

ASSEMBLY BILL NO. 411—COMMITTEE
ON GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE COMMITTEE TO STUDY THE
ADVISABILITY AND FEASIBILITY OF TREATING
CERTAIN TRAFFIC AND RELATED
VIOLATIONS AS CIVIL INFRACTIONS)

MARCH 25, 2019

Referred to Committee on Judiciary

SUMMARY—Provides for civil penalties for certain traffic and related violations. (BDR 43-426)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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

AN ACT relating to vehicles; establishing civil penalties for certain traffic and related violations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a violation of any provision of existing law relating to driver's licenses, any traffic law or ordinance, any provision of existing law governing motorcycles or any provision of existing law relating to off-highway vehicles is guilty of a misdemeanor, unless a different penalty is prescribed for the violation by a specific statute. (NRS 483.530, 483.620, 484A.900, 486.381, 490.520) **Sections 14, 22, 40, 71 and 72** of this bill provide that a violation of any provision of these existing laws is a civil infraction unless a criminal penalty is prescribed for the violation by a specific statute. **Sections 5, 16-21, 41, 44, 49, 69 and 72** of this bill maintain the designation of certain traffic and related offenses as misdemeanors. **Sections 15, 45-48, 50, 52, 57, 59-61, 64, 65 and 67** of this bill specifically designate certain traffic and related violations as civil infractions. **Sections 1-4, 6-8, 10, 13, 38, 39, 42, 43, 55, 58, 62, 63, 66, 68 and 70** of this bill make conforming changes.

Sections 9, 11 and 12 of this bill provide that, for the purposes of a person's driving record, the commission of a traffic or related violation that is a civil infraction pursuant to this bill is treated the same as a conviction for a traffic or related violation under existing law.

Sections 23-36 of this bill enact procedures for the imposition of a civil penalty against a person who violates a provision of law that is punishable as a civil



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infraction pursuant to this bill. **Section 24** of this bill requires each traffic enforcement agency in this State to provide a form notice of the civil infraction that a peace officer may issue to a person who has allegedly committed the civil infraction. **Section 26** of this bill authorizes a peace officer who has reasonable cause to believe that a person has violated a provision of law punishable as a civil infraction pursuant to this bill to halt and detain the person as is reasonably necessary to investigate the alleged violation and serve a notice of civil infraction for the alleged violation, and **section 28** of this bill requires a peace officer who has stopped a driver for such an alleged violation to demand proof of the insurance required to be maintained by existing law. **Section 27** of this bill specifies the information that is required to be provided in the notice of civil infraction issued to the person who allegedly committed the civil infraction. **Sections 25 and 29** of this bill provide that when the peace officer manually or electronically files the original or a copy of the notice of civil infraction with a court having jurisdiction over the alleged violation or with its traffic violations bureau, the notice is a complaint for the purposes of initiating a civil case. **Section 30** of this bill requires a person to respond to a notice of civil infraction not later than 90 judicial days after it has been issued by not contesting the notice and paying all monetary penalties and assessments specified in the notice, requesting a hearing to contest whether the person committed the violation set forth in the notice or requesting a hearing to explain mitigating circumstances surrounding the violation. **Sections 31 and 32** of this bill, respectively, establish procedures for a hearing at which a person contests whether he or she committed the violation and a hearing to explain mitigating circumstances surrounding the violation. **Section 33** of this bill makes the Nevada Rules of Civil Procedure inapplicable to these hearings. **Section 34** of this bill: (1) establishes a maximum civil penalty of \$250 for a violation of law punishable as a civil infraction pursuant to this bill and provides that any such civil penalty collected by a justice court for a violation of a law of this State must be deposited into the State Permanent School Fund; (2) requires the court to order the person who committed the civil infraction to pay an administrative assessment in the same amount that the person would have been required to pay if the violation were a criminal offense; (3) authorizes a court to waive or reduce civil penalties and administrative assessments imposed for a civil infraction or enter into a payment plan under certain circumstances; and (4) authorizes a court to order a person to attend a course of traffic safety approved by the Department of Motor Vehicles under certain circumstances. **Section 35** of this bill authorizes the court to order a person who has committed a violation of law punishable as a civil infraction pursuant to this bill to perform community service under certain circumstances. **Section 36** of this bill authorizes a court to take certain actions to collect a civil penalty or any administrative assessment or fee associated with the civil penalty.

Sections 73 and 74 of this bill grant to justice court and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions pursuant to this bill.

Sections 77-79 of this bill enact provisions to govern the hearing and disposition of civil infractions committed by juveniles.

Section 80 of this bill provides that the amendatory provisions of this bill apply retroactively to any person who has committed an offense for which this bill establishes a civil penalty unless the person was convicted of the offense before October 1, 2019. **Section 80** further requires: (1) each court in this State to cancel each outstanding bench warrant issued by the court for a person who failed to appear in the court in response to a citation issued for an offense for which this bill establishes a civil penalty; and (2) the Central Repository for Nevada Records of Criminal History to remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants



74 issued for a person who failed to appear in court in response to a citation for an
75 offense for which this bill establishes a civil penalty.

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

1 **Section 1.** NRS 483.2521 is hereby amended to read as
2 follows:

3 483.2521 1. Except as otherwise provided in subsection 3,
4 the Department may issue a driver's license to a person who is 16 or
5 17 years of age if the person:

6 (a) Except as otherwise provided in subsection 2, has completed:

7 (1) A course in automobile driver education pursuant to NRS
8 389.090; or

9 (2) A course provided by a school for training drivers which
10 is licensed pursuant to NRS 483.700 to 483.780, inclusive, and
11 which complies with the applicable regulations governing the
12 establishment, conduct and scope of automobile driver education
13 adopted by the State Board of Education pursuant to NRS 389.090;

14 (b) Has at least 50 hours of supervised experience in driving a
15 motor vehicle with a restricted license, instruction permit or
16 restricted instruction permit issued pursuant to NRS 483.267,
17 483.270 or 483.280, including, without limitation, at least 10 hours
18 of experience in driving a motor vehicle during darkness;

19 (c) Submits to the Department, on a form provided by the
20 Department, a log which contains the dates and times of the hours of
21 supervised experience required pursuant to this section and which is
22 signed:

23 (1) By his or her parent or legal guardian; or

24 (2) If the person applying for the driver's license is an
25 emancipated minor, by a licensed driver who is at least 21 years of
26 age or by a licensed driving instructor,

27 ➔ who attests that the person applying for the driver's license has
28 completed the training and experience required pursuant to
29 paragraphs (a) and (b);

30 (d) Submits to the Department:

31 (1) A written statement signed by the principal of the public
32 school in which the person is enrolled or by a designee of the
33 principal and which is provided to the person pursuant to
34 NRS 392.123;

35 (2) A written statement signed by the parent or legal
36 guardian of the person which states that the person is excused from
37 compulsory attendance pursuant to NRS 392.070;

38 (3) A copy of the person's high school diploma or certificate
39 of attendance; or



(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of , *or found by a court to have committed*, a moving traffic violation or *convicted of* a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 4, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

4. If a course described in paragraph (a) of subsection 3 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 3.

Sec. 2. NRS 483.2523 is hereby amended to read as follows:

483.2523 1. A person to whom a driver's license is issued pursuant to NRS 483.2521 shall not, during the first 6 months after the date on which the driver's license is issued, transport as a passenger a person who is under 18 years of age, unless the person is a member of his or her immediate family.



2. A person who violates the provisions of this section:

(a) For a first offense, must be ordered to comply with the provisions of this section for 6 months after the date on which the driver's license is issued.

(b) For a second or subsequent offense, must be ordered to:

(1) Pay a ~~fine~~ *civil penalty* in an amount not to exceed \$250;

(2) Comply with the provisions of this section for such additional time as determined by the court; or

(3) Both pay such a ~~fine~~ *civil penalty* and comply with the provisions of this section for such additional time as determined by the court.

3. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) Is not grounds for suspension or revocation of the driver's license for the purposes of NRS 483.360.

Sec. 3. NRS 483.2525 is hereby amended to read as follows:

483.2525 1. A peace officer shall not stop a motor vehicle for the sole purpose of determining whether the driver is violating a provision of NRS 483.2523. Except as otherwise provided in subsection 2, a ~~citation~~ *notice of civil infraction* may be issued *pursuant to sections 24 to 36, inclusive, of this act* for a violation of NRS 483.2523 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

2. A peace officer shall not issue a ~~citation~~ *notice of civil infraction pursuant to sections 24 to 36, inclusive, of this act* to a person for operating a motor vehicle in violation of NRS 483.2523 if the person provides satisfactory evidence that the person has held the driver's license for the period required pursuant to NRS 483.2523.

Sec. 4. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and

(d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and



1 reasonable control in the operation of a motor vehicle of the type or
2 class of vehicle for which he or she is to be licensed.

3 ➡ The examination may also include such further physical and
4 mental examination as the Department finds necessary to determine
5 the applicant's fitness to drive a motor vehicle safely upon the
6 highways. If the Department requires an applicant to submit to a test
7 specified in paragraph (b), the Department shall ensure that the test
8 includes at least one question testing the applicant's knowledge of
9 the provisions of NRS 484B.165.

10 2. The Department may provide by regulation for the
11 acceptance of a report from an ophthalmologist, optician or
12 optometrist in lieu of an eye test by a driver's license examiner.

13 3. If the Department establishes a type or classification of
14 driver's license to operate a motor vehicle of a type which is not
15 normally available to examine an applicant's ability to exercise
16 ordinary and reasonable control of such a vehicle, the Department
17 may, by regulation, provide for the acceptance of an affidavit
18 from a:

19 (a) Past, present or prospective employer of the applicant; or

20 (b) Local joint apprenticeship committee which had jurisdiction
21 over the training or testing, or both, of the applicant,

22 ➡ in lieu of an actual demonstration.

23 4. The Department may waive an examination pursuant to
24 subsection 1 for a person applying for a Nevada driver's license who
25 possesses a valid driver's license of the same type or class issued by
26 another jurisdiction unless that person:

27 (a) Has not attained 21 years of age, except that the Department
28 may, based on the driving record of the applicant, waive the
29 examination to demonstrate the applicant's ability to exercise
30 ordinary and reasonable control in the operation of a motor vehicle
31 of the same type or class of vehicle for which he or she is to be
32 licensed;

33 (b) Has had his or her license or privilege to drive a motor
34 vehicle suspended, revoked or cancelled or has been otherwise
35 disqualified from driving during the immediately preceding 4 years;

36 (c) Has been convicted of a violation of NRS 484C.130 or,
37 during the immediately preceding 7 years, of a violation of NRS
38 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction
39 that prohibits the same or similar conduct;

40 (d) Has restrictions to his or her driver's license which the
41 Department must reevaluate to ensure the safe driving of a motor
42 vehicle by that person;

43 (e) Has had three or more convictions of , *or findings by a court*
44 *of having committed*, moving traffic violations on his or her driving
45 record during the immediately preceding 4 years; or



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(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Parts 1327 et seq. of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

Sec. 5. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is ~~unlawful~~ **a misdemeanor** for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or



1 to refuse to make an anatomical gift of his or her body or part
2 thereof.

3 (b) Give the holder the opportunity to have indicated whether he
4 or she wishes to donate \$1 or more to the Anatomical Gift Account
5 created by NRS 460.150.

