civil matter pursuant to
40 sections 12 to 22, inclusive, of this act is not evidence of
41 negligence in a civil or criminal proceeding that is not authorized
42 by chapters 484A to 484E, inclusive, of NRS.

43 **Sec. 21.** A party may appeal the judgment of a court
44 imposing a civil penalty pursuant to sections 12 to 22, inclusive, of
45 this act. The appeal may be to the district court in the same



1 manner as any other civil appeal from a municipal court or justice
2 court to the district court. The posting of an appeal bond stays
3 enforcement of the judgment.

4 **Sec. 22.** 1. Except as otherwise provided in this subsection,
5 a person shall pay all civil penalties and administrative
6 assessments imposed pursuant to sections 12 to 22, inclusive, of
7 this act, within 30 days after entry of the judgment imposing the
8 civil penalty and administrative assessments. If the court finds that
9 satisfaction of a judgment within 30 days will place an undue
10 economic burden on a person, the court may extend the time for
11 payment or may provide for installment payments. If the judgment
12 is not satisfied within the time for payment prescribed by the court
13 or if an installment payment is not paid when due, the court may
14 declare the entire amount of the judgment due. If the court
15 declares the entire amount of the judgment due, the clerk of the
16 court must notify the Department pursuant to NRS 483.465.

17 2. If a civil penalty or administrative assessment imposed
18 pursuant to sections 12 to 22, inclusive, of this act, or any part of
19 it, remains unpaid after the time established by the court for its
20 payment, the defendant is liable for a collection fee, to be imposed
21 by the court at the time it finds that the civil penalty or
22 administrative assessment is delinquent, of not more than \$100.

23 3. Notwithstanding the provisions of subsections 1 and 2, the
24 court must not initiate collection procedures on an unsatisfied
25 judgment for a civil penalty and administrative assessments
26 imposed pursuant to sections 12 to 22, inclusive, of this act and the
27 court clerk must not notify the Department pursuant to NRS
28 483.465 if:

29 (a) The unsatisfied judgment is for a traffic violation for which
30 the final disposition occurs more than 36 months before the court
31 initiates collection proceedings;

32 (b) The court does not have a paper or electronic record dated
33 within 36 months after the traffic violation occurs indicating that
34 the responsible person was notified that the judgment is
35 unsatisfied and due;

36 (c) The clerk of the court has not notified the Department
37 pursuant to NRS 483.465; and

38 (d) The court does not have a record of extending the time for
39 satisfying the judgment or providing for installment payments.

40 4. If, pursuant to subsection 3, the court is prohibited from
41 initiating collection procedures on an unsatisfied judgment or the
42 clerk of the court is prohibited from notifying the Department
43 pursuant to NRS 483.465, the clerk of the court must notify the
44 Department and the Department must remove the violation from
45 the person's driving record.



Sec. 23. NRS 484A.400 is hereby amended to read as follows:

484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS are applicable and uniform throughout this State on all highways to which the public has a right of access or to which persons have access as invitees or licensees.

2. Except as otherwise provided in ~~subsection~~ *subsections 3 and 4* and unless otherwise provided by specific statute, any local authority may enact by ordinance traffic regulations which cover the same subject matter as the various sections of chapters 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted pursuant thereto. It may also enact by ordinance regulations requiring the registration and licensing of bicycles.

3. *An ordinance enacting traffic regulations must provide for the imposition of a civil penalty for a violation of the ordinance if the ordinance covers the same subject matter as a provision of chapters 484A to 484E, inclusive, of NRS that must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.*

4. A local authority shall not enact an ordinance:

(a) Governing the registration of vehicles and the licensing of drivers;

(b) Governing the duties and obligations of persons involved in traffic accidents, other than the duties to stop, render aid and provide necessary information;

(c) Providing a penalty for an offense for which the penalty prescribed by chapters 484A to 484E, inclusive, of NRS is greater than that imposed for a misdemeanor; or

(d) Requiring a permit for a vehicle, or to operate a vehicle, on a highway in this State.

~~4.1~~ 5. No person convicted or adjudged guilty or guilty but mentally ill of, *or found liable for a civil penalty for*, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.

Sec. 24. NRS 484A.660 is hereby amended to read as follows:

484A.660 Except for felonies and those offenses set forth in paragraphs (a) to (e), inclusive, of subsection 1 of NRS 484A.710, a peace officer at the scene of a traffic accident may issue a traffic citation, as provided in NRS 484A.630 ~~or~~ *or sections 12 to 22, inclusive, of this act*, or a misdemeanor citation, as provided in NRS 171.1773, to any person involved in the accident when, based upon personal investigation, the peace officer has reasonable and probable grounds to believe that the person has committed any offense pursuant to the provisions of chapters 482 to 486, inclusive, or 706 of NRS in connection with the accident.



1 **Sec. 25.** NRS 484A.670 is hereby amended to read as follows:

2 484A.670 1. It is ~~unlawful~~ *a misdemeanor* for a person to
3 violate a written promise to appear given to a peace officer upon the
4 issuance of a traffic citation prepared manually or electronically ~~+~~
5 *for an alleged violation that is punishable as a misdemeanor,*
6 regardless of the disposition of the charge for which the citation was
7 originally issued.

