

Amendment No. 383

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| Assembly Amendment to Assembly Bill No. 411 | (BDR 43-426) |
| Proposed by: Assembly Committee on Judiciary | |
| Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 51-54 of this bill revise the penalties for speeding. 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 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. **Under section 30, if a person does not respond to a notice of civil infraction within 90 judicial days after it has been issued, the court is required to notify the person of the consequences of the failure to respond. If the person does not respond to the notice of civil infraction within 30 judicial days after receipt of the notice of the failure to respond, the court is required to find that the person committed the civil infraction and assess a monetary penalty and administrative assessments against the person.**

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)~~ **\$500** 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. **Section 72.5 authorizes certain justice courts to appoint referees to take testimony and recommend orders and judgments to the justice of the peace in cases involving a violation of law that is punishable as a civil infraction 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.]~~ **January 1, 2021.** **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 issued for a person who failed to appear in court in response to a citation for an 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:

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

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

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

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

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

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

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

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

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

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

(d) Submits to the Department:

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

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

(3) A copy of the person's high school diploma or certificate 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

1 this section that authorizes him or her to operate a motorcycle must comply with the
2 provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

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

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

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

12 4. If a course described in paragraph (a) of subsection 3 is not offered within a
13 30-mile radius of a person's residence, the person may, in lieu of completing the
14 course, complete an additional 50 hours of experience in driving a motorcycle in
15 accordance with paragraph (b) of subsection 3.

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

17 483.2523 1. A person to whom a driver's license is issued pursuant to NRS
18 483.2521 shall not, during the first 6 months after the date on which the driver's
19 license is issued, transport as a passenger a person who is under 18 years of age,
20 unless the person is a member of his or her immediate family.

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

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

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

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

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

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

30 3. A violation of this section:

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

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

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

35 483.2525 1. A peace officer shall not stop a motor vehicle for the sole
36 purpose of determining whether the driver is violating a provision of NRS
37 483.2523. Except as otherwise provided in subsection 2, a ~~{citation}~~ *notice of civil*
38 *infraction* may be issued *pursuant to sections 24 to 36, inclusive, of this act* for a
39 violation of NRS 483.2523 only if the violation is discovered when the vehicle is
40 halted or its driver is arrested for another alleged violation or offense.

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

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

47 483.330 1. The Department may require every applicant for a driver's
48 license, including a commercial driver's license issued pursuant to NRS 483.900 to
49 483.940, inclusive, to submit to an examination. The examination may include:

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

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

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

3 (d) Except as otherwise provided in subsection 3, an actual demonstration of
4 the applicant's ability to exercise ordinary and reasonable control in the operation
5 of a motor vehicle of the type or class of vehicle for which he or she is to be
6 licensed.

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

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

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

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

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

23 ➤ in lieu of an actual demonstration.

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

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

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

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

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

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

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

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

49 483.340 1. The Department shall, upon payment of the required fee, issue to
50 every qualified applicant a driver's license indicating the type or class of vehicles
51 the licensee may drive.

52 2. The Department shall adopt regulations prescribing the information that
53 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 to refuse to make an anatomical gift of his or her body or part thereof.

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

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

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

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

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

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

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

2 483.400 1. The Department shall maintain files of applications for licenses.
3 Such files shall contain:

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

6 (b) All applications granted.

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

9 2. The Department shall also file all crash reports and abstracts of court
10 records of convictions *or findings of the commission of civil infractions pursuant*
11 *to sections 24 to 36, inclusive, of this act* received by it under the laws of this State,
12 and in connection therewith maintain convenient records or make suitable notations
13 in order that an individual record of each licensee showing the convictions *or*
14 *findings* of such licensee and the traffic crashes in which the licensee was involved
15 ~~[shall be]~~ *are* readily ascertainable and available for the consideration of the
16 Department upon any application for renewal of license and at other suitable times.

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

18 483.430 1. The privilege of driving a motor vehicle on the highways of this
19 State given to a nonresident under NRS 483.010 to 483.630, inclusive, ~~[shall be]~~ *is*
20 subject to suspension or revocation by the Department in like manner and for like
21 cause as a driver's license issued under NRS 483.010 to 483.630, inclusive, may be
22 suspended or revoked.