6 (c) Provide to each holder who is interested in becoming a donor
7 information relating to anatomical gifts, including the procedure for
8 registering as a donor with the donor registry with which the
9 Department has entered into a contract pursuant to this paragraph.
10 To carry out this paragraph, the Department shall, on such terms as
11 it deems appropriate, enter into a contract with a donor registry that
12 is in compliance with the provisions of NRS 451.500 to 451.598,
13 inclusive.

14 (d) If the Department has established a program for imprinting a
15 symbol or other indicator of a medical condition on a driver's
16 license pursuant to NRS 483.3485, give the holder the opportunity
17 to have a symbol or other indicator of a medical condition imprinted
18 on his or her driver's license.

19 (e) Provide to the holder information instructing the holder how
20 to register with the Next-of-Kin Registry pursuant to NRS 483.653
21 if he or she so chooses.

22 7. If the holder wishes to make a donation to the Anatomical
23 Gift Account, the Department shall collect the donation and deposit
24 the money collected in the State Treasury for credit to the
25 Anatomical Gift Account.

26 8. The Department shall submit to the donor registry with
27 which the Department has entered into a contract pursuant to
28 paragraph (c) of subsection 6 information from the records of the
29 Department relating to persons who have drivers' licenses that
30 indicate the intention of those persons to make an anatomical gift.
31 The Department shall adopt regulations to carry out the provisions
32 of this subsection.

33 **Sec. 6.** NRS 483.400 is hereby amended to read as follows:

34 483.400 1. The Department shall maintain files of
35 applications for licenses. Such files shall contain:

36 (a) All applications denied and on each thereof note the reasons
37 for such denial.

38 (b) All applications granted.

39 (c) The name of every licensee whose license has been
40 suspended or revoked by the Department and after each such name
41 note the reasons for such action.

42 2. The Department shall also file all crash reports and abstracts
43 of court records of convictions *or findings of the commission of*
44 *civil infractions pursuant to sections 24 to 36, inclusive, of this act*
45 received by it under the laws of this State, and in connection



therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions *or findings* of such licensee and the traffic crashes in which the licensee was involved ~~{shall be}~~ *are* readily ascertainable and available for the consideration of the Department upon any application for renewal of license and at other suitable times.

Sec. 7. NRS 483.430 is hereby amended to read as follows:

483.430 1. The privilege of driving a motor vehicle on the highways of this State given to a nonresident under NRS 483.010 to 483.630, inclusive, ~~{shall be}~~ *is* subject to suspension or revocation by the Department in like manner and for like cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be suspended or revoked.

2. The Department is further authorized, upon receiving a record of the *entrance of an order pursuant to sections 24 to 36, inclusive, of this act finding that a nonresident driver of a motor vehicle committed a civil infraction in this State or the* conviction in this State of a nonresident driver of a motor vehicle of any *criminal* offense under the motor vehicle laws of this State, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so *found or* convicted is a resident.

3. When a nonresident's driving privilege is suspended or revoked in this State, the Department shall forward a copy of the record of such action to the motor vehicle administrator in the state where such driver resides.

Sec. 8. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➡ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in



1 NRS 425.510, the Department shall suspend the license without
2 providing the person with an opportunity for a hearing.

3 4. The Department shall suspend immediately the license of a
4 defendant if so ordered pursuant to NRS 62B.420 or 176.064 ~~or~~ *or*
5 *section 36 of this act.*

6 5. The Department shall reinstate the driver's license of a
7 person whose license was suspended pursuant to this section if it
8 receives:

9 (a) A notice from ~~the~~

10 *(1) The* district attorney or other public agency pursuant to
11 NRS 425.510 that the person has complied with the subpoena or
12 warrant or has satisfied the arrearage pursuant to that section ~~from~~
13 ~~at~~;

14 *(2) A traffic commissioner, hearing master, municipal*
15 *judge, justice of the peace or* district judge, *as applicable*, that a
16 delinquency for which the suspension was ordered pursuant to NRS
17 176.064 *or section 36 of this act, as applicable*, has been discharged
18 *; or from at*

19 *(3) A* judge of the juvenile court that an unsatisfied civil
20 judgment for which the suspension was ordered pursuant to NRS
21 62B.420 has been satisfied; and

22 (b) Payment of the fee for reinstatement of a suspended license
23 prescribed in NRS 483.410.

24 6. The Department shall not require a person whose driver's
25 license was suspended pursuant to this section to submit to the tests
26 and other requirements which are adopted by regulation pursuant to
27 subsection 1 of NRS 483.495 as a condition of the reinstatement of
28 the license.

29 **Sec. 9.** NRS 483.447 is hereby amended to read as follows:

30 483.447 A person who does not hold a valid license issued by
31 this State or any other state and who operates a vehicle in this State
32 shall be deemed to have future driving privileges that may be
33 suspended if the person is *found to have committed a civil*
34 *infraction in this State pursuant to sections 24 to 36, inclusive, of*
35 *this act or is* convicted of any *criminal* traffic offense in this State.

36 **Sec. 10.** NRS 483.448 is hereby amended to read as follows:

37 483.448 1. Except as otherwise provided in this subsection,
38 when a person deemed to have future driving privileges pursuant to
39 NRS 483.447 has accumulated 3 or more demerit points, but less
40 than 12, the Department shall notify the person of this fact. If, after
41 the Department mails the notice, the person presents proof to the
42 Department that he or she has successfully completed a course of
43 traffic safety approved by the Department and a signed statement
44 which indicates that the successful completion of the course was not
45 required pursuant to a *court order entered pursuant to section 34 of*



1 *this act or a* plea agreement, the Department shall cancel not more
2 than 3 demerit points from the person's driving record. If such a
3 person accumulates 12 or more demerit points before completing the
4 course of traffic safety, the person will not be entitled to have
5 demerit points cancelled upon the completion of the course but must
6 have future driving privileges suspended. A person deemed to have
7 future driving privileges may attend a course only once in 12
8 months for the purpose of reducing demerit points. The 3 demerit
9 points may only be cancelled from the driver's record of the person
10 during the 12-month period immediately following the driver's
11 successful completion of the course of traffic safety. The provisions
12 of this subsection do not apply to a person deemed to have future
13 driving privileges whose successful completion of a course of traffic
14 safety was required pursuant to a *court order entered pursuant to*
15 *section 34 of this act or a* plea agreement.

16 2. Any reduction of demerit points pursuant to this section
17 applies only to the demerit record of the person deemed to have
18 future driving privileges and otherwise does not affect the person's
19 driving record with the Department or insurance record.

20 3. Notwithstanding any provision of this title to the contrary, if
21 a person deemed to have future driving privileges accumulates
22 demerit points, the Department shall suspend those future driving
23 privileges:

24 (a) For the first accumulation of 12 demerit points during a 12-
25 month period, for 6 months. Such a person is eligible for a restricted
26 license during this 6-month period.

27 (b) For the second accumulation within 3 years of 12 demerit
28 points during a 12-month period, for 1 year. Such a person is
29 eligible for a restricted license during this 1-year period.

30 (c) For the third accumulation within 5 years of 12 demerit
31 points during a 12-month period, for 1 year. Such a person is not
32 eligible for a restricted license during this 1-year period.

33 4. The Department shall suspend for 1 year the future driving
34 privileges of a person *who has been* convicted of a sixth traffic
35 offense within a 5-year period *, is found to have committed a sixth*
36 *civil infraction pursuant to sections 24 to 36, inclusive, of this act*
37 *within a 5-year period, or is found to have committed civil*
38 *infractions pursuant to sections 24 to 36, inclusive, of this act and*
39 *convicted of traffic offenses resulting in a combined total of six*
40 *civil infractions and traffic offenses within a 5-year period*, if all
41 six *civil infractions and traffic* offenses have been assigned a value
42 of 4 or more demerit points. Such a person is not eligible for a
43 restricted license during this 1-year period.

44 5. If the Department determines by its records that a person
45 deemed to have future driving privileges is not eligible for a driver's



license pursuant to this section, the Department shall notify the person by mail of that fact.

6. Except as otherwise provided in subsection 7, the Department shall suspend the future driving privileges of a person pursuant to this section 30 days after the date on which the Department mails the notice to the person required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the future driving privileges of the person requesting the hearing is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held, within 45 days after the request is received, in the county in which the person resides unless the person and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the person.

Sec. 11. NRS 483.450 is hereby amended to read as follows:

483.450 1. A record of *each* conviction *and each finding that a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act* must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding ~~the~~ *each* conviction *and finding* in the driver's record.

2. The Department shall adopt regulations prescribing the information necessary to record ~~the~~ *each* conviction *and finding* in the driver's record.

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

(a) If the court is other than a juvenile court, ~~the~~ *each* record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking ~~the~~ *and each record of the finding that any person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act;* or

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

➡ within 5 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted *or found to have committed a civil infraction* or *the* child found in violation of a traffic law or ordinance.



4. If a record forwarded to the Department pursuant to subsection 3 is a record of the conviction of *, or a record of a finding of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act against*, a person who holds a commercial driver's license, the Department shall, within 5 days after the date on which it receives such a record, transmit notice of the conviction to the Commercial Driver's License Information System.

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

(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.

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

6. ~~The~~ *If the Department mails records of conviction and findings of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act, the* necessary expenses of mailing *such* records ~~{of conviction}~~ to the Department as required by this section must be paid by the court charged with the duty of forwarding those records. ~~{of conviction}~~

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

Sec. 12. 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 in any municipal court, justice court or district court in this State ~~{}~~ *or a finding by any municipal court or justice court in this State that a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.* 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 two or more traffic violations committed on a single occasion is obtained, points must be assessed for one offense **H or civil infraction**, and if the point values differ, points must be assessed for the offense **or civil infraction** having the greater point value. Details of the violation must be submitted to the Department by the court where the conviction **or finding of the commission of a civil infraction pursuant to sections 24 to 36, inclusive, of this act** is obtained. The Department may provide for a graduated system of demerits within each category of violations **or civil infractions** according to the extent to which the traffic law was violated.

Sec. 13. NRS 483.475 is hereby amended to read as follows:

483.475 1. Except as otherwise provided in this subsection, when a person who holds a driver's license has accumulated 3 or more demerit points, but less than 12, the Department shall notify the person of this fact. If, after the Department mails the notice, the driver presents proof to the Department that he or she has successfully completed a course of traffic safety approved by the Department and a signed statement which indicates that the successful completion of the course was not required pursuant to a plea agreement **H or court order entered pursuant to section 34 of this act**, the Department shall cancel not more than 3 demerit points from the person's driving record. If the driver accumulates 12 or more demerit points before completing the course of traffic safety, the person will not be entitled to have demerit points cancelled upon the completion of the course, but must have his or her license suspended. A person may attend a course only once in 12 months for the purpose of reducing demerit points. The 3 demerit points may only be cancelled from a driver's record during the 12-month period immediately following the driver's successful completion of the course of traffic safety. The provisions of this subsection do not apply to a person whose successful completion of a course of traffic safety was required pursuant to a plea agreement **H or court order entered pursuant to section 34 of this act**.

2. Any reduction of demerit points applies only to the demerit record of the driver and does not affect the person's driving record with the Department or insurance record.

3. The Department shall use a cumulative period for the suspension of licenses pursuant to subsection 1. The periods of suspension are:

(a) For the first accumulation of 12 demerit points during a 12-month period, 6 months. A driver whose license is suspended



pursuant to this paragraph is eligible for a restricted license during the suspension.