8 2. Except as otherwise provided in this subsection, a person
9 may comply with a written promise to appear in court by an
10 appearance by counsel. A person who has been convicted of two or
11 more moving traffic violations in unrelated incidents within a 12-
12 month period and is subsequently arrested or issued a citation within
13 that 12-month period shall appear personally in court with or
14 without counsel.

15 3. A warrant may issue upon a violation of a written promise to
16 appear ~~+~~ *, unless the written promise to appear was given*
17 *pursuant to a citation that must be treated as a civil matter*
18 *pursuant to sections 12 to 22, inclusive, of this act.*

19 **Sec. 26.** NRS 484A.680 is hereby amended to read as follows:

20 484A.680 1. Every peace officer upon issuing a traffic
21 citation to an alleged violator of any provision of the motor vehicle
22 laws of this State or of any traffic ordinance of any city or town
23 shall file manually or, if the provisions of subsection 2 are satisfied,
24 file electronically the original or a copy of the traffic citation with a
25 court having jurisdiction over the alleged offense or with its traffic
26 violations bureau.

27 2. A copy of a traffic citation that is prepared electronically and
28 issued to an alleged violator of any provision of the motor vehicle
29 laws of this State or of any traffic ordinance of any city or town may
30 be filed electronically with a court having jurisdiction over the
31 alleged offense or with its traffic violations bureau if the court or
32 traffic violations bureau, respectively:

33 (a) Authorizes such electronic filing;

34 (b) Has the ability to receive and store the citation
35 electronically; and

36 (c) Has the ability to physically reproduce the citation upon
37 request.

38 3. Upon the filing of the original or a copy of the traffic
39 citation with a court having jurisdiction over the alleged offense or
40 with its traffic violations bureau, the traffic citation may be disposed
41 of only by trial in that court or other official action by a judge of that
42 court, including forfeiture of the bail, or by the deposit of sufficient
43 bail with, or payment of a fine to, the traffic violations bureau by the
44 person to whom the traffic citation has been issued by the peace
45 officer.



* A B 2 4 8 *

4. It is ~~unlawful~~ *a misdemeanor* and official misconduct for any peace officer or other officer or public employee to dispose of a traffic citation or copies of it or of the record of the issuance of a traffic citation in a manner other than as required in this section.

5. The chief administrative officer of every traffic enforcement agency shall require the return to him or her of a physical copy or electronic record of every traffic citation issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

6. The chief administrative officer shall also maintain or cause to be maintained a record of every traffic citation issued by officers under his or her supervision. The record must be retained for at least 2 years after issuance of the citation.

7. As used in this section, "officer" includes a volunteer appointed to a traffic enforcement agency pursuant to NRS 484B.470.

Sec. 27. NRS 484A.700 is hereby amended to read as follows:

484A.700 1. A traffic citation for a parking violation may be prepared manually or electronically.

2. When a traffic citation for a parking violation *that is punishable as a misdemeanor* has been issued identifying by license number a vehicle registered to a person who has not signed the citation, a bench warrant may not be issued for that person for failure to appear before the court unless:

(a) A notice to appear concerning the violation is first sent to the person by first-class mail within 60 days after the citation is issued; and

(b) The person does not appear within 20 days after the date of the notice or the notice to appear is returned with a report that it cannot be delivered.

Sec. 28. NRS 484A.720 is hereby amended to read as follows:

484A.720 Whenever any person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS not amounting to a gross misdemeanor or felony ~~H~~ *or that is not required to be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act*, the person shall be taken without unnecessary delay before the proper magistrate, as specified in NRS 484A.750, in either of the following cases:

1. When the person demands an immediate appearance before a magistrate; or

2. In any other event when the person is issued a traffic citation by an authorized person and refuses to give a written promise to appear in court as provided in NRS 484A.630.



1 **Sec. 29.** NRS 484A.730 is hereby amended to read as follows:

2 484A.730 Whenever any person is halted by a peace officer for
3 any violation of chapters 484A to 484E, inclusive, of NRS *that is*
4 *not required to be treated as a civil matter pursuant to sections 12*
5 *to 22, inclusive, of this act* and is not required to be taken before a
6 magistrate, the person may, in the discretion of the peace officer,
7 either be given a traffic citation, or be taken without unnecessary
8 delay before the proper magistrate. The person must be taken before
9 the magistrate in any of the following cases:

10 1. When the person does not furnish satisfactory evidence of
11 identity or when the peace officer has reasonable and probable
12 grounds to believe the person will disregard a written promise to
13 appear in court;

14 2. When the person is charged with a violation of NRS
15 484D.580 relating to the refusal of a driver of a vehicle to submit
16 the vehicle to an inspection and test;

17 3. When the person is charged with a violation of NRS
18 484D.675 relating to the failure or refusal of a driver of a vehicle to
19 submit the vehicle and load to a weighing or to remove excess
20 weight therefrom; or

21 4. When the person is charged with a violation of NRS
22 484C.110 or 484C.120, unless the person is incapacitated and is
23 being treated for injuries at the time the peace officer would
24 otherwise be taking the person before the magistrate.