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

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

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

34 483.443 1. The Department shall, upon receiving notification from a district
35 attorney or other public agency collecting support for children pursuant to NRS
36 425.510 that a court has determined that a person:

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

40 (b) Is in arrears in the payment for the support of one or more children,
41 ➤ send a written notice to that person that his or her driver's license is subject to
42 suspension.

43 2. The notice must include:

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

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

46 (c) Any other information the Department deems necessary.

47 3. If a person who receives a notice pursuant to subsection 1 does not, within
48 30 days after receiving the notice, comply with the subpoena or warrant or satisfy
49 the arrearage as required in NRS 425.510, the Department shall suspend the license
50 without providing the person with an opportunity for a hearing.

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

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

3 (a) A notice from ~~the~~ any of the following:

4 (1) ~~The~~ district attorney or other public agency pursuant to NRS 425.510
5 that the person has complied with the subpoena or warrant or has satisfied the
6 arraignment pursuant to that section. ~~[- from a-]~~

7 (2) ~~A traffic commissioner, referee, hearing master, municipal judge,~~
8 ~~justice of the peace or~~ district judge, ~~as applicable,~~ that a delinquency for which
9 the suspension was ordered pursuant to NRS 176.064 ~~or section 36 of this act, as~~
10 ~~applicable,~~ has been discharged. ~~[- or from a]~~

11 (3) A traffic commissioner, referee, hearing master, municipal judge,
12 justice of the peace or district judge, as applicable, that a defendant whose license
13 was ordered to be suspended pursuant to section 36 of this act has been ordered
14 to perform community service to discharge the delinquency for which the
15 suspension was ordered pursuant to section 36 of this act. If the defendant does
16 not perform community service in a manner satisfactory to the court, the
17 Department shall immediately suspend the license of the defendant if so ordered
18 pursuant to section 36 of this act.

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

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

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

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

28 483.447 A person who does not hold a valid license issued by this State or
29 any other state and who operates a vehicle in this State shall be deemed to have
30 future driving privileges that may be suspended if the person is ~~found to have~~
31 ~~committed a civil infraction in this State pursuant to sections 24 to 36, inclusive,~~
32 ~~of this act or is~~ convicted of any ~~criminal~~ traffic offense in this State.

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

34 483.448 1. Except as otherwise provided in this subsection, when a person
35 deemed to have future driving privileges pursuant to NRS 483.447 has accumulated
36 3 or more demerit points, but less than 12, the Department shall notify the person of
37 this fact. If, after the Department mails the notice, the person presents proof to the
38 Department that he or she has successfully completed a course of traffic safety
39 approved by the Department and a signed statement which indicates that the
40 successful completion of the course was not required pursuant to a ~~court order~~
41 ~~entered pursuant to section 34 of this act or a~~ plea agreement, the Department
42 shall cancel not more than 3 demerit points from the person's driving record. If
43 such a person accumulates 12 or more demerit points before completing the course
44 of traffic safety, the person will not be entitled to have demerit points cancelled
45 upon the completion of the course but must have future driving privileges
46 suspended. A person deemed to have future driving privileges may attend a course
47 only once in 12 months for the purpose of reducing demerit points. The 3 demerit
48 points may only be cancelled from the driver's record of the person during the 12-
49 month period immediately following the driver's successful completion of the
50 course of traffic safety. The provisions of this subsection do not apply to a person
51 deemed to have future driving privileges whose successful completion of a course
52 of traffic safety was required pursuant to a ~~court order entered pursuant to section~~
53 ~~34 of this act or a~~ plea agreement.

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

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

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

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

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

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

5. If the Department determines by its records that a person 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 ~~[H]~~ *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 ~~[H]~~ *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*

1 *act* is obtained. The Department may provide for a graduated system of demerits
2 within each category of violations *or civil infractions* according to the extent to
3 which the traffic law was violated.