(b) For the second accumulation within 3 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is eligible for a restricted license during the suspension.

(c) For the third accumulation within 5 years of 12 demerit points during a 12-month period, 1 year. A driver whose license is suspended pursuant to this paragraph is not eligible for a restricted license during the suspension.

4. The Department shall suspend for 1 year the license of a driver who is convicted of a sixth traffic offense within 5 years, *is found to have committed a sixth civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act within 5 years, or is found to have committed civil infractions pursuant to sections 24 to 36, inclusive, of this act and convicted of traffic offenses resulting in a combined total of six civil infractions and offenses within a 5-year period*, if all six *civil infractions or* offenses have been assigned a value of four or more demerit points. A driver whose license is suspended pursuant to this subsection is not eligible for a restricted license during the suspension.

5. If the Department determines by its records that the license of a driver must be suspended pursuant to this section, it shall notify the driver by mail that his or her privilege to drive is subject to suspension.

6. Except as otherwise provided in subsection 7, the Department shall suspend the license 30 days after it mails the notice required by subsection 5.

7. If a written request for a hearing is received by the Department:

(a) The suspension of the license is stayed until a determination is made by the Department after the hearing.

(b) The hearing must be held within 45 days after the request is received in the county where the driver resides unless the driver and the Department agree that the hearing may be held in some other county. The scope of the hearing must be limited to whether the records of the Department accurately reflect the driving history of the driver.

Sec. 14. NRS 483.530 is hereby amended to read as follows:
483.530 1. Except as otherwise provided in ~~subsection~~ *subsections 2 ~~H~~ and 3*, it is a misdemeanor for any person:

(a) To display or cause or permit to be displayed or possess any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;



(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;

(c) To lend his or her driver's license to any other person or knowingly permit the use thereof by another;

(d) To display or represent as one's own any driver's license not issued to him or her;

(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;

(f) To permit any unlawful use of a driver's license issued to him or her; **or**

(g) ~~To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive; or~~

~~—(h)—~~ To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or possess any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.

2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.

3. It is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for any person to display or cause or permit to be displayed, possess, or fail or refuse to surrender to the Department any cancelled driver's license if the sole reason for the cancellation was the failure of the person to pay the fee for the issuance or renewal of the driver's license because a check or other method of payment was returned to the Department or otherwise dishonored upon presentation because there was insufficient money or credit with the drawee or financial institution to pay the check or other method of payment or because a person stopped payment on the check or other method of payment.

Sec. 15. NRS 483.550 is hereby amended to read as follows:

483.550 1. ~~It is~~ *Except as otherwise provided in NRS 483.560, it is* ~~unlawful~~ *a civil infraction punishable pursuant to*



1 *sections 24 to 36, inclusive, of this act* for any person to drive a
2 motor vehicle upon a public street or highway in this State without
3 being the holder of a valid driver's license.

4 2. The court shall require any person ~~found to have violated~~
5 *found to have violated* this section to obtain a valid driver's license
6 or produce a notice of disqualification from the Department.

7 **Sec. 16.** NRS 483.570 is hereby amended to read as follows:

8 483.570 No person whose driving privilege as a nonresident
9 has been cancelled, suspended or revoked, as provided in NRS
10 483.010 to 483.630, inclusive, shall drive any motor vehicle upon
11 the highways of this State while such privilege is cancelled,
12 suspended or revoked. *It is a misdemeanor for any person to*
13 *violate this section.*

14 **Sec. 17.** NRS 483.575 is hereby amended to read as follows:

15 483.575 1. ~~It is a misdemeanor for a~~ person with
16 epilepsy ~~shall not~~ to operate a motor vehicle if that person has
17 been informed by a physician pursuant to NRS 629.047 that his or
18 her condition would severely impair his or her ability to safely
19 operate a motor vehicle.

20 2. If a physician is aware that a person has violated subsection
21 1 after the physician has informed the person pursuant to NRS
22 629.047 that the person's condition would severely impair his or her
23 ability to safely operate a motor vehicle, the physician may, without
24 the consent of the person, submit a written report to the Department
25 that includes the name, address and age of the person. A report
26 received by the Department pursuant to this subsection:

27 (a) Is confidential, except that the contents of the report may be
28 disclosed to the person about whom the report is made; and

29 (b) May be used by the Department solely to determine the
30 eligibility of the person to operate a vehicle on the streets and
31 highways of this State.

32 3. The submission by a physician of a report pursuant to
33 subsection 2 is solely within his or her discretion. No cause of action
34 may be brought against a physician based on the fact that he or she
35 did not submit such a report.

36 4. No cause of action may be brought against a physician based
37 on the fact that he or she submitted a report pursuant to subsection 2
38 unless the physician acted with malice, intentional misconduct,
39 gross negligence or intentional or knowing violation of the law.

40 **Sec. 18.** NRS 483.580 is hereby amended to read as follows:

41 483.580 A person shall not cause or knowingly permit his or
42 her child or ward under the age of 18 years to drive a motor vehicle
43 upon any highway when the minor is not authorized under the
44 provisions of NRS 483.010 to 483.630, inclusive, or is in violation
45 of any of the provisions of NRS 483.010 to 483.630, inclusive, or if



the minor's license is revoked or suspended pursuant to title 5 of NRS or NRS 392.148. *It is a misdemeanor for a person to violate this section.*

Sec. 19. NRS 483.590 is hereby amended to read as follows:

483.590 No person shall authorize or knowingly permit a motor vehicle owned by the person or under his or her control to be driven upon any highway by any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in violation of any of the provisions of NRS 483.010 to 483.630, inclusive. *It is a misdemeanor for a person to violate this section.*

Sec. 20. NRS 483.600 is hereby amended to read as follows:

483.600 No person shall employ as a driver of a motor vehicle any person not then licensed as provided in NRS 483.010 to 483.630, inclusive. *It is a misdemeanor for a person to violate this section.*

Sec. 21. NRS 483.610 is hereby amended to read as follows:

483.610 1. No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed under NRS 483.010 to 483.630, inclusive, or, in the case of a nonresident, then duly licensed under the laws of the state or country of his or her residence except a nonresident whose home state or country does not require that a driver be licensed.

2. No person shall rent a motor vehicle to another until the person has inspected the driver's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his or her presence.

3. Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of the latter person and the date and place when and where the license was issued. Such record shall be open to inspection by any police officer or officer of the Department.

4. *It is a misdemeanor for a person to violate any provision of this section.*

Sec. 22. NRS 483.620 is hereby amended to read as follows:

483.620 It is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS 483.010 to 483.630, inclusive, or other law of this State, declared to be a *misdemeanor, gross misdemeanor or* felony.



1 **Sec. 23.** Chapter 484A of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 24 to 36, inclusive, of this
3 act.

4 **Sec. 24. 1.** *Every traffic enforcement agency in this State*
5 *shall provide in appropriate form notices of civil infraction*
6 *containing notice of the civil infraction which must meet the*
7 *requirements of sections 24 to 36, inclusive, of this act and be:*

8 *(a) Issued in books; or*

9 *(b) Available through an electronic device used to prepare*
10 *such notices.*

11 **2.** *The chief administrative officer of each traffic*
12 *enforcement agency is responsible for the issuance of such books*
13 *and electronic devices and shall maintain a record of each book,*
14 *each electronic device and each notice of civil infraction issued to*
15 *individual members of the traffic enforcement agency and*
16 *volunteers of the traffic enforcement agency appointed pursuant*
17 *to NRS 484B.470. The chief administrative officer shall require*
18 *and retain a receipt for every book and electronic device that is*
19 *issued.*

20 **Sec. 25.** *If the form of a notice of civil infraction:*

21 *1. Includes information whose truthfulness is attested as*
22 *required for a complaint in a civil case; or*

23 *2. Is prepared electronically,*

24 *↳ then the notice when filed with a court of competent*
25 *jurisdiction shall be deemed to be a lawful complaint for the*
26 *purpose of initiating a civil case pursuant to sections 24 to 36,*
27 *inclusive, of this act.*

28 **Sec. 26.** *A peace officer in this State who has reasonable*
29 *cause to believe that a person has violated a provision of chapters*
30 *483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction*
31 *may halt and detain the person as is reasonably necessary to*
32 *investigate the alleged violation and serve a notice of civil*
33 *infraction for the alleged violation.*

34 **Sec. 27. 1.** *When a person is halted by a peace officer in*
35 *this State for any violation of chapters 483 to 484E, inclusive, 486*
36 *or 490 of NRS that is a civil infraction, the peace officer may*
37 *prepare a notice of civil infraction manually or electronically in*
38 *the form of a complaint issuing in the name of "The State of*
39 *Nevada," containing:*

40 *(a) A statement that the notice represents a determination by a*
41 *peace officer that a civil infraction has been committed by the*
42 *person named in the notice and that the determination will be*
43 *final unless contested as provided in sections 24 to 36, inclusive, of*
44 *this act;*

45 *(b) A statement that a civil infraction is not a criminal offense;*



(c) The name and address of the person halted by the peace officer;

(d) The state registration number of the person's vehicle, if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the notice was issued;

(g) A statement of the options provided pursuant to sections 24 to 36, inclusive, of this act for responding to the notice and the procedures necessary to exercise these options;

(h) A statement that at any hearing to contest the determination set forth in the notice the facts that constitute the infraction must be proved by a preponderance of the evidence and that the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the notice; and

(i) A statement that the person must respond to the notice as provided in sections 24 to 36, inclusive, of this act within 90 days.

2. The peace officer issuing a notice of civil infraction pursuant to subsection 1 shall sign the notice and deliver a copy of the notice to the person charged with the civil infraction. If the notice is prepared electronically, the peace officer shall sign the copy of the notice that is delivered to the person charged with the violation.

3. A notice of civil infraction may be served by delivering a copy of the notice to the person charged with the civil infraction. The acceptance of a notice of civil infraction by the person charged with the civil infraction shall be deemed personal service of the notice and a copy of the notice signed by the peace officer constitutes proof of service. If a person charged with a civil infraction refuses to accept a notice of civil infraction, the copy of the notice signed by the peace officer constitutes proof of service.

Sec. 28. 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection 4 of NRS 490.520. If the driver of the vehicle is not the owner, a notice of civil infraction must also be issued to the owner, and in such a case the driver:

(a) May accept the notice on behalf of the owner; and



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(b) Shall notify the owner of the notice within 3 days after it is issued.

↪ The agency which employs the peace officer shall immediately forward a copy of the notice to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 29. 1. Every peace officer upon issuing a notice of civil infraction to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance shall file manually or, if the provisions of subsection 2 are satisfied, file electronically the original or a copy of the notice with a court having jurisdiction over the alleged offense or with its traffic violations bureau.

2. A copy of a notice of civil infraction that is prepared electronically and issued to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance may be filed electronically with a court having jurisdiction over the alleged civil infraction or with its traffic violations bureau if the court or traffic violations bureau, respectively:

(a) Authorizes such electronic filing;

(b) Has the ability to receive and store the notice electronically; and

(c) Has the ability to physically reproduce the notice upon request.

3. Upon the filing of the original or a copy of the notice of civil infraction with a court having jurisdiction over the alleged infraction or with its traffic violations bureau, the notice may be disposed of only by an official action of a judge of that court or by the payment of a civil penalty to the traffic violations bureau by the person to whom the notice of civil infraction has been issued by the peace officer.