25 **Sec. 30.** NRS 484A.900 is hereby amended to read as follows:

26 484A.900 ~~It is unlawful and, unless otherwise declared in~~
27 ~~chapters 484A to 484E, inclusive, of NRS with respect to a~~
28 ~~particular offense, it is a misdemeanor for any person to do any act~~
29 ~~forbidden or fail to perform any act required in chapters 484A to~~
30 ~~484E, inclusive, of NRS.~~

31 ~~2.~~ The court may order any person who is twice convicted of,
32 *or found liable for a civil penalty for*, violating a provision of
33 chapters 484A to 484E, inclusive, of NRS to pay tuition for and
34 attend a school for driver training which is approved by the
35 Department for retraining such drivers. The person so ordered may
36 choose from those so approved the school which the person will
37 attend. A person who willfully fails to comply with such an order is
38 guilty of a misdemeanor.

39 **Sec. 31.** NRS 484B.100 is hereby amended to read as follows:

40 484B.100 It is ~~unlawful~~ *a misdemeanor* for any person
41 willfully to fail or refuse to comply with any lawful order or
42 direction of any police officer while the officer is performing the
43 duties of the officer in the enforcement of chapters 484A to 484E,
44 inclusive, of NRS.



1 **Sec. 32.** NRS 484B.130 is hereby amended to read as follows:

2 484B.130 1. Except as otherwise provided in subsections 2
3 and 6, a person who is convicted of , *or subject to a civil penalty*
4 *for*, a violation of a speed limit, or of NRS 484B.150, 484B.163,
5 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227,
6 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330,
7 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653,
8 484B.657, 484C.110 or 484C.120, that occurred:

9 (a) In an area designated as a temporary traffic control zone; and

10 (b) At a time when the workers who are performing
11 construction, maintenance or repair of the highway or other work
12 are present, or when the effects of the act may be aggravated
13 because of the condition of the highway caused by construction,
14 maintenance or repair, including, without limitation, reduction in
15 lane width, reduction in the number of lanes, shifting of lanes from
16 the designated alignment and uneven or temporary surfaces,
17 including, without limitation, modifications to road beds, cement-
18 treated bases, chip seals and other similar conditions,

19 ➤ shall be punished by imprisonment or by a fine, or both, for a
20 term or an amount equal to and in addition to the term of
21 imprisonment or amount of the fine, or both, that the court imposes
22 for the primary offense *H or for an amount equal to and in*
23 *addition to the civil penalty imposed by the court pursuant to*
24 *sections 12 to 22, inclusive, of this act.* Any term of imprisonment
25 imposed pursuant to this subsection runs consecutively with the
26 sentence prescribed by the court for the crime. This subsection does
27 not create a separate offense, but provides an additional penalty for
28 the primary offense, whose imposition is contingent upon the
29 finding of the prescribed fact.

30 2. The additional penalty imposed pursuant to subsection 1
31 must not exceed a total of \$1,000, 6 months of imprisonment or 120
32 hours of community service.

33 3. Except as otherwise provided in subsection 5, a
34 governmental entity that designates an area or authorizes the
35 designation of an area as a temporary traffic control zone in which
36 construction, maintenance or repair of a highway or other work is
37 conducted, or the person with whom the governmental entity
38 contracts to provide such service, shall cause to be erected:

39 (a) A sign located before the beginning of such an area stating
40 "DOUBLE PENALTIES IN WORK ZONES" to indicate a double
41 penalty may be imposed pursuant to this section;

42 (b) A sign to mark the beginning of the temporary traffic control
43 zone; and

44 (c) A sign to mark the end of the temporary traffic control zone.



* A B 2 4 8 *

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal *or civil* liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.

Sec. 33. NRS 484B.150 is hereby amended to read as follows:

484B.150 1. It is ~~unlawful~~ *a misdemeanor* for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.

2. Except as otherwise provided in this subsection, it is ~~unlawful~~ *a misdemeanor* for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.

3. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

4. As used in this section:

(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.

(b) "Open container" means a container which has been opened or the seal of which has been broken.

(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.



1 **Sec. 34.** NRS 484B.317 is hereby amended to read as follows:

2 484B.317 1. A person shall not, without lawful authority,
3 attempt to or alter, deface, injure, knock down or remove any
4 official traffic-control device or any railroad sign or signal or any
5 inscription, shield or insignia thereon, or any other part thereof.

6 2. A person who violates any provision of this section *is guilty*
7 *of a misdemeanor and* may be subject to the additional penalty set
8 forth in NRS 484B.130.

9 **Sec. 35.** NRS 484B.330 is hereby amended to read as follows:

10 484B.330 1. It is ~~unlawful~~ *a misdemeanor* for a driver of a
11 vehicle to fail or refuse to comply with any signal of an authorized
12 flagger serving in a traffic control capacity in a clearly marked area
13 of highway construction or maintenance or any other area which has
14 been designated as a temporary traffic control zone.

15 2. A district attorney shall prosecute all violations of
16 subsection 1 which occur in his or her jurisdiction and which result
17 in injury to any person performing highway construction or
18 maintenance or performing other work within an area designated as
19 a temporary traffic control zone unless the district attorney has good
20 cause for not prosecuting the violation. In addition to any other
21 penalty, if a driver violates any provision of subsection 1 and the
22 violation results in injury to any person performing highway
23 construction or maintenance or performing other work within an
24 area designated as a temporary traffic control zone, or in damage to
25 property in an amount of not less than \$1,000, the driver shall be
26 punished by a fine of not less than \$1,000 or more than \$2,000, and
27 ordered to perform 120 hours of community service.