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

5 483.475 1. Except as otherwise provided in this subsection, when a person
6 who holds a driver's license has accumulated 3 or more demerit points, but less
7 than 12, the Department shall notify the person of this fact. If, after the Department
8 mails the notice, the driver presents proof to the Department that he or she has
9 successfully completed a course of traffic safety approved by the Department and a
10 signed statement which indicates that the successful completion of the course was
11 not required pursuant to a plea agreement ~~or~~ *or court order entered pursuant to*
12 *section 34 of this act*, the Department shall cancel not more than 3 demerit points
13 from the person's driving record. If the driver accumulates 12 or more demerit
14 points before completing the course of traffic safety, the person will not be entitled
15 to have demerit points cancelled upon the completion of the course, but must have
16 his or her license suspended. A person may attend a course only once in 12 months
17 for the purpose of reducing demerit points. The 3 demerit points may only be
18 cancelled from a driver's record during the 12-month period immediately following
19 the driver's successful completion of the course of traffic safety. The provisions of
20 this subsection do not apply to a person whose successful completion of a course of
21 traffic safety was required pursuant to a plea agreement ~~or~~ *or court order entered*
22 *pursuant to section 34 of this act.*

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

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

28 (a) For the first accumulation of 12 demerit points during a 12-month period, 6
29 months. A driver whose license is suspended pursuant to this paragraph is eligible
30 for a restricted license during the suspension.

31 (b) For the second accumulation within 3 years of 12 demerit points during a
32 12-month period, 1 year. A driver whose license is suspended pursuant to this
33 paragraph is eligible for a restricted license during the suspension.

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

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

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

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

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

52 (a) The suspension of the license is stayed until a determination is made by the
53 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 ~~(a)~~ 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. ~~[(h)]~~ *Except as otherwise provided in NRS 483.560, it is [unlawful] a civil infraction punishable pursuant to sections 24 to 36, inclusive, of this act* for any person to drive a motor vehicle upon a public street or highway in this State without being the holder of a valid driver's license.

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

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

2 483.570 No person whose driving privilege as a nonresident has been
3 cancelled, suspended or revoked, as provided in NRS 483.010 to 483.630,
4 inclusive, shall drive any motor vehicle upon the highways of this State while such
5 privilege is cancelled, suspended or revoked. *It is a misdemeanor for any person to*
6 *violate this section.*

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

8 483.575 1. ~~△ [It is a misdemeanor for a]~~ person with epilepsy ~~shall not [to]~~
9 operate a motor vehicle if that person has been informed by a physician pursuant to
10 NRS 629.047 that his or her condition would severely impair his or her ability to
11 safely operate a motor vehicle. A violation of this subsection is a misdemeanor.

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

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

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

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

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

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

30 483.580 A person shall not cause or knowingly permit his or her child or
31 ward under the age of 18 years to drive a motor vehicle upon any highway when the
32 minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive,
33 or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or
34 if the minor's license is revoked or suspended pursuant to title 5 of NRS or NRS
35 392.148. *It is a misdemeanor for a person to violate this section.*

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

37 483.590 No person shall authorize or knowingly permit a motor vehicle
38 owned by the person or under his or her control to be driven upon any highway by
39 any person who is not authorized under NRS 483.010 to 483.630, inclusive, or in
40 violation of any of the provisions of NRS 483.010 to 483.630, inclusive. *It is a*
41 *misdemeanor for a person to violate this section.*

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

43 483.600 No person shall employ as a driver of a motor vehicle any person not
44 then licensed as provided in NRS 483.010 to 483.630, inclusive. *It is a*
45 *misdemeanor for a person to violate this section.*

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

47 483.610 1. No person shall rent a motor vehicle to any other person unless
48 the latter person is then duly licensed under NRS 483.010 to 483.630, inclusive, or,
49 in the case of a nonresident, then duly licensed under the laws of the state or
50 country of his or her residence except a nonresident whose home state or country
51 does not require that a driver be licensed.

52 2. No person shall rent a motor vehicle to another until the person has
53 inspected the driver's license of the person to whom the vehicle is to be rented and

1 compared and verified the signature thereon with the signature of such person
2 written in his or her presence.

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

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

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

10 483.620 It is a ~~[misdemeanor]~~ *civil infraction punishable pursuant to*
11 *sections 24 to 36, inclusive, of this act* for any person to violate any of the
12 provisions of NRS 483.010 to 483.630, inclusive, unless such violation is, by NRS
13 483.010 to 483.630, inclusive, or other law of this State, declared to be a
14 *misdemeanor, gross misdemeanor or* felony.