4. It is unlawful and official misconduct for any peace officer or other officer or public employee to dispose of a notice of civil infraction or copies of it or of the record of the issuance of a notice of civil infraction 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 notice of civil



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1 *infraction issued by an officer under his or her supervision to an*
2 *alleged violator of any traffic law or ordinance and of all physical*
3 *copies or electronic records of every notice of civil infraction*
4 *which has been spoiled or upon which any entry has been made*
5 *and not issued to an alleged violator.*

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

10 **Sec. 30.** 1. Any person who receives a notice of civil
11 infraction pursuant to section 27 of this act shall respond to the
12 notice as provided in this section not later than 90 days after the
13 date on which the notice is issued.

14 2. If a person receiving a notice of civil infraction does not
15 contest the determination that the person has committed the civil
16 infraction set forth in the notice, the person must respond to the
17 notice by indicating that the person does not contest the
18 determination and submitting full payment of the monetary
19 penalty, the administrative assessment and any fees to the court
20 specified in the notice or its traffic violations bureau, in person, by
21 mail or through the Internet or other electronic means.

22 3. If a person receiving a notice of civil infraction wishes to
23 contest the determination that the person has committed the civil
24 infraction set forth in the notice, the person must respond by
25 requesting a hearing in person, by mail or through the Internet or
26 other electronic means. The court shall notify the person in
27 writing of the time, place and date of the hearing but the date of
28 the hearing must not be earlier than 7 judicial days after the court
29 provides notice of the hearing.

30 4. If a person receiving a notice of civil infraction does not
31 wish to contest the determination that the person has committed
32 the civil infraction set forth in the notice but wishes to explain
33 mitigating circumstances surrounding the civil infraction, the
34 person must respond by requesting in person, by mail or through
35 the Internet or other electronic means a hearing for that purpose
36 or by submitting in person, by mail or through the Internet or
37 other electronic means a written statement of the mitigating
38 circumstances. If the person receiving the notice of civil
39 infraction:

40 (a) Requests a hearing, the court must notify the person in
41 writing of the time, place and date of the hearing.

42 (b) Submits a written statement of mitigating circumstances,
43 the court must consider the written statement and determine
44 whether to reduce the monetary penalty imposed for the civil
45 infraction based on that statement.



5. If any person issued a notice of civil infraction fails to:
(a) Respond to the notice as provided in subsection 2; or
(b) Appear at a hearing requested pursuant to subsection 3 or 4,

the court must enter an order pursuant to section 34 of this act finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a notice of civil infraction who fails to respond to the notice as required by this section or fails to appear at a hearing requested pursuant to subsection 3 or 4 may not appeal an order entered pursuant to this subsection.

Sec. 31. 1. If, pursuant to subsection 3 of section 30 of this act, a person receiving a notice of civil infraction requests a hearing to contest the determination that the person has committed the civil infraction set forth in the notice, the hearing must be conducted in accordance with this section.

2. The person who requested the hearing may be represented by counsel. If the violation set forth in the notice of civil infraction is a violation of:

(a) An ordinance adopted by the governing body of an incorporated city, the city attorney may represent the city at the hearing.

(b) The laws of this State or an ordinance other than an ordinance described in paragraph (a), the district attorney of the county may represent the State, county or town, as applicable, at the hearing.

3. A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the notice of civil infraction, the court may consider the information contained in the notice of civil infraction and any other written statement submitted under oath by the peace officer. The person named in the notice of civil infraction may subpoena witnesses, including, without limitation, the officer who issued the notice, and has the right to present evidence and examine witnesses present in court.

4. The State has the burden of proving by a preponderance of the evidence that the person named in the notice of civil infraction committed a civil infraction.

5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the notice of civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the notice, the



1 court must enter an order dismissing the notice of civil infraction
2 in the court's records. If it has been established by a
3 preponderance of the evidence that the infraction was committed,
4 the court must enter in the court's records an order pursuant to
5 section 34 of this act.

6 6. An appeal from the court's determination or order may be
7 taken in the same manner as any other civil appeal from a
8 municipal court or justice court, as applicable, except that:

9 (a) The notice of appeal must be filed not later than 5 judicial
10 days after the court enters in the court's records an order
11 pursuant to section 34 of this act; and

12 (b) If the appellant is the person charged with the civil
13 infraction, any bond required to be given by the appellant in order
14 to secure a stay of execution of the order of the court during the
15 pendency of the appeal must equal the amount of the monetary
16 penalty and administrative assessments which the court has
17 ordered the appellant to pay pursuant to section 34 of this act. Any
18 bond must be forfeited if the order of the court is affirmed on
19 appeal.

20 Sec. 32. 1. If, pursuant to subsection 4 of section 30 of this
21 act, a person receiving a notice of civil infraction requests a
22 hearing to explain mitigating circumstances surrounding the
23 infraction, the proceeding must be an informal proceeding and the
24 person requesting the hearing may not subpoena witnesses. The
25 determination that the person named in the notice of civil
26 infraction committed the civil infraction set forth in the notice may
27 not be contested at a hearing held for the purpose of explaining
28 mitigating circumstances.

29 2. After the court has heard the explanation of the
30 circumstances surrounding the commission of the infraction, the
31 court must enter in the court's records an order pursuant to
32 section 34 of this act.

33 3. No appeal may be taken from a determination or order of
34 the court pursuant to this section.

35 Sec. 33. Except as otherwise provided in sections 24 to 36,
36 inclusive, of this act, the Nevada Rules of Civil Procedure do not
37 apply to a civil case initiated pursuant to sections 24 to 36,
38 inclusive, of this act.

39 Sec. 34. 1. A person who is found to have committed a civil
40 infraction shall be punished by a civil penalty of not more than
41 \$250 per violation, unless a greater civil penalty is authorized by
42 specific statute. On or before the fifth day of each month, a justice
43 court shall pay to the State Controller any civil penalty imposed
44 and collected by the justice court pursuant to this subsection for a



1 violation of a law of this State. The State Controller shall deposit
2 the money into the State Permanent School Fund.

3 2. If a person is found to have committed a civil infraction, in
4 addition to any civil penalty imposed on the person, the court must
5 order the person to pay the administrative assessments set forth in
6 NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount
7 that the person would be required to pay if the civil penalty were a
8 fine imposed on a defendant who pleads guilty or guilty but
9 mentally ill or is found guilty or guilty but mentally ill of a
10 misdemeanor. If, in lieu of a civil penalty, the court authorizes a
11 person to successfully complete a course of traffic safety approved
12 by the Department of Motor Vehicles, the court must order the
13 person to pay the amount of the administrative assessment that
14 corresponds to the civil penalty for which the defendant would
15 have otherwise been responsible. The administrative assessments
16 imposed pursuant to this subsection must be collected and
17 distributed in the same manner as the administrative assessments
18 imposed and collected pursuant to NRS 176.059, 176.0611,
19 176.0613 and 176.0623.

20 3. If the court determines that a civil penalty or
21 administrative assessment imposed pursuant to this section is:

22 (a) Excessive in relation to the financial resources of the
23 defendant, the court may waive or reduce the fine accordingly.

24 (b) Not within the defendant's present financial ability to pay,
25 the court may enter into a payment plan with the person.

26 4. A court having jurisdiction over a civil infraction pursuant
27 to sections 24 to 36, inclusive, of this act may:

28 (a) In addition to ordering a person who is found to have
29 committed a civil infraction to pay a civil penalty and
30 administrative assessments pursuant to this section, order a person
31 who is found to have committed the civil infraction to successfully
32 complete a course of traffic safety approved by the Department of
33 Motor Vehicles.

34 (b) Order a person who is found to have committed the civil
35 infraction to successfully complete a course of traffic safety
36 approved by the Department of Motor Vehicles as a condition to
37 obtaining a waiver or reduction of the civil penalty which the
38 court has ordered the person to pay.

39 **Sec. 35. 1.** Except where the imposition of a specific civil
40 penalty is mandatory, a court may order a person who is found to
41 have committed a civil infraction pursuant to sections 24 to 36,
42 inclusive, of this act to perform community service that is
43 supervised in accordance with subsection 2:



1 (a) In lieu of all or a part of any civil penalty or administrative
2 assessment, or both, that may be imposed for the commission of
3 the civil infraction; or

4 (b) As all or part of the punishment for the commission of the
5 civil infraction.

6 2. The community service must be performed for and under
7 the supervising authority of a county, city, town or other political
8 subdivision or agency of the State of Nevada or a charitable
9 organization that renders service to the community or its residents.

10 3. The court may require the person who committed the civil
11 infraction to deposit with the court a reasonable sum of money to
12 pay for the cost of policies of insurance against liability for
13 personal injury and damage to property or for industrial
14 insurance, or both, during those periods in which the person
15 performs the community service, unless, in the case of industrial
16 insurance, it is provided by the authority for which the person
17 performs the community service.

18 4. The following conditions apply to any such community
19 service imposed by the court:

20 (a) The court must fix the period of community service that is
21 imposed and distribute the period over weekends or over other
22 appropriate times that will allow the person to continue
23 employment and to care for his or her family. The period of
24 community service fixed by the court must not exceed 200 hours.

25 (b) A supervising authority listed in subsection 2 must agree to
26 accept the person for community service before the court may
27 require the person to perform community service for that
28 supervising authority. The supervising authority must be located
29 in or be the town or city of the person's residence or, if that
30 placement is not possible, one located within the jurisdiction of the
31 court or, if that placement is not possible, the authority may be
32 located outside the jurisdiction of the court.

33 (c) Community service that a court requires pursuant to this
34 section must be supervised by an official of the supervising
35 authority or by a person designated by the authority.

36 (d) The court may require the supervising authority to report
37 periodically to the court the person's performance in carrying out
38 the community service.

39 (e) A person performing community service in lieu of the
40 payment of a civil penalty must receive credit toward the civil
41 penalty at a rate of at least \$10 per hour of community service
42 performed.