28 3. A person who violates any provision of subsection 1 may be
29 subject to the additional penalty set forth in subsection 1 of
30 NRS 484B.130.

31 4. As used in this section, "authorized flagger serving in a
32 traffic control capacity" means:

33 (a) An employee of the Department of Transportation or of a
34 contractor performing highway construction or maintenance or
35 performing other work within an area designated as a temporary
36 traffic control zone for the Department of Transportation while the
37 employee is carrying out the duties of his or her employment;

38 (b) An employee of any other governmental entity or of a
39 contractor performing highway construction or maintenance or
40 performing other work within an area designated as a temporary
41 traffic control zone for the governmental entity while the employee
42 is carrying out the duties of his or her employment; or

43 (c) Any other person employed by a private entity performing
44 highway construction or maintenance or performing other work
45 within an area designated as a temporary traffic control zone while



1 the person is carrying out the duties of his or her employment if the
2 person has satisfactorily completed training as a flagger approved or
3 recognized by the Department of Transportation.

4 **Sec. 36.** NRS 484C.470 is hereby amended to read as follows:

5 484C.470 1. A person required to install a device pursuant to
6 NRS 484C.460 shall not operate a motor vehicle without a device or
7 tamper with the device.

8 2. A person who violates any provision of subsection 1:

9 (a) Must have his or her driving privilege revoked in the manner
10 set forth in subsection 4 of NRS 483.460; and

11 (b) ~~Is guilty of a misdemeanor and shall~~ be:

12 (1) Punished by imprisonment in jail for not less than 30
13 days nor more than 6 months; or

14 (2) Sentenced to a term of not less than 60 days in residential
15 confinement nor more than 6 months, and by a fine of not less than
16 \$500 nor more than \$1,000.

17 ➡ No person who is punished pursuant to this section may be
18 granted probation, and no sentence imposed for such a violation
19 may be suspended. No prosecutor may dismiss a charge of such a
20 violation in exchange for a plea of guilty, guilty but mentally ill or
21 nolo contendere to a lesser charge or for any other reason unless, in
22 the judgment of the attorney, the charge is not supported by
23 probable cause or cannot be proved at trial.

24 **Sec. 37.** NRS 485.187 is hereby amended to read as follows:

25 485.187 1. Except as otherwise provided in subsection 5, the
26 owner of a motor vehicle shall not:

27 (a) Operate the motor vehicle, if it is registered or required to be
28 registered in this State, without having insurance as required by
29 NRS 485.185.

30 (b) Operate or knowingly permit the operation of the motor
31 vehicle without having evidence of insurance of the operator or the
32 vehicle in the vehicle.

33 (c) Fail or refuse to surrender, upon demand, to a peace officer
34 or to an authorized representative of the Department the evidence of
35 insurance.

36 (d) Knowingly permit the operation of the motor vehicle in
37 violation of subsection 3 of NRS 485.186.

38 2. A person shall not operate the motor vehicle of another
39 person unless the person who will operate the motor vehicle:

40 (a) First ensures that the required evidence of insurance is
41 present in the motor vehicle; or

42 (b) Has his or her own evidence of insurance which covers that
43 person as the operator of the motor vehicle.

44 3. Except as otherwise provided in *this subsection and*
45 subsection 4, ~~any person who violates subsection 1 or 2 is guilty of~~



~~a misdemeanor.~~ *a violation of subsection 1 or 2 must be treated as a civil matter pursuant to sections 12 to 22, inclusive, of this act.*

Except as otherwise provided in this subsection, ~~[, in addition to any other penalty.]~~ a person ~~{sentenced pursuant to this subsection shall be punished by a fine}~~ *who violates a provision of subsection 1 or 2 is subject to a civil penalty* of not less than \$600 nor more than \$1,000 for each violation. The ~~{fine}~~ *civil penalty* must be reduced to \$100 for the first violation if the person obtains a motor vehicle liability policy by the time ~~{of sentencing,}~~ *at which a court imposes the civil penalty,* unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not ~~{find a person guilty or fine}~~ *impose a civil penalty* on a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a ~~{fine}~~ *civil penalty* of not more than \$1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955, or NRS 482.396 or 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time.

Sec. 38. NRS 485.326 is hereby amended to read as follows:

485.326 1. The Department shall suspend the license of any person ~~{convicted of violating}~~ *against whom a judgment for a civil penalty is entered pursuant to sections 12 to 22, inclusive, of this act for a violation of* the provisions of paragraph (a) of subsection 1 of NRS 485.187.

2. Any license suspended pursuant to subsection 1 must remain suspended until the person shows proof of financial responsibility as set forth in NRS 485.307. The person shall maintain proof of financial responsibility for 3 years after the reinstatement of his or her license pursuant to the provisions of this chapter, and if the person fails to do so, the Department shall suspend any license previously suspended pursuant to subsection 1.