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

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

21 *(a) Issued in books; or*

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

23 **2. *The chief administrative officer of each traffic enforcement agency is***
24 ***responsible for the issuance of such books and electronic devices and shall***
25 ***maintain a record of each book, each electronic device and each notice of civil***
26 ***infraction issued to individual members of the traffic enforcement agency and***
27 ***volunteers of the traffic enforcement agency appointed pursuant to NRS***
28 ***484B.470. The chief administrative officer shall require and retain a receipt for***
29 ***every book and electronic device that is issued.***

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

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

33 ***2. Is prepared electronically,***

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

37 **Sec. 26. *A peace officer in this State who has reasonable cause to believe***
38 ***that a person has violated a provision of chapters 483 to 484E, inclusive, 486 or***
39 ***490 of NRS that is a civil infraction may halt and detain the person as is***
40 ***reasonably necessary to investigate the alleged violation and serve a notice of***
41 ***civil infraction for the alleged violation. A peace officer who has halted and***
42 ***detained a person pursuant to this section may also detain the person in***
43 ***accordance with NRS 171.123.***

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

49 ***(a) A statement that the notice represents a determination by a peace officer***
50 ***that a civil infraction has been committed by the person named in the notice and***
51 ***that the determination will be final unless contested as provided in sections 24 to***
52 ***36, inclusive, of this act;***

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

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

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

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

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

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

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

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

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

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

27 **Sec. 28.** 1. *Whenever the driver of a vehicle is stopped by a peace officer*
28 *for violating a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS*
29 *that is a civil infraction, except for violating a provision of NRS 484B.440 to*
30 *484B.523, inclusive, the officer shall demand proof of the insurance required by*
31 *NRS 485.185 or 490.0825 and issue a citation as provided in NRS 484A.630 if the*
32 *officer has probable cause to believe that the driver of the vehicle is in violation*
33 *of NRS 485.187 or subsection 4 of NRS 490.520. If the driver of the vehicle is not*
34 *the owner, a notice of civil infraction must also be issued to the owner, and in*
35 *such a case the driver:*

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

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

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

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

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

51 2. *A copy of a notice of civil infraction that is prepared electronically and*
52 *issued to an alleged violator of any provision of the motor vehicle laws of this*
53 *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 infraction issued by an officer under his or her supervision to an alleged violator of any traffic law or ordinance and of all physical copies or electronic records of every notice of civil infraction which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

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

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

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

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

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

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

(b) Submits a written statement of mitigating circumstances, the court must consider the written statement and determine whether to reduce the monetary penalty imposed for the civil infraction based on that statement. The court may reduce any moving violation to a nonmoving violation based on the statement of mitigating circumstances.

5. If any person issued a notice of civil infraction fails to ~~fr~~ respond to the notice ~~as provided in subsection 2, or~~ of civil infraction within 90 judicial days after the date on which the notice of civil infraction is issued, the court must notify the offender of the failure to respond by mailing a notice of the failure to respond to the last known address of the person by registered or certified mail. If the person does not respond to the notice of civil infraction in the manner specified by subsection 2, 3 or 4 within 30 judicial days after receipt of notice of the failure to respond, 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 of civil infraction as required by this section may not appeal an order entered pursuant to this subsection.

6. If any person issued a notice of civil infraction fails to appear at a hearing requested pursuant to subsection 3 or 4, ~~fr~~ 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 in the court's
2 records. If it has been established by a preponderance of the evidence that the
3 infraction was committed, the court must enter in the court's records an order
4 pursuant to section 34 of this act.

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

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

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

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

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

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

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

31 Sec. 34. 1. A person who is found to have committed a civil infraction
32 shall be punished by a civil penalty of not more than ~~(\$250)~~ \$500 per violation,
33 unless a greater civil penalty is authorized by specific statute. On or before the
34 fifth day of each month, a justice court shall pay to the State Controller any civil
35 penalty imposed and collected by the justice court pursuant to this subsection for
36 a violation of a law of this State. The State Controller shall deposit the money
37 into the State Permanent School Fund.

38 2. If a person is found to have committed a civil infraction, in addition to
39 any civil penalty imposed on the person, the court must order the person to pay
40 the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and
41 176.0623 in the amount that the person would be required to pay if the civil
42 penalty were a fine imposed on a defendant who pleads guilty or guilty but
43 mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in
44 lieu of a civil penalty, the court authorizes a person to successfully complete a
45 course of traffic safety approved by the Department of Motor Vehicles, the court
46 must order the person to pay the amount of the administrative assessment that
47 corresponds to the civil penalty for which the defendant would have otherwise
48 been responsible. The administrative assessments imposed pursuant to this
49 subsection must be collected and distributed in the same manner as the
50 administrative assessments imposed and collected pursuant to NRS 176.059,
51 176.0611, 176.0613 and 176.0623.