43 Sec. 36. 1. If a civil penalty, administrative assessment or
44 fee is imposed upon a person who is found to have committed a
45 civil infraction pursuant to sections 24 to 36, inclusive, of this act,



whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

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

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

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

2. The court may, on its own motion or at the request of an entity that is responsible for collecting a delinquent civil penalty, administrative assessment or fee enter a civil judgment for the amount due in favor of the entity that is responsible for collecting the delinquent civil penalty, administrative assessment or fee. A civil judgment entered pursuant to this subsection may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. If the court has entered a civil judgment pursuant to this subsection and the court finds that the person against whom the judgment is entered is not indigent and has intentionally failed to satisfy the judgment within a reasonable time, the court may, in order of priority:

(a) Request that the entity responsible for collecting the delinquent civil penalty, administrative assessment or fee undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a delinquent person pursuant to this paragraph, the court shall require the delinquent



1 *person to surrender to the court all driver's licenses then held by*
2 *him or her. The court shall, within 5 days after issuing the order,*
3 *forward to the Department of Motor Vehicles the licenses, together*
4 *with a copy of the order. At the time the court issues an order*
5 *pursuant to this paragraph delaying the ability of a delinquent*
6 *person to apply for a driver's license, the court shall, within 5 days*
7 *after issuing the order, forward to the Department a copy of the*
8 *order. The Department shall report a suspension pursuant to this*
9 *paragraph to an insurance company or its agent inquiring about*
10 *the delinquent person's driving record, but such a suspension*
11 *must not be considered for the purpose of rating or underwriting.*

12 (c) *Issue an order directing the delinquent person to show*
13 *cause why he or she should not be found guilty of contempt and*
14 *deal with the delinquent person as for contempt of court. The*
15 *order to show cause must be mailed to the address of the*
16 *delinquent person as indicated on the notice of civil infraction*
17 *issued to the person. If the person is found guilty of contempt, the*
18 *person may be confined in the city or county jail or detention*
19 *facility for a period of not more than 1 day for each \$75 of the*
20 *amount due until the amounts due are satisfied.*

21 3. *Money collected from a collection fee imposed pursuant to*
22 *subsection 1 must be distributed in the following manner:*

23 (a) *Except as otherwise provided in paragraph (d), if the*
24 *money is collected by or on behalf of a municipal court, the money*
25 *must be deposited in a special fund in the appropriate city*
26 *treasury. The city may use the money in the fund only to develop*
27 *and implement a program for the collection of civil penalties,*
28 *administrative assessments and fees and to hire additional*
29 *personnel necessary for the success of such a program.*

30 (b) *Except as otherwise provided in paragraph (d), if the*
31 *money is collected by or on behalf of a justice court or district*
32 *court, the money must be deposited in a special fund in the*
33 *appropriate county treasury. The county may use the money in the*
34 *special fund only to:*

35 (1) *Develop and implement a program for the collection of*
36 *civil penalties, administrative assessments and fees and to hire*
37 *additional personnel necessary for the success of such a program;*
38 *or*

39 (2) *Improve the operations of a court by providing funding*
40 *for:*

41 (I) *A civil law self-help center; or*

42 (II) *Court security personnel and equipment for a*
43 *regional justice center that includes the justice courts of that*
44 *county.*



(c) Except as otherwise provided in paragraph (d), if the money is collected by a state entity, the money must be deposited in an account, which is hereby created in the State Treasury. The Court Administrator may use the money in the account only to develop and implement a program for the collection of civil penalties, administrative assessments and fees in this State and to hire additional personnel necessary for the success of such a program.

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

Sec. 37. 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 3 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. 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 crashes, 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; ~~for~~

(d) *Providing a criminal penalty for a violation of chapters 484A to 484E, inclusive, of NRS for which the penalty prescribed by those chapters is a civil penalty; or*

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

4. No person convicted or adjudged guilty or guilty but mentally ill of , *or found to have committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act for*, a violation of a traffic ordinance may be charged or tried in any other court in this State for the same offense.



Sec. 38. NRS 484A.600 is hereby amended to read as follows:
484A.600 A governmental entity and any agent thereof shall not use photographic, video or digital equipment for gathering evidence to be used for the issuance of a traffic citation *or notice of civil infraction pursuant to section 27 of this act* for a violation of chapters 484A to 484E, inclusive, of NRS unless the equipment is held in the hand or installed temporarily or permanently within a vehicle or facility of a law enforcement agency.

Sec. 39. NRS 484A.650 is hereby amended to read as follows:
484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 or subsection ~~4~~ 5 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

(a) May sign the citation on behalf of the owner; and

(b) Shall notify the owner of the citation within 3 days after it is issued.

➤ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

2. When the evidence of insurance provided by the driver of the vehicle upon the demand of the peace officer is in an electronic format displayed on a mobile electronic device, the peace officer may view only the evidence of insurance and shall not intentionally view any other content on the mobile electronic device.

Sec. 40. NRS 484A.900 is hereby amended to read as follows:
484A.900 1. It is unlawful and, unless otherwise declared in chapters 484A to 484E, inclusive, of NRS with respect to a particular offense, it is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* for any person to do any act forbidden or fail to perform any act required in chapters 484A to 484E, inclusive, of NRS.

2. The court may order any person who , *within a 1-year period*, is twice convicted of violating , *or found to have committed a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act for a violation of*, a provision of chapters 484A to 484E, inclusive, of NRS to pay tuition for and attend a school for driver training which is approved by the Department for retraining such drivers. The person so ordered may choose from those so



approved the school which the person will attend. A person who willfully fails to comply with such an order is guilty of a misdemeanor.

Sec. 41. NRS 484B.100 is hereby amended to read as follows:

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

Sec. 42. NRS 484B.130 is hereby amended to read as follows:

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

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

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

➤ shall, *if the violation is a criminal offense*, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense ~~or shall, if the violation is punishable as a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, be punished by a civil penalty in an amount equal to and in addition to the civil penalty imposed that the court imposes for the primary civil infraction.~~ Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense ~~or civil infraction~~, but provides an additional penalty for the primary offense ~~or civil infraction~~, whose imposition is contingent upon the finding of the prescribed fact.

2. ~~The~~ *If a violation described in subsection 1 is:*



(a) *A criminal offense, the* additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service.

(b) *A civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.*

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

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

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

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

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability *or liability for a civil infraction* 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. 43. NRS 484B.135 is hereby amended to read as follows:
484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is ~~convicted of~~ *found to have committed* a violation of a speed limit, or *convicted of or found to have*



1 *committed a violation* of NRS 484B.150, 484B.163, 484B.165,
2 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280,
3 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317,
4 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650,
5 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an
6 area designated as a pedestrian safety zone may :

7 *(a) If the violation is a criminal offense*, be punished by
8 imprisonment or by a fine, or both, for a term or an amount equal to
9 and in addition to the term of imprisonment or amount of the fine, or
10 both, that the court imposes for the primary offense.

11 *(b) If the violation is a civil infraction punishable pursuant to*
12 *sections 24 to 36, inclusive, of this act, be punished by a civil*
13 *penalty in an amount equal to and in addition to the civil penalty*
14 *imposed that the court imposes for the primary infraction.*

15 ↪ Any term of imprisonment imposed pursuant to this subsection
16 runs consecutively with the sentence prescribed by the court for the
17 crime. This subsection does not create a separate offense ~~It~~ *or civil*
18 *infraction* but provides an additional penalty for the primary offense
19 ~~It~~ *or civil infraction*, whose imposition is discretionary with the
20 court and contingent upon the finding of the prescribed fact.

21 2. ~~The~~ *If a violation described in subsection 1 is:*

22 *(a) A criminal offense, the* additional penalty imposed pursuant
23 to subsection 1 must not exceed a total of \$1,000, 6 months of
24 imprisonment or 120 hours of community service.

25 *(b) A civil infraction punishable pursuant to sections 24 to 36,*
26 *inclusive, of this act, the additional penalty imposed pursuant to*
27 *subsection 1 must not a exceed a total of \$250.*

28 3. A governmental entity that designates a pedestrian safety
29 zone shall cause to be erected:

30 (a) A sign located before the beginning of the pedestrian safety
31 zone which provides notice that higher fines *and civil penalties* may
32 apply in pedestrian safety zones;

33 (b) A sign to mark the beginning of the pedestrian safety zone;
34 and

35 (c) A sign to mark the end of the pedestrian safety zone.

36 4. A person who would otherwise be subject to an additional
37 penalty pursuant to this section is not subject to such an additional
38 penalty if, with respect to the pedestrian safety zone in which the
39 violation occurred:

40 (a) A sign is not erected before the beginning of the pedestrian
41 safety zone as required by paragraph (a) of subsection 3 to provide
42 notice that higher fines *and civil penalties* may apply in pedestrian
43 safety zones; or



(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.

5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:

(a) Makes findings as to the necessity and appropriateness of a pedestrian safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and

(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.

Sec. 44. 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) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or

(b) The living quarters of a house coach or house trailer, but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.

3. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

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.

Sec. 45. NRS 484B.157 is hereby amended to read as follows:

484B.157 1. Except as otherwise provided in subsection 7, any person who is transporting a child who is less than 6 years of age and who weighs 60 pounds or less in a motor vehicle operated in this State which is equipped to carry passengers shall secure the child in a child restraint system which:



(a) Has been approved by the United States Department of Transportation in accordance with the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. Part 571;

(b) Is appropriate for the size and weight of the child; and

(c) Is installed within and attached safely and securely to the motor vehicle:

(1) In accordance with the instructions for installation and attachment provided by the manufacturer of the child restraint system; or

(2) In another manner that is approved by the National Highway Traffic Safety Administration.

2. *A violation of this section is a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.* If a ~~{defendant~~ ~~pleads or}~~ *person* is found ~~{guilty of violating}~~ *to have committed a violation of* the provisions of subsection 1, the court shall:

(a) For a first ~~{offense,}~~ *violation*, order the defendant to pay a ~~{fine}~~ *civil penalty* of not less than \$100 or more than \$500 or order the defendant to perform not less than 10 hours or more than 50 hours of community service;

(b) For a second ~~{offense,}~~ *violation*, order the defendant to pay a ~~{fine}~~ *civil penalty* of not less than \$500 or more than \$1,000 or order the defendant to perform not less than 50 hours or more than 100 hours of community service; and

(c) For a third or subsequent ~~{offense,}~~ *violation*, suspend the driver's license of the defendant for not less than 30 days or more than 180 days.

3. At the time of ~~{sentencing,}~~ *imposing a civil penalty pursuant to subsection 2*, the court shall provide the ~~{defendant}~~ *person who committed the violation* with a list of persons and agencies approved by the Department of Public Safety to conduct programs of training and perform inspections of child restraint systems. The list must include, without limitation, an indication of the fee, if any, established by the person or agency pursuant to subsection 4. If, within 60 days after ~~{sentencing,}~~ *the person is found to have committed the violation*, a defendant provides the court with proof of satisfactory completion of a program of training provided for in this subsection, the court shall:

(a) If the ~~{defendant}~~ *person* was ~~{sentenced}~~ *punished* pursuant to paragraph (a) of subsection 2, waive the ~~{fine}~~ *civil penalty* or community service previously imposed; or

(b) If the ~~{defendant}~~ *person* was ~~{sentenced}~~ *punished* pursuant to paragraph (b) of subsection 2, reduce by one-half the ~~{fine}~~ *civil penalty* or community service previously imposed.

↪ A ~~{defendant}~~ *person* is only eligible for a reduction of a ~~{fine}~~ *civil penalty* or community service pursuant to paragraph (b) if the



1 ~~{defendant}~~ **person** has not had a fine or community service waived
2 pursuant to paragraph (a).

3 4. A person or agency approved by the Department of Public
4 Safety to conduct programs of training and perform inspections of
5 child restraint systems may, in cooperation with the Department ~~{}~~
6 **of Motor Vehicles** establish a fee to be paid by ~~{defendants}~~ **persons**
7 who are ordered to complete a program of training. The amount of
8 the fee, if any:

9 (a) Must be reasonable; and

10 (b) May, if a ~~{defendant}~~ **person** desires to acquire a child
11 restraint system from such a person or agency, include the cost of a
12 child restraint system provided by the person or agency to the
13 defendant.

14 ➤ A program of training may not be operated for profit.

15 5. For the purposes of NRS 483.473, a violation of this section
16 is not a moving traffic violation.

17 6. A violation of this section may not be considered:

18 (a) Negligence in any civil action; or

19 (b) Negligence or reckless driving for the purposes of
20 NRS 484B.653.

21 7. This section does not apply:

22 (a) To a person who is transporting a child in a means of public
23 transportation, including a taxi, school bus or emergency vehicle.