1 **Sec. 39.** NRS 486.381 is hereby amended to read as follows:
2 486.381 Any ~~person violating any provisions~~ violation of a
3 provision of NRS 486.011 to 486.361, inclusive, ~~is guilty of a~~
4 ~~misdemeanor.~~ *must be treated as a civil matter pursuant to*
5 *sections 12 to 22, inclusive, of this act, and a person who violates*
6 *any provision of NRS 486.011 to 486.361, inclusive, is subject to a*
7 *civil penalty of not more than \$250.*

8 **Sec. 40.** NRS 62A.220 is hereby amended to read as follows:
9 62A.220 “Minor traffic offense” means a violation of any state
10 or local law or ordinance governing the operation of a motor vehicle
11 upon any highway within this State other than:

12 1. A violation of chapters 484A to 484E, inclusive, or 706 of
13 NRS that causes the death of a person;

14 2. A violation of NRS 484C.110 or 484C.120; ~~or~~

15 3. A violation declared to be a felony ~~or~~ ; *or*

16 4. *A violation of a provision of chapters 482 to 486, inclusive,*
17 *of NRS that must be treated as a civil matter pursuant to sections*
18 *12 to 22, inclusive, of this act.*

19 **Sec. 41.** NRS 62B.380 is hereby amended to read as follows:

20 62B.380 1. ~~If a child is charged with a minor traffic offense,~~
21 ~~the~~ *The juvenile court has exclusive jurisdiction over proceedings*
22 *concerning any child who commits a minor traffic offense or who*
23 *violates a provision of chapters 482 to 486, inclusive, of NRS that*
24 *must be treated as a civil matter pursuant to sections 12 to 22,*
25 *inclusive, of this act. The juvenile court* may transfer the case and
26 record to a Justice Court or municipal court if the juvenile court
27 determines that the transfer is in the best interests of the child.

28 2. If a case is transferred pursuant to this section:

29 (a) ~~The~~ *If the case concerns a child who commits a minor*
30 *traffic offense, the* restrictions set forth in NRS 62C.030 are
31 applicable in those proceedings; ~~and~~

32 (b) *If the case concerns a child who violates a provision of*
33 *chapters 482 to 486, inclusive, of NRS that must be treated as a*
34 *civil matter pursuant to sections 12 to 22, inclusive, of this act, the*
35 *case must be processed, heard and disposed of in the same manner*
36 *and with the same penalties as provided in NRS 482.385, 482.545,*
37 *483.550, 485.187 and 486.381 and sections 12 to 22, inclusive, of*
38 *this act; and*

39 (c) A parent or guardian must accompany the child at all
40 proceedings.

41 3. If the juvenile court transfers a case and record to a Justice
42 Court or municipal court pursuant to this section, the Justice Court
43 or municipal court may transfer the case and record back to the
44 juvenile court with the consent of the juvenile court.



1 4. *If a case concerns a child who violates a provision of*
2 *chapters 482 to 486, inclusive, of NRS that must be treated as a*
3 *civil matter pursuant to sections 12 to 22, inclusive, of this act and*
4 *the case is not transferred pursuant to this section, the child must*
5 *not be treated as a child alleged to be in need of supervision or*
6 *delinquent and the juvenile court must not adjudicate the child*
7 *delinquent or in need of supervision. If the juvenile court finds*
8 *that the child committed the violation, the juvenile court must*
9 *impose the civil penalty authorized by the applicable provision of*
10 *NRS 482.385, 482.545, 483.550, 485.187 or 486.381 or sections 12*
11 *to 22, inclusive, of this act, and order the child or the parent or*
12 *guardian of the child, or both, to pay an administrative assessment*
13 *of \$10 in addition to the civil penalty. The administrative*
14 *assessment must be distributed in the manner provided by*
15 *NRS 62E.270.*

16 **Sec. 42.** NRS 62E.270 is hereby amended to read as follows:

17 62E.270 1. If the juvenile court imposes a *civil penalty*
18 *pursuant to NRS 62B.380 or a* fine against:

19 (a) A delinquent child pursuant to NRS 62E.730;

20 (b) A child who has committed a minor traffic offense, except
21 an offense related to metered parking, pursuant to NRS 62E.700;

22 ~~for~~ (c) *A child who violates a provision of chapters 482 to 486,*
23 *inclusive, of NRS that must be treated as a civil matter pursuant to*
24 *subsection 4 of NRS 62B.380; or*

25
26 (d) A child in need of supervision, or the parent or guardian of
27 the child, because the child is a habitual truant pursuant to
28 NRS 62E.430,

29 ↳ the juvenile court shall order the child or the parent or guardian
30 of the child to pay an administrative assessment of \$10 in addition
31 to the fine.

32 2. The juvenile court shall state separately on its docket the
33 amount of money that the juvenile court collects for the
34 administrative assessment.

35 3. If the child is found not to have committed the alleged act or
36 the charges are dropped, the juvenile court shall return to the child
37 or the parent or guardian of the child any money deposited with the
38 juvenile court for the administrative assessment.

39 4. On or before the fifth day of each month for the preceding
40 month, the clerk of the court shall pay to the county treasurer the
41 money the juvenile court collects for administrative assessments.

42 5. On or before the 15th day of each month, the county
43 treasurer shall deposit the money in the county general fund for
44 credit to a special account for the use of the county's juvenile court
45 or for services to delinquent children.