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

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

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

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

7 (a) *In addition to ordering a person who is found to have committed a civil*
8 *infraction to pay a civil penalty and administrative assessments pursuant to this*
9 *section, order a person who is found to have committed the civil infraction to*
10 *successfully complete a course of traffic safety approved by the Department of*
11 *Motor Vehicles.*

12 (b) *Order a person who is found to have committed the civil infraction to*
13 *successfully complete a course of traffic safety approved by the Department of*
14 *Motor Vehicles as a condition to obtaining a waiver or reduction of the civil*
15 *penalty which the court has ordered the person to pay.*

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

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

22 (b) *As all or part of the punishment for the commission of the civil*
23 *infraction.*

24 2. *The community service must be performed for and under the supervising*
25 *authority of a county, city, town or other political subdivision or agency of the*
26 *State of Nevada or a charitable organization that renders service to the*
27 *community or its residents.*

28 3. *The court may require the person who committed the civil infraction to*
29 *deposit with the court a reasonable sum of money to pay for the cost of policies of*
30 *insurance against liability for personal injury and damage to property or for*
31 *industrial insurance, or both, during those periods in which the person performs*
32 *the community service, unless, in the case of industrial insurance, it is provided*
33 *by the authority for which the person performs the community service.*

34 4. *The following conditions apply to any such community service imposed*
35 *by the court:*

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

40 (b) *A supervising authority listed in subsection 2 must agree to accept the*
41 *person for community service before the court may require the person to perform*
42 *community service for that supervising authority. The supervising authority must*
43 *be located in or be the town or city of the person's residence or, if that placement*
44 *is not possible, one located within the jurisdiction of the court or, if that*
45 *placement is not possible, the authority may be located outside the jurisdiction of*
46 *the court.*

47 (c) *Community service that a court requires pursuant to this section must be*
48 *supervised by an official of the supervising authority or by a person designated by*
49 *the authority.*

50 (d) *The court may require the supervising authority to report periodically to*
51 *the court the person's performance in carrying out the community service.*

52 (e) *A person performing community service in lieu of the payment of a civil*
53 *penalty must receive credit toward the civil penalty at a rate ~~of~~ per hour of*

1 community service performed that is equal to at least \$10 ~~[per hour of community~~
2 ~~service performed.] or the state minimum wage for an employee who is not~~
3 ~~provided health benefits by his or her employer, whichever is greater.~~

4 **Sec. 36. 1.** If a civil penalty, administrative assessment or fee is imposed
5 upon a person who is found to have committed a civil infraction pursuant to
6 sections 24 to 36, inclusive, of this act, whether or not the civil penalty,
7 administrative assessment or fee is in addition to any other punishment, and the
8 civil penalty, administrative assessment or fee or any part of it remains unpaid
9 after the time established by the court for its payment, the delinquent person is
10 liable for a collection fee, to be imposed by the court at the time it finds that the
11 civil penalty, administrative assessment or fee is delinquent, of:

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

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

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

17 2. The court may, on its own motion or at the request of ~~[an entity that is~~
18 ~~responsible for collecting a delinquent civil penalty, administrative assessment or~~
19 ~~fee]~~ the city or county in which the court has jurisdiction, enter a civil judgment
20 for the amount due in favor of the ~~[entity that is responsible for collecting the~~
21 ~~delinquent civil penalty, administrative assessment or fee.]~~ city or county, as
22 applicable. A civil judgment entered pursuant to this subsection may be enforced
23 in the manner provided by law for the enforcement of a judgment for money
24 rendered in a civil action except that the judgment and any lien for the judgment
25 expires 10 years after the date the judgment was docketed and may not be
26 renewed. ~~[If]~~ Except as otherwise provided in subsection 3, if the court has
27 entered a civil judgment pursuant to this subsection, ~~[and the court finds that the~~
28 ~~person against whom the judgment is entered is not indigent and has~~
29 ~~intentionally failed to satisfy the judgment within a reasonable time.]~~ the court
30 may, in order of priority:

31 (a) Request that the ~~[entity responsible for collecting the delinquent civil~~
32 ~~penalty, administrative assessment or fee]~~ city or county in which the court has
33 jurisdiction undertake collection of the delinquency, including, without
34 limitation, the original amount of the civil judgment entered pursuant to this
35 subsection and the collection fee, by attachment or garnishment of the property,
36 wages or other money receivable of the delinquent person.