24 (b) When a physician determines that the use of such a child
25 restraint system for the particular child would be impractical or
26 dangerous because of such factors as the child's weight, physical
27 unfitness or medical condition. In this case, the person transporting
28 the child shall carry in the vehicle the signed statement of the
29 physician to that effect.

30 8. As used in this section, "child restraint system" means any
31 device that is designed for use in a motor vehicle to restrain, seat or
32 position children. The term includes, without limitation:

33 (a) Booster seats and belt-positioning seats that are designed to
34 elevate or otherwise position a child so as to allow the child to be
35 secured with a safety belt;

36 (b) Integrated child seats; and

37 (c) Safety belts that are designed specifically to be adjusted to
38 accommodate children.

39 **Sec. 46.** NRS 484B.160 is hereby amended to read as follows:

40 484B.160 1. Except as otherwise provided in subsections 2
41 and 4, a driver shall not permit a person, with regard to a motor
42 vehicle being operated on a paved highway, to ride upon or within
43 any portion of the vehicle that is primarily designed or intended for
44 carrying goods or other cargo or that is otherwise not designed or
45 intended for the use of passengers, including, without limitation:



(a) Upon the bed of a flatbed truck; or

(b) Within the bed of a pickup truck.

2. A driver may permit a person to ride upon the bed of a flatbed truck or within the bed of a pickup truck if the person is:

(a) Eighteen years of age or older; or

(b) Under 18 years of age and the motor vehicle is:

(1) Being used in the course of farming or ranching; or

(2) Being driven in a parade authorized by a local authority.

3. A ~~citation~~ *notice of civil infraction* must be issued pursuant to section 27 of this act to a driver who permits a person to ride upon or within a vehicle in violation of subsection 1. A driver who is cited pursuant to this subsection shall be punished by a ~~fine~~ *civil penalty* of at least \$35 but not more than \$100.

4. The provisions of subsection 1 do not apply to the portion of the bed of a truck that is covered by a camper shell or slide-in camper.

5. A violation of this section:

(a) Is not a moving traffic violation for the purposes of NRS 483.473; and

(b) May not be considered as:

(1) Negligence or causation in a civil action; or

(2) Negligent or reckless driving for the purposes of NRS 484B.653.

6. As used in this section:

(a) "Camper shell" has the meaning ascribed to it in NRS 361.017.

(b) "Slide-in camper" has the meaning ascribed to it in NRS 482.113.

Sec. 47. NRS 484B.165 is hereby amended to read as follows:

484B.165 1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:



* A B 4 1 1 *

(a) A paid or volunteer firefighter, emergency medical technician, advanced emergency medical technician, paramedic, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* and:

(a) For the first ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$50.

(b) For the second ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$100.

(c) For the third or subsequent ~~offense~~ *violation* within the immediately preceding 7 years, shall pay a ~~fine~~ *civil penalty* of \$250.

5. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.



6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(1) The person using the device has a license to operate the device, if required; and

(2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 48. NRS 484B.323 is hereby amended to read as follows:

484B.323 1. A person shall not operate a vehicle in a lane designated for the use of high-occupancy vehicles except in conformity with the established conditions which are placed and maintained on signs and other official traffic-control devices pursuant to subsection 2 of NRS 484A.460 or established by regulation.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* and shall be ~~fin~~ *punished by a civil penalty of* \$250 for each offense.

3. As used in this section, "high-occupancy vehicle" means:

(a) A vehicle that is transporting more than one person;

(b) A motorcycle, regardless of the number of passengers;

(c) A bus, regardless of the number of passengers; and

(d) Any other vehicle designated by regulation.

Sec. 49. NRS 484B.330 is hereby amended to read as follows:

484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway



1 construction or maintenance or any other area which has been
2 designated as a temporary traffic control zone.

3 2. A district attorney shall prosecute all violations of
4 subsection 1 which occur in his or her jurisdiction and which result
5 in injury to any person performing highway construction or
6 maintenance or performing other work within an area designated as
7 a temporary traffic control zone unless the district attorney has good
8 cause for not prosecuting the violation. ~~In addition to any other~~
9 ~~penalty, if~~ **If** a driver violates any provision of subsection 1 and the
10 violation results in injury to any person performing highway
11 construction or maintenance or performing other work within an
12 area designated as a temporary traffic control zone, or in damage to
13 property in an amount of not less than \$1,000, the driver **is guilty of**
14 **a misdemeanor and** shall be punished by a fine of not less than
15 \$1,000 or more than \$2,000, and ordered to perform 120 hours of
16 community service.

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

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

22 (a) An employee of the Department of Transportation or of a
23 contractor performing highway construction or maintenance or
24 performing other work within an area designated as a temporary
25 traffic control zone for the Department of Transportation while the
26 employee is carrying out the duties of his or her employment;

27 (b) An employee of any other governmental entity or of a
28 contractor performing highway construction or maintenance or
29 performing other work within an area designated as a temporary
30 traffic control zone for the governmental entity while the employee
31 is carrying out the duties of his or her employment; or

32 (c) Any other person employed by a private entity performing
33 highway construction or maintenance or performing other work
34 within an area designated as a temporary traffic control zone while
35 the person is carrying out the duties of his or her employment if the
36 person has satisfactorily completed training as a flagger approved or
37 recognized by the Department of Transportation.

38 **Sec. 50.** NRS 484B.593 is hereby amended to read as follows:
39 484B.593 1. The Department of Transportation or a local

40 authority, after considering the advice of the Nevada Bicycle and
41 Pedestrian Advisory Board, may with respect to any controlled-
42 access highway under its jurisdiction:

43 (a) Require a permit for the use of the highway by pedestrians,
44 bicycles or other nonmotorized traffic or by any person operating a
45 power cycle; or



(b) If it determines that the use of the highway for such a purpose would not be safe, prohibit the use of the highway by pedestrians, bicycles or other nonmotorized traffic.

2. Any person who violates any prohibition or restriction enacted pursuant to subsection 1 is guilty of a ~~misdemeanor.~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.*

Sec. 51. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 80 miles per hour.

2. If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130 or 484B.135.

4. A person who drives at a rate of speed of more than 20 miles per hour greater than that posted by a public authority for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.

Sec. 52. NRS 484B.607 is hereby amended to read as follows:

484B.607 1. Upon approaching any traffic incident, the driver of the approaching vehicle shall, in the absence of other direction given by a law enforcement officer:

(a) Decrease the speed of the vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop; and

(d) If possible, drive in a lane that is not adjacent to the lane or lanes where the traffic incident is located unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor.~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.*



3. As used in this section, "traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard. The term includes, without limitation:

(a) An authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480;

(b) A tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748;

(c) An authorized vehicle used by the Department of Transportation which is stopped or moving at a speed slower than the normal flow of traffic and which is making use of flashing amber warning lights meeting the requirements of subsection 1 of NRS 484D.185 or lamps that emit nonflashing blue light meeting the requirements of NRS 484D. 200;

(d) A public utility vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.195;

(e) An authorized vehicle of a local governmental agency which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

(f) Any vehicle which is stopped or moving at a speed slower than the normal flow of traffic and is making use of flashing amber warning lights meeting the requirements of NRS 484D.185;

(g) A crash scene;

(h) A stalled vehicle;

(i) Debris on the roadway; or

(j) A person who is out of his or her vehicle attending to a repair of the vehicle.

Sec. 53. NRS 484B.610 is hereby amended to read as follows:

484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.

2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.



4. *A person who drives at a rate of speed of more than 20 miles per hour greater than the speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.*

Sec. 54. NRS 484B.613 is hereby amended to read as follows:

484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 80 miles per hour and may establish a lower speed limit:

(a) Where necessary to protect public health and safety.

(b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.

3. A person who violates any speed limit established pursuant to this section may be subject to the additional penalty set forth in NRS 484B.130.

4. *A person who drives at a rate of speed of more than 20 miles per hour greater than the speed limit established pursuant to this section for the particular portion of the highway being traversed shall be punished by a civil penalty of not more than \$500.*

Sec. 55. NRS 484B.617 is hereby amended to read as follows:

484B.617 1. Except as otherwise provided in subsection 3, a person driving a motor vehicle during the hours of daylight at a speed in excess of the speed limit posted by a public authority for the portion of highway being traversed shall be punished by a ~~fine~~ *civil penalty* of \$25 if:

(a) The posted speed limit is 60 miles per hour and the person is not exceeding a speed of 70 miles per hour.

(b) The posted speed limit is 65 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(c) The posted speed limit is 70 miles per hour and the person is not exceeding a speed of 75 miles per hour.

(d) The posted speed limit is 75 miles per hour and the person is not exceeding a speed of 80 miles per hour.

(e) The posted speed limit is 80 miles per hour and the person is not exceeding a speed of 85 miles per hour.

2. A violation of the speed limit under any of the circumstances set forth in subsection 1 must not be recorded by the Department on a driver's record and shall not be deemed a moving traffic violation.



3. The provisions of this section do not apply to a violation specified in subsection 1 that occurs in a county whose population is 100,000 or more if the portion of highway being traversed is in:

(a) An urban area; or

(b) An area which is adjacent to an urban area and which has been designated by the public authority that established the posted speed limit for the portion of highway being traversed as an area that requires strict observance of the posted speed limit to protect public health and safety.

Sec. 56. NRS 484B.620 is hereby amended to read as follows:

484B.620 1. The Department of Transportation may prescribe speed zones, and install appropriate speed signs controlling vehicular traffic on the state highway system as established in chapter 408 of NRS through hazardous areas, after necessary studies have been made to determine the need therefor, and to eliminate speed zones and remove the signs therefrom whenever the need therefor ceases to exist.

2. After the establishment of a speed zone and the installation of appropriate signs to control speed, it is unlawful for any person to drive a motor vehicle upon the road and in the speed zone in excess of the speed therein authorized.

3. A person who drives a motor vehicle in a speed zone prescribed pursuant to this section at a rate of speed of more than 20 miles per hour greater than the speed therein authorized shall be punished by a civil penalty of not more than \$500.

Sec. 57. NRS 484B.630 is hereby amended to read as follows:

484B.630 1. On a highway that has one lane for traveling in each direction, where passing is unsafe because of traffic traveling in the opposite direction or other conditions, the driver of a slow-moving vehicle, behind which five or more vehicles are formed in a line, shall, to allow the vehicles following behind to proceed, turn off the roadway:

(a) At the nearest place designated as a turnout by signs erected by the public authority having jurisdiction over the highway; or

(b) In the absence of such a designated turnout, at the nearest place where:

(1) Sufficient area for a safe turnout exists; and

(2) The circumstances and conditions are such that the driver is able to turn off the roadway in a safe manner.

2. A person who violates subsection 1 is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act.*

3. As used in this section, "slow-moving vehicle" means a vehicle that is traveling at a rate of speed which is less than the



1 posted speed limit for the highway or portion of the highway upon
2 which the vehicle is traveling.

3 **Sec. 58.** NRS 484B.650 is hereby amended to read as follows:

4 484B.650 1. A driver commits an offense of aggressive
5 driving if, during any single, continuous period of driving within the
6 course of 1 mile, the driver does all the following, in any sequence:

7 (a) Commits one or more acts of speeding in violation of NRS
8 484B.363 or 484B.600.

9 (b) Commits two or more of the following acts, in any
10 combination, or commits any of the following acts more than once:

11 (1) Failing to obey an official traffic-control device in
12 violation of NRS 484B.300.