Sec. 43. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant *is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or* pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the *civil judgment or* sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

<i>Civil Penalty or Fine</i>	<i>Assessment</i>
\$5 to \$49	\$30
50 to 59	45
60 to 69	50
70 to 79	55
80 to 89	60
90 to 99	65
100 to 199	75
200 to 299	85
300 to 399	95
400 to 499	105
500 to 1,000	120

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

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

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil ~~penalty or~~ liability pursuant to NRS ~~244.3575 or~~ 268.019.

3. The money collected for an administrative assessment must not be deducted from the *civil penalty or* fine imposed by the justice or judge but must be taxed against the defendant in addition to the *civil penalty or* fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a *civil penalty or* fine because the *civil penalty or* fine has been determined



1 to be uncollectible, any balance of the *civil penalty or* fine and the
2 administrative assessment remaining unpaid shall be deemed to be
3 uncollectible and the defendant is not required to pay it. If a *civil*
4 *penalty or* fine is determined to be uncollectible, the defendant is
5 not entitled to a refund of the *civil penalty or* fine or *the*
6 administrative assessment the defendant has paid and the justice or
7 judge shall not recalculate the administrative assessment.

8 4. If the justice or judge permits the *civil penalty or* fine and
9 *the* administrative assessment to be paid in installments, the
10 payments must be first applied to the unpaid balance of the
11 administrative assessment. The city treasurer shall distribute
12 partially collected administrative assessments in accordance with the
13 requirements of subsection 5. The county treasurer shall distribute
14 partially collected administrative assessments in accordance with the
15 requirements of subsection 6.

16 5. The money collected for administrative assessments in
17 municipal court must be paid by the clerk of the court to the city
18 treasurer on or before the fifth day of each month for the preceding
19 month. The city treasurer shall distribute, on or before the 15th day
20 of that month, the money received in the following amounts for each
21 assessment received:

22 (a) Two dollars to the county treasurer for credit to a special
23 account in the county general fund for the use of the county's
24 juvenile court or for services to juvenile offenders. Any money
25 remaining in the special account after 2 fiscal years must be
26 deposited in the county general fund if it has not been committed for
27 expenditure. The county treasurer shall provide, upon request by a
28 juvenile court, monthly reports of the revenue credited to and
29 expenditures made from the special account.

30 (b) Seven dollars for credit to a special revenue fund for the use
31 of the municipal courts. Any money remaining in the special
32 revenue fund after 2 fiscal years must be deposited in the municipal
33 general fund if it has not been committed for expenditure. The city
34 treasurer shall provide, upon request by a municipal court, monthly
35 reports of the revenue credited to and expenditures made from the
36 special revenue fund.

37 (c) Five dollars to the State Controller for credit to the State
38 General Fund.

39 (d) The remainder of each assessment to the State Controller for
40 credit to a special account in the State General Fund for distribution
41 as provided in subsection 8.

42 6. The money collected for administrative assessments in
43 justice courts must be paid by the clerk of the court to the county
44 treasurer on or before the fifth day of each month for the preceding
45 month. The county treasurer shall distribute, on or before the 15th



1 day of that month, the money received in the following amounts for
2 each assessment received:

3 (a) Two dollars for credit to a special account in the county
4 general fund for the use of the county's juvenile court or for services
5 to juvenile offenders. Any money remaining in the special account
6 after 2 fiscal years must be deposited in the county general fund if it
7 has not been committed for expenditure. The county treasurer shall
8 provide, upon request by a juvenile court, monthly reports of the
9 revenue credited to and expenditures made from the special account.

10 (b) Seven dollars for credit to a special revenue fund for the use
11 of the justice courts. Any money remaining in the special revenue
12 fund after 2 fiscal years must be deposited in the county general
13 fund if it has not been committed for expenditure. The county
14 treasurer shall provide, upon request by a justice court, monthly
15 reports of the revenue credited to and expenditures made from the
16 special revenue fund.

17 (c) Five dollars to the State Controller for credit to the State
18 General Fund.

19 (d) The remainder of each assessment to the State Controller for
20 credit to a special account in the State General Fund for distribution
21 as provided in subsection 8.

22 7. The money apportioned to a juvenile court, a justice court or
23 a municipal court pursuant to this section must be used, in addition
24 to providing services to juvenile offenders in the juvenile court, to
25 improve the operations of the court, or to acquire appropriate
26 advanced technology or the use of such technology, or both. Money
27 used to improve the operations of the court may include
28 expenditures for:

29 (a) Training and education of personnel;

30 (b) Acquisition of capital goods;

31 (c) Management and operational studies; or

32 (d) Audits.

33 8. Of the total amount deposited in the State General Fund
34 pursuant to paragraph (d) of subsection 5 and paragraph (d) of
35 subsection 6, the State Controller shall distribute the money
36 received to the following public agencies in the following manner:

37 (a) Not less than 51 percent to the Office of Court Administrator
38 for allocation as follows:

39 (1) Thirty-six and one-half percent of the amount distributed
40 to the Office of Court Administrator for:

41 (I) The administration of the courts;

42 (II) The development of a uniform system for judicial
43 records; and

44 (III) Continuing judicial education.