37 (b) Order the suspension of the driver's license of the delinquent person. If
38 the delinquent person does not possess a driver's license, the court may prohibit
39 him or her from applying for a driver's license for a specified period. If the
40 delinquent person is already the subject of a court order suspending or delaying
41 the issuance of his or her driver's license, the court may order the additional
42 suspension or delay, as appropriate, to apply consecutively with the previous
43 order. At the time the court issues an order suspending the driver's license of a
44 delinquent person pursuant to this paragraph, the court shall require the
45 delinquent person to surrender to the court all driver's licenses then held by him
46 or her. The court shall, within 5 days after issuing the order, forward to the
47 Department of Motor Vehicles the licenses, together with a copy of the order. At
48 the time the court issues an order pursuant to this paragraph delaying the ability
49 of a delinquent person to apply for a driver's license, the court shall, within 5
50 days after issuing the order, forward to the Department a copy of the order. The
51 Department shall report a suspension pursuant to this paragraph to an insurance
52 company or its agent inquiring about the delinquent person's driving record, but

1 such a suspension must not be considered for the purpose of rating or
2 underwriting.

3 (c) Issue an order directing the delinquent person to show cause why he or
4 she should not be found guilty of contempt and deal with the delinquent person
5 as for contempt of court. The order to show cause must be mailed to the address
6 of the delinquent person as indicated on the notice of civil infraction issued to the
7 person. If the person is found guilty of contempt, the person may be confined in
8 the city or county jail or detention facility for a period of not more than 1 day for
9 each ~~(\$75)~~ \$150 of the amount due until the amounts due are satisfied.

10 3. If the delinquent person notifies the court that he or she will perform
11 community service to discharge the delinquency and:

12 (a) The city or county is undertaking any action to collect the delinquency
13 pursuant to paragraph (a) of subsection 2, the city or county shall cease
14 undertaking any such actions for the collection of the delinquency. If the
15 delinquent person does not perform community service in a manner satisfactory
16 to the court, the court may request that the city or county undertake actions to
17 collect the delinquency pursuant to paragraph (a) of subsection 2.

18 (b) The court has ordered the suspension of the driver's license of the
19 delinquent person pursuant to paragraph (b) of subsection 2, the traffic
20 commissioner, referee, hearing master, municipal judge, justice of the peace or
21 district judge, as applicable, shall notify the Department of Motor Vehicles to
22 reinstate the driver's license of the delinquent person pursuant to NRS 483.443.
23 If the delinquent person does not perform community service in a manner
24 satisfactory to the court, the court may order the suspension of the driver's
25 license of the delinquent person in the manner specified in paragraph (b) of
26 subsection 2.

27 (c) The court has issued an order pursuant to paragraph (c) of subsection 2,
28 the court must not find the delinquent person guilty of contempt. If the
29 delinquent person does not perform community service in a manner satisfactory
30 to the court, the court may issue another order pursuant to paragraph (c) of
31 subsection 2.

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

34 (a) Except as otherwise provided in paragraph (d), if the money is collected
35 by or on behalf of a municipal court, the money must be deposited in a special
36 fund in the appropriate city treasury. The city may use the money in the fund only
37 to develop and implement a program for the collection of civil penalties,
38 administrative assessments and fees and to hire additional personnel necessary
39 for the success of such a program.

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

44 (1) Develop and implement a program for the collection of civil penalties,
45 administrative assessments and fees and to hire additional personnel necessary
46 for the success of such a program; or

47 (2) Improve the operations of a court by providing funding for:

48 (I) A civil law self-help center; or
49 (II) Court security personnel and equipment for a regional justice
50 center that includes the justice courts of that county.

51 (c) Except as otherwise provided in paragraph (d), if the money is collected
52 by a state entity, the money must be deposited in an account, which is hereby
53 created in the State Treasury. The Court Administrator may use the money in the

1 *account only to develop and implement a program for the collection of civil*
2 *penalties, administrative assessments and fees in this State and to hire additional*
3 *personnel necessary for the success of such a program.*

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

8 **Sec. 37.** NRS 484A.400 is hereby amended to read as follows:

9 484A.400 1. The provisions of chapters 484A to 484E, inclusive, of NRS
10 are applicable and uniform throughout this State on all highways to which the
11 public has a right of access or to which persons have access as invitees or licensees.