13 (2) Overtaking and passing another vehicle upon the right by
14 driving off the paved portion of the highway in violation of
15 NRS 484B.210.

16 (3) Improper or unsafe driving upon a highway that has
17 marked lanes for traffic in violation of NRS 484B.223.

18 (4) Following another vehicle too closely in violation of
19 NRS 484B.127.

20 (5) Failing to yield the right-of-way in violation of any
21 provision of NRS 484B.250 to 484B.267, inclusive.

22 (c) Creates an immediate hazard, regardless of its duration, to
23 another vehicle or to another person, whether or not the other person
24 is riding in or upon the vehicle of the driver or any other vehicle.

25 2. A driver may be prosecuted and convicted of an offense of
26 aggressive driving in violation of subsection 1 whether or not the
27 driver is ~~prosecuted or convicted~~ *issued a notice of civil infraction*
28 *pursuant to section 27 of this act* for committing, *or is found to*
29 *have committed*, any of the acts described in paragraphs (a) and (b)
30 of subsection 1.

31 3. A driver who commits an offense of aggressive driving in
32 violation of subsection 1 is guilty of a misdemeanor and:

33 (a) For the first offense, shall be punished:

34 (1) By a fine of not less than \$250 but not more than \$1,000;
35 or

36 (2) By both fine and imprisonment in the county jail for not
37 more than 6 months.

38 (b) For the second offense, shall be punished:

39 (1) By a fine of not less than \$1,000 but not more than
40 \$1,500; or

41 (2) By both fine and imprisonment in the county jail for not
42 more than 6 months.

43 (c) For the third and each subsequent offense, shall be punished:

44 (1) By a fine of not less than \$1,500 but not more than
45 \$2,000; or



(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. In addition to any other penalty pursuant to subsection 3:

(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.

(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.

5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.

6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.

7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.

8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.

9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.

10. A person who violates any provision of subsection 1 may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

Sec. 59. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a ~~misdemeanor~~ **civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act** for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive.



2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles and electric bicycles apply whenever a bicycle or an electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles or electric bicycles subject to those exceptions stated herein.

Sec. 60. NRS 484B.900 is hereby amended to read as follows:

484B.900 No automobile rental agency shall be liable for any traffic violation arising out of the use of a leased or rented motor vehicle during the period such motor vehicle is not in the possession of the agency. This section does not absolve any such agency from liability for any misdemeanor *or civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* committed by an officer, employee or agent of the agency.

Sec. 61. NRS 484D.285 is hereby amended to read as follows:

484D.285 1. The driver of a vehicle which is equipped with a device for braking that uses the compression of the engine of the vehicle shall not use the device at any time unless:

(a) The device is equipped with an operational muffler; or

(b) The driver reasonably believes that an emergency requires the use of the device to protect the physical safety of a person or others from an immediate threat of physical injury or to protect against an immediate threat of damage to property.

2. A person who violates the provisions of this section is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*.

Sec. 62. NRS 484D.405 is hereby amended to read as follows:

484D.405 1. It is unlawful for any person to operate or cause to be operated upon the public highways of the State of Nevada any out-of-state or foreign privately owned motor vehicle equipped with a red light or siren attached thereto as a part of the equipment of the vehicle.

2. This section is not intended to repeal, amend or in any manner change the existing law insofar as it applies to domestic and foreign motor vehicles except in the particular instance set out in subsection 1 and this section does not apply to motor vehicles registered in foreign states having reciprocal arrangements made with the Department in relation to the use of red lights and sirens upon out-of-state motor vehicles.

3. A violation of the provisions of this section is punishable by a ~~fine~~ *civil penalty* of not more than \$250.

Sec. 63. NRS 484D.495 is hereby amended to read as follows:

484D.495 1. It is unlawful to drive a passenger car manufactured after:



(a) January 1, 1968, on a highway unless it is equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(b) January 1, 1970, on a highway unless it is equipped with a lap-type safety belt assembly for each permanent seating position for passengers. This requirement does not apply to the rear seats of vehicles operated by a police department or sheriff's office.

(c) January 1, 1970, unless it is equipped with at least two shoulder-harness-type safety belt assemblies for use in the front seating positions.

2. Any person driving, and any passenger who:

(a) Is 6 years of age or older; or

(b) Weighs more than 60 pounds, regardless of age,

↳ who rides in the front or back seat of any vehicle described in subsection 1, having an unladen weight of less than 10,000 pounds, on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the person or passenger.

3. A ~~citation~~ *notice of civil infraction* must be issued *pursuant to section 27 of this act* to any driver or to any adult passenger who fails to wear a safety belt as required by subsection

2. If the passenger is a child who:

(a) Is 6 years of age or older but less than 18 years of age, regardless of weight; or

(b) Is less than 6 years of age but who weighs more than 60 pounds,

↳ a ~~citation~~ *notice of civil infraction* must be issued *pursuant to section 27 of this act* to the driver for failing to require that child to wear the safety belt, but if both the driver and that child are not wearing safety belts, only one ~~citation~~ *notice of civil infraction* may be issued to the driver for both violations. A ~~citation~~ *notice of civil infraction* may be issued pursuant to ~~this subsection~~ *section 27 of this act* only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. Any person who violates the provisions of subsection 2 shall be punished by a ~~fine~~ *civil penalty* of not more than \$25 or by a sentence to perform a certain number of hours of community service.

4. A violation of subsection 2:

(a) Is not a moving traffic violation under NRS 483.473.

(b) May not be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.

(c) May not be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.



5. The Department shall exempt those types of motor vehicles or seating positions from the requirements of subsection 1 when compliance would be impractical.

6. The provisions of subsections 2 and 3 do not apply:

(a) To a driver or passenger who possesses a written statement by a physician certifying that the driver or passenger is unable to wear a safety belt for medical or physical reasons;

(b) If the vehicle is not required by federal law to be equipped with safety belts;

(c) To an employee of the United States Postal Service while delivering mail in the rural areas of this State;

(d) If the vehicle is stopping frequently, the speed of that vehicle does not exceed 15 miles per hour between stops and the driver or passenger is frequently leaving the vehicle or delivering property from the vehicle; or

(e) Except as otherwise provided in NRS 484D.500, to a passenger riding in a means of public transportation, including a school bus or emergency vehicle.

7. It is unlawful for any person to distribute, have for sale, offer for sale or sell any safety belt or shoulder harness assembly for use in a motor vehicle unless it meets current minimum standards and specifications of the United States Department of Transportation.

Sec. 64. NRS 484D.540 is hereby amended to read as follows:

484D.540 Violation of the provisions of NRS 484D.535 is a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*. Whenever any motor vehicle is found by any peace officer to be in violation of the provisions of NRS 484D.535, and a notice ~~to appear or citation~~ *of civil infraction* is issued ~~to~~ *pursuant to section 27 of this act*, it may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of NRS 484D.535.

Sec. 65. NRS 484D.620 is hereby amended to read as follows:

484D.620 Any person operating or moving any vehicle or equipment over any highway who violates any length limitation in this chapter is guilty of a ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act*.

Sec. 66. NRS 484D.680 is hereby amended to read as follows:

484D.680 1. Except as otherwise provided in subsection ~~5~~ *4*, a person ~~convicted of~~ *found to have committed* a violation of any limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~fine~~ *civil penalty* as specified in the following table:



Pounds of Excess Weight ~~{Fine}~~ *Civil Penalty*

1 to 1,500.....	\$10
1,501 to 2,500.....	1 cent per pound of excess weight
2,501 to 5,000.....	2 cents per pound of excess weight
5,001 to 7,500.....	4 cents per pound of excess weight
7,501 to 10,000.....	6 cents per pound of excess weight
10,001 and over	8 cents per pound of excess weight

2. If the resulting ~~{fine}~~ *civil penalty* is not a whole number of dollars, the nearest whole number above the computed amount must be imposed as the ~~{fine-}~~ *civil penalty*.

3. The ~~{fines}~~ *civil penalties* provided in this section are mandatory, must be collected immediately upon ~~{a determination of guilt}~~ *entry of an order imposing the penalty* and must not be reduced under any circumstances by the court.

4. ~~{Any bail allowed must not be less than the appropriate fine provided for in this section-}~~

~~—5-}~~ A person ~~{convicted of}~~ *found to have committed* a violation of a limitation of weight imposed by NRS 484D.615 to 484D.675, inclusive, shall be punished by a ~~{fine}~~ *civil penalty* that is equal to twice the amount of the ~~{fine}~~ *civil penalty* specified in subsection 1 if that violation occurred on or after February 1 but before May 1 on a highway designated by the Director of the Department of Transportation as restricted pursuant to NRS 408.214. This subsection does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

Sec. 67. NRS 484D.745 is hereby amended to read as follows:

484D.745 1. It is unlawful for any person to operate or move any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway without first obtaining a permit, or to violate or evade any of the terms or conditions of the permit when issued. A person violating any of the provisions of NRS 484D.685 to 484D.740, inclusive, is guilty of a ~~{misdemeanor-}~~ *civil infraction pursuant to sections 24 to 36, inclusive, of this act*.

2. Any person operating or moving any vehicle or equipment described in NRS 484D.615 or 484D.685 to 484D.725, inclusive, over any highway under the authorization of a permit for continuous use or multiple trips over a limited time and who violates any weight limitation in excess of the weight authorized by the permit must be punished, upon ~~{conviction-}~~ *being found to have committed the violation*, as provided in NRS 484D.680.



Sec. 68. NRS 485.135 is hereby amended to read as follows:

485.135 The Department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any ~~conviction of~~ *violations by* that person of ~~violating~~ any law relating to the operation of a motor vehicle or of any injury or damage caused by that person, the Department shall so certify.

Sec. 69. NRS 486.171 is hereby amended to read as follows:

486.171 **1.** A person shall not authorize or knowingly permit a motorcycle, except a trimobile, owned by or under the control of the person to be driven upon any highway by any person who is not authorized pursuant to NRS 486.011 to 486.381, inclusive, to drive a motorcycle.

2. A person who violates this section is guilty of a misdemeanor.

Sec. 70. NRS 486.375 is hereby amended to read as follows:

486.375 **1.** A person who:

(a) Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;

(b) Is at least 21 years old;

(c) Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and

(e) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director,

may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of , *or found to have committed*, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.



1 **Sec. 71.** NRS 486.381 is hereby amended to read as follows:
2 486.381 Any person violating any provisions of NRS 486.011
3 to 486.361, inclusive, is guilty of a ~~misdemeanor~~ *civil infraction*
4 *unless a provision of those sections specifically provides that a*
5 *particular violation is a misdemeanor, gross misdemeanor or*
6 *felony.*

7 **Sec. 72.** NRS 490.520 is hereby amended to read as follows:
8 490.520 1. It is a gross misdemeanor for any person
9 knowingly to falsify:

10 (a) An off-highway vehicle dealer's report of sale, as described
11 in NRS 490.440; or

12 (b) An application or document to obtain any license, permit,
13 certificate of title or registration issued under the provisions of this
14 chapter.

15 2. *It is a misdemeanor for any person to violate any of the*
16 *provisions of NRS 490.200 to 490.450, inclusive.*

17 3. Except as otherwise provided in subsections ~~3~~ 4 and ~~4~~ 5,
18 it is a ~~misdemeanor~~ *civil infraction punishable pursuant to*
19 *sections 24 to 36, inclusive, of this act* for any person to violate any
20 of the provisions of this chapter unless the violation is by this
21 section or other provision of this chapter or other law of this State
22 declared to be a *misdemeanor*, gross misdemeanor or ~~felony~~.