(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(3) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime;

(5) The Advisory Council for Prosecuting Attorneys; and

(6) Programs within the Office of the Attorney General related to victims of domestic violence.

9. Any money deposited in the State General Fund pursuant to paragraph (d) of subsection 5 and paragraph (d) of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.

10. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 44. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant *is found liable for a civil penalty pursuant to sections 12 to 22, inclusive, of this act or* pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the *civil judgment or* sentence the sum of \$10 as an administrative assessment for the provision of court facilities and render a



* A B 2 4 8 *

1 judgment against the defendant for the assessment. If the justice or
2 judge sentences the defendant to perform community service in lieu
3 of a fine, the justice or judge shall include in the sentence the
4 administrative assessment required pursuant to this subsection.

5 3. The provisions of subsection 2 do not apply to:

6 (a) An ordinance regulating metered parking; or

7 (b) An ordinance that is specifically designated as imposing a
8 civil ~~penalty or~~ liability pursuant to NRS ~~244.3575 or~~ 268.019.

9 4. The money collected for an administrative assessment for
10 the provision of court facilities must not be deducted from the *civil*
11 *penalty or* fine imposed by the justice or judge but must be taxed
12 against the defendant in addition to the *civil penalty or* fine. The
13 money collected for such an administrative assessment must be
14 stated separately on the court's docket and must be included in the
15 amount posted for bail. If bail is forfeited, the administrative
16 assessment included in the amount posted for bail pursuant to this
17 subsection must be disbursed in the manner set forth in subsection 6
18 or 7. If the defendant is found not guilty or the charges are
19 dismissed, the money deposited with the court must be returned to
20 the defendant. If the justice or judge cancels a *civil penalty or* fine
21 because the fine has been determined to be uncollectible, any
22 balance of the *civil penalty or* fine and the administrative
23 assessment remaining unpaid shall be deemed to be uncollectible
24 and the defendant is not required to pay it. If a *civil penalty or* fine
25 is determined to be uncollectible, the defendant is not entitled to a
26 refund of the *civil penalty or* fine or *the* administrative assessment
27 the defendant has paid and the justice or judge shall not recalculate
28 the administrative assessment.

29 5. If the justice or judge permits the *civil penalty or* fine and
30 *the* administrative assessment for the provision of court facilities to
31 be paid in installments, the payments must be applied in the
32 following order:

33 (a) To pay the unpaid balance of an administrative assessment
34 imposed pursuant to NRS 176.059;

35 (b) To pay the unpaid balance of an administrative assessment
36 for the provision of court facilities pursuant to this section;

37 (c) To pay the unpaid balance of an administrative assessment
38 for the provision of specialty court programs pursuant to NRS
39 176.0613; and

40 (d) To pay the *civil penalty or* fine.

41 6. The money collected for administrative assessments for the
42 provision of court facilities in municipal courts must be paid by the
43 clerk of the court to the city treasurer on or before the fifth day of
44 each month for the preceding month. The city treasurer shall deposit



1 the money received in a special revenue fund. The city may use the
2 money in the special revenue fund only to:

3 (a) Acquire land on which to construct additional facilities for
4 the municipal courts or a regional justice center that includes the
5 municipal courts.

6 (b) Construct or acquire additional facilities for the municipal
7 courts or a regional justice center that includes the municipal courts.

8 (c) Renovate or remodel existing facilities for the municipal
9 courts.

10 (d) Acquire furniture, fixtures and equipment necessitated by the
11 construction or acquisition of additional facilities or the renovation
12 of an existing facility for the municipal courts or a regional justice
13 center that includes the municipal courts. This paragraph does not
14 authorize the expenditure of money from the fund for furniture,
15 fixtures or equipment for judicial chambers.

16 (e) Acquire advanced technology for use in the additional or
17 renovated facilities.

18 (f) Pay debt service on any bonds issued pursuant to subsection
19 3 of NRS 350.020 for the acquisition of land or facilities or the
20 construction or renovation of facilities for the municipal courts or a
21 regional justice center that includes the municipal courts.

22 ➤ Any money remaining in the special revenue fund after 5 fiscal
23 years must be deposited in the municipal general fund for the
24 continued maintenance of court facilities if it has not been
25 committed for expenditure pursuant to a plan for the construction or
26 acquisition of court facilities or improvements to court facilities.
27 The city treasurer shall provide, upon request by a municipal court,
28 monthly reports of the revenue credited to and expenditures made
29 from the special revenue fund.

30 7. The money collected for administrative assessments for the
31 provision of court facilities in justice courts must be paid by the
32 clerk of the court to the county treasurer on or before the fifth day of
33 each month for the preceding month. The county treasurer shall
34 deposit the money received to a special revenue fund. The county
35 may use the money in the special revenue fund only to:

36 (a) Acquire land on which to construct additional facilities for
37 the justice courts or a regional justice center that includes the justice
38 courts.

39 (b) Construct or acquire additional facilities for the justice
40 courts or a regional justice center that includes the justice courts.

41 (c) Renovate or remodel existing facilities for the justice courts.

42 (d) Acquire furniture, fixtures and equipment necessitated by the
43 construction or acquisition of additional facilities or the renovation
44 of an existing facility for the justice courts or a regional justice
45 center that includes the justice courts. This paragraph does not



1 authorize the expenditure of money from the fund for furniture,
2 fixtures or equipment for judicial chambers.

3 (e) Acquire advanced technology for use in the additional or
4 renovated facilities.

5 (f) Pay debt service on any bonds issued pursuant to subsection
6 3 of NRS 350.020 for the acquisition of land or facilities or the
7 construction or renovation of facilities for the justice courts or a
8 regional justice center that includes the justice courts.

9 ➔ Any money remaining in the special revenue fund after 5 fiscal
10 years must be deposited in the county general fund for the continued
11 maintenance of court facilities if it has not been committed for
12 expenditure pursuant to a plan for the construction or acquisition of
13 court facilities or improvements to court facilities. The county
14 treasurer shall provide, upon request by a justice court, monthly
15 reports of the revenue credited to and expenditures made from the
16 special revenue fund.

17 8. If money collected pursuant to this section is to be used to
18 acquire land on which to construct a regional justice center, to
19 construct a regional justice center or to pay debt service on bonds
20 issued for these purposes, the county and the participating cities
21 shall, by interlocal agreement, determine such issues as the size of
22 the regional justice center, the manner in which the center will be
23 used and the apportionment of fiscal responsibility for the center.

24 **Sec. 45.** NRS 176.0613 is hereby amended to read as follows:

25 176.0613 1. The justices or judges of the justice or municipal
26 courts shall impose, in addition to an administrative assessment
27 imposed pursuant to NRS 176.059 and 176.0611, an administrative
28 assessment for the provision of specialty court programs.

29 2. Except as otherwise provided in subsection 3, when a
30 defendant *is found liable for a civil penalty pursuant to sections 12*
31 *to 22, inclusive, of this act or* pleads guilty or guilty but mentally ill
32 or is found guilty or guilty but mentally ill of a misdemeanor,
33 including the violation of any municipal ordinance, the justice or
34 judge shall include in the *civil judgment or* sentence the sum of \$7
35 as an administrative assessment for the provision of specialty court
36 programs and render a judgment against the defendant for the
37 assessment. If a defendant is sentenced to perform community
38 service in lieu of a fine, the sentence must include the administrative
39 assessment required pursuant to this subsection.

40 3. The provisions of subsection 2 do not apply to:

41 (a) An ordinance regulating metered parking; or

42 (b) An ordinance which is specifically designated as imposing a
43 civil ~~penalty or~~ liability pursuant to NRS ~~244.3575 or~~ 268.019.

44 4. The money collected for an administrative assessment for
45 the provision of specialty court programs must not be deducted from



1 the *civil penalty or* fine imposed by the justice or judge but must be
2 taxed against the defendant in addition to the *civil penalty or* fine.
3 The money collected for such an administrative assessment must be
4 stated separately on the court's docket and must be included in the
5 amount posted for bail. If bail is forfeited, the administrative
6 assessment included in the bail pursuant to this subsection must be
7 disbursed pursuant to subsection 6 or 7. If the defendant is found not
8 guilty or the charges are dismissed, the money deposited with the
9 court must be returned to the defendant. If the justice or judge
10 cancels a *civil penalty or* fine because the *civil penalty or* fine has
11 been determined to be uncollectible, any balance of the *civil penalty*
12 *or* fine and the administrative assessment remaining unpaid shall be
13 deemed to be uncollectible and the defendant is not required to pay
14 it. If a *civil penalty or* fine is determined to be uncollectible, the
15 defendant is not entitled to a refund of the *civil penalty or* fine or
16 administrative assessment the defendant has paid and the justice or
17 judge shall not recalculate the administrative assessment.

18 5. If the justice or judge permits the *civil penalty or* fine and
19 administrative assessment for the provision of specialty court
20 programs to be paid in installments, the payments must be applied in
21 the following order:

22 (a) To pay the unpaid balance of an administrative assessment
23 imposed pursuant to NRS 176.059;

24 (b) To pay the unpaid balance of an administrative assessment
25 for the provision of court facilities pursuant to NRS 176.0611;

26 (c) To pay the unpaid balance of an administrative assessment
27 for the provision of specialty court programs; and

28 (d) To pay the *civil penalty or* fine.

29 6. The money collected for an administrative assessment for
30 the provision of specialty court programs in municipal court must be
31 paid by the clerk of the court to the city treasurer on or before the
32 fifth day of each month for the preceding month. On or before the
33 15th day of that month, the city treasurer shall deposit the money
34 received for each administrative assessment with the State
35 Controller for credit to a special account in the State General Fund
36 administered by the Office of Court Administrator.

37 7. The money collected for an administrative assessment for
38 the provision of specialty court programs in justice courts must be
39 paid by the clerk of the court to the county treasurer on or before the
40 fifth day of each month for the preceding month. On or before the
41 15th day of that month, the county treasurer shall deposit the money
42 received for each administrative assessment with the State
43 Controller for credit to a special account in the State General Fund
44 administered by the Office of Court Administrator.



8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 46. NRS 244.3575 is hereby repealed.

TEXT OF REPEALED SECTION

244.3575 Ordinances regulating parking: Civil penalty in lieu of criminal sanction. A board of county commissioners may by ordinance provide that the violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction.