23 ~~3~~ 4. Except as otherwise provided in subsection ~~4~~ 5, a
24 person who violates a provision of this chapter relating to the
25 registration or operation of an off-highway vehicle is guilty of a
26 ~~misdemeanor~~ *civil infraction punishable pursuant to sections 24*
27 *to 36, inclusive, of this act* and shall be punished by a ~~fine~~ *civil*
28 *penalty* not to exceed \$100.

29 ~~4~~ 5. Any person who registers a large all-terrain vehicle
30 pursuant to NRS 490.0825 and who:

31 (a) Operates or knowingly permits the operation of the vehicle
32 without having insurance as required by NRS 490.0825;

33 (b) Operates or knowingly permits the operation of the vehicle
34 without having evidence of insurance of the vehicle in the
35 possession of the operator of the vehicle; or

36 (c) Fails or refuses to surrender, upon demand, to a peace officer
37 or to an authorized representative of the Department the evidence of
38 insurance,

39 ↪ is guilty of a ~~misdemeanor~~ *civil infraction punishable*
40 *pursuant to sections 24 to 36, inclusive, of this act* and shall be
41 punished by a ~~fine~~ *civil penalty* not to exceed \$100.

42 **Sec. 73.** NRS 4.370 is hereby amended to read as follows:

43 4.370 1. Except as otherwise provided in subsection 2, justice
44 courts have jurisdiction of the following civil actions and



proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed \$15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed \$15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding \$15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed \$15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed \$15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed \$15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed \$15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed \$15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed \$15,000.

(l) In actions for a fine imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence. A justice court does not have



jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more; or

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court.

(n) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive.

(o) In small claims actions under the provisions of chapter 73 of NRS.

(p) In actions to contest the validity of liens on mobile homes or manufactured homes.

(q) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment.

(r) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault.

(s) In actions transferred from the district court pursuant to NRS 3.221.

(t) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(u) In any action seeking an order pursuant to NRS 441A.195.

(v) In any action to determine whether a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. Upon approval of the district court, a justice court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the justice court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.



4. Except as otherwise provided in subsections 5 and 6, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

6. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 74. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) *To determine whether a person has committed a civil infraction pursuant to sections 24 to 36, inclusive, of this act.*

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. Upon approval of the district court, a municipal court may transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to a program established pursuant to NRS 176A.250 or, if the municipal court has not established a program pursuant to NRS 176A.280, to a program established pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed \$2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed \$2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed \$2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed \$2,500.



(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed \$2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

Sec. 75. NRS 17.150 is hereby amended to read as follows:

17.150 1. Immediately after filing a judgment roll, the clerk shall make the proper entries of the judgment, under appropriate heads, in the docket kept by the clerk, noting thereon the hour and minutes of the day of such entries.

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. ~~The~~ *Except as otherwise provided in section 36 of this act, the* lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure or by the Statutes of the United States, in which case the lien of the judgment or decree and any lien by virtue of an attachment that has been issued and levied in the actions ceases;

(b) The judgment is for arrearages in the payment of child support, in which case the lien continues until the judgment is satisfied;

(c) The judgment is satisfied; or

(d) The lien is otherwise discharged.

➔ The time during which the execution of the judgment is suspended by appeal, action of the court or defendant must not be counted in computing the time of expiration.

3. The abstract described in subsection 2 must contain the:



- (a) Title of the court and the title and number of the action;
- (b) Date of entry of the judgment or decree;
- (c) Names of the judgment debtor and judgment creditor;
- (d) Amount of the judgment or decree; and
- (e) Location where the judgment or decree is entered in the minutes or judgment docket.

4. In addition to recording the information described in subsection 2, a judgment creditor who records a judgment or decree for the purpose of creating a lien upon the real property of the judgment debtor pursuant to subsection 2 shall record at that time an affidavit of judgment stating:

- (a) The name and address of the judgment debtor;
- (b) If the judgment debtor is a natural person:
 - (1) The last four digits of the judgment debtor's driver's license number or identification card number and the state of issuance; or
 - (2) The last four digits of the judgment debtor's social security number;
- (c) If the lien is against real property which the judgment debtor owns at the time the affidavit of judgment is recorded, the assessor's parcel number and the address of the real property and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of that real property; and
- (d) If a manufactured home or mobile home is included within the lien, the location and serial number of the manufactured home or mobile home and a statement that the judgment creditor has confirmed that the judgment debtor is the legal owner of the manufactured home or mobile home.

➤ All information included in an affidavit of judgment recorded pursuant to this subsection must be based on the personal knowledge of the affiant, and not upon information and belief.

5. As used in this section:

- (a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.
- (b) "Mobile home" has the meaning ascribed to it in NRS 489.120.

Sec. 76. NRS 17.214 is hereby amended to read as follows:

17.214 1. ~~[A]~~ ***Except as otherwise provided in section 36 of this act, a*** judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:

- (a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an "Affidavit of Renewal of Judgment" and must specify:



(1) The names of the parties and the name of the judgment creditor's successor in interest, if any, and the source and succession of his or her title;

(2) If the judgment is recorded, the name of the county and the document number or the number and the page of the book in which it is recorded;

(3) The date and the amount of the judgment and the number and page of the docket in which it is entered;

(4) Whether there is an outstanding writ of execution for enforcement of the judgment;

(5) The date and amount of any payment on the judgment;

(6) Whether there are any setoffs or counterclaims in favor of the judgment debtor and the amount or, if a setoff or counterclaim is unsettled or undetermined it will be allowed as payment or credit on the judgment;

(7) The exact amount due on the judgment;

(8) If the judgment was docketed by the clerk of the court upon a certified copy from any other court, and an abstract recorded with the county clerk, the name of each county in which the transcript has been docketed and the abstract recorded; and

(9) Any other fact or circumstance necessary to a complete disclosure of the exact condition of the judgment.

➤ All information in the affidavit must be based on the personal knowledge of the affiant, and not upon information and belief.

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

Sec. 77. NRS 62A.220 is hereby amended to read as follows:

62A.220 "Minor traffic offense" means a violation of any state or local law or ordinance governing the operation of a motor vehicle upon any highway within this State other than:

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



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

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

4. A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act.

Sec. 78. NRS 62B.380 is hereby amended to read as follows:

62B.380 1. ~~If a child is charged with a minor traffic offense, the~~ Except as otherwise provided in this section, the juvenile court has exclusive jurisdiction over proceedings concerning a child who commits a minor traffic offense or who violates a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act. The juvenile court may transfer the case and record to a Justice Court or municipal court if the juvenile court determines that the transfer is in the best interests of the child.

2. If a case is transferred pursuant to this section ~~for~~ and the case concerns a child who is alleged to have:

(a) ~~The~~ Committed a minor traffic offense, the restrictions set forth in NRS 62C.030 are applicable in those proceedings. ~~for~~ and

(b) ~~for~~ Violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act, the case must be processed, heard and disposed of in the same manner and with the same penalties as provided in sections 24 to 36, inclusive, of this act.

3. If a case is transferred pursuant to this section, a parent or guardian must accompany the child at all proceedings.

~~for~~ 4. If the juvenile court transfers a case and record to a Justice Court or municipal court pursuant to this section, the Justice Court or municipal court may transfer the case and record back to the juvenile court with the consent of the juvenile court.

5. If a case concerns a child who is alleged to have violated a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act and the case is not transferred pursuant to this section, the child must not be treated as a child alleged to be in need of supervision or delinquent and the juvenile court must not adjudicate the child to be in need of supervision or delinquent. If the juvenile court finds that the child committed the violation, the juvenile court must impose the civil penalty authorized by the applicable provision of law, and order the child or the parent or guardian of the child to pay the administrative assessment required to be imposed by NRS 62E.270.

Sec. 79. NRS 62E.270 is hereby amended to read as follows:

62E.270 1. If the juvenile court imposes a fine against:



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

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

(c) *A child who violates a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable by a civil penalty pursuant to subsection 4 of NRS 62B.380; or*

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

the juvenile court shall order the child or the parent or guardian of the child to pay an administrative assessment of \$10 in addition to the *civil penalty or* fine.

2. If, pursuant to NRS 62E.440, the juvenile court imposes a fine against a child who has committed an offense related to tobacco, the juvenile court shall order the child to pay an administrative assessment of \$10 in addition to the fine.

3. The juvenile court shall state separately on its docket the amount of money that the juvenile court collects for the administrative assessment.

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

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

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

Sec. 80. 1. The Legislature hereby finds and declares that:

(a) In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

(b) The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587 (1968), *Sparkman v. State*, 95 Nev. 76 (1979), and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

(c) The imposition of criminal penalties for certain minor traffic and related offenses is overly burdensome because it threatens



1 persons with criminal penalties, including imprisonment in county
2 jail, for failure to pay fines, assessments and fees imposed in
3 connection with relatively minor offenses.

4 (d) For those reasons, the Legislature is exercising its exclusive
5 power to define the acts which subject a person to criminal penalties
6 by making certain minor traffic and related offenses no longer
7 subject to criminal penalties and, instead, imposing civil penalties
8 for those offenses.

9 (e) It is unfair and unequal to impose criminal penalties,
10 including imprisonment in county jail, on a person who is alleged to
11 have committed a minor traffic or related offense but who has not
12 been convicted of that offense before the effective date of this act
13 while a person who commits the same act after the effective date of
14 this act is subject to civil penalties rather than criminal penalties.

15 (f) To ensure the fair and equal treatment of persons who are
16 alleged to have committed a minor traffic or related offense but who
17 have not been convicted of that offense before the effective date of
18 this act and persons who commit such an offense after the effective
19 date of this act, the Legislature hereby expresses its intent that the
20 penalties set forth in this act be applied retroactively to any person
21 who has not been convicted of an offense before the effective date
22 of this act.

23 2. Except as otherwise provided in this section, the provisions
24 of this act apply to a violation of any provision of law that pursuant
25 to a provision of this act is punishable as a civil infraction pursuant
26 to sections 24 to 36, inclusive, of this act if the violation occurred
27 before, on or after October 1, 2019. The provisions of this act do not
28 apply to any violation of law for which a person was convicted
29 before October 1, 2019.

30 3. Each court in this State shall cancel each outstanding bench
31 warrant issued for a person who failed to appear in court in response
32 to a traffic citation issued before October 1, 2019, for a violation of
33 law that pursuant to the provisions of this act is punishable as a civil
34 infraction pursuant to sections 24 to 36, inclusive, of this act.

35 4. The Central Repository for Nevada Records of Criminal
36 History shall remove from each database or compilation of records
37 of criminal history maintained by the Central Repository all records
38 of bench warrants issued for a person who failed to appear in court
39 in response to a traffic citation issued before October 1, 2019, for a
40 violation of law that pursuant to the provisions of this act is
41 punishable as a civil infraction pursuant to sections 24 to 36,
42 inclusive, of this act.

43 **Sec. 81.** This act becomes effective upon passage and approval
44 for the purpose of adopting regulations and performing any other



- 1 administrative tasks that are necessary to carry out the provision of
- 2 this act and on October 1, 2019, for all other purposes.

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