12 2. Except as otherwise provided in subsection 3 and unless otherwise
13 provided by specific statute, any local authority may enact by ordinance traffic
14 regulations which cover the same subject matter as the various sections of chapters
15 484A to 484E, inclusive, of NRS if the provisions of the ordinance are not in
16 conflict with chapters 484A to 484E, inclusive, of NRS, or regulations adopted
17 pursuant thereto. It may also enact by ordinance regulations requiring the
18 registration and licensing of bicycles.

19 3. A local authority shall not enact an ordinance:

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

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

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

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

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

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

35 **Sec. 38.** NRS 484A.600 is hereby amended to read as follows:

36 484A.600 A governmental entity and any agent thereof shall not use
37 photographic, video or digital equipment for gathering evidence to be used for the
38 issuance of a traffic citation *or notice of civil infraction pursuant to section 27 of*
39 *this act* for a violation of chapters 484A to 484E, inclusive, of NRS unless the
40 equipment is held in the hand or installed temporarily or permanently within a
41 vehicle or facility of a law enforcement agency.

42 **Sec. 39.** NRS 484A.650 is hereby amended to read as follows:

43 484A.650 1. Whenever the driver of a vehicle is stopped by a peace officer
44 for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for
45 violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall
46 demand proof of the insurance required by NRS 485.185 or 490.0825 and issue a
47 citation as provided in NRS 484A.630 if the officer has probable cause to believe
48 that the driver of the vehicle is in violation of NRS 485.187 or subsection ~~44~~ 5 of
49 NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be
50 issued to the owner, and in such a case the driver:

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

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

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

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

8 **Sec. 40.** NRS 484A.900 is hereby amended to read as follows:

9 484A.900 1. It is unlawful and, unless otherwise declared in chapters 484A
10 to 484E, inclusive, of NRS with respect to a particular offense, it is a
11 ~~[misdemeanor]~~ *civil infraction punishable pursuant to sections 24 to 36, inclusive,*
12 *of this act* for any person to do any act forbidden or fail to perform any act required
13 in chapters 484A to 484E, inclusive, of NRS.

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

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

23 484B.100 It is ~~[unlawful]~~ *a misdemeanor* for any person willfully to fail or
24 refuse to comply with any lawful order or direction of any police officer while the
25 officer is performing the duties of the officer in the enforcement of chapters 484A
26 to 484E, inclusive, of NRS.

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

28 484B.130 1. Except as otherwise provided in subsections 2 and 6, a person
29 who is ~~[convicted of]~~ *found to have committed* a violation of a speed limit, or
30 ~~convicted of or found to have committed a violation~~ of NRS 484B.150, 484B.163,
31 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300,
32 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587,
33 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that
34 occurred:

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

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

43 ➤ shall , *if the violation is a criminal offense*, be punished by imprisonment or by
44 a fine, or both, for a term or an amount equal to and in addition to the term of
45 imprisonment or amount of the fine, or both, that the court imposes for the primary
46 offense ~~[]~~ *or shall, if the violation is punishable as a civil infraction punishable*
47 *pursuant to sections 24 to 36, inclusive, of this act, be punished by a civil penalty*
48 *in an amount equal to and in addition to the civil penalty imposed that the court*
49 *imposes for the primary civil infraction.* Any term of imprisonment imposed
50 pursuant to this subsection runs consecutively with the sentence prescribed by the
51 court for the crime. This subsection does not create a separate offense ~~[]~~ *or civil*
52 *infraction*, but provides an additional penalty for the primary offense ~~[]~~ *or civil*
53 *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 committed a violation* of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.287, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian safety zone may :

(a) *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.

(b) *If the violation is 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 infraction.*

1 ↪ Any term of imprisonment imposed pursuant to this subsection runs
2 consecutively with the sentence prescribed by the court for the crime. This
3 subsection does not create a separate offense ~~§~~ **or civil infraction** but provides an
4 additional penalty for the primary offense ~~§~~ **or civil infraction**, whose imposition
5 is discretionary with the court and contingent upon the finding of the prescribed
6 fact.

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

8 (a) **A criminal offense**, the additional penalty imposed pursuant to subsection
9 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of
10 community service.

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

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

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

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

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

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

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

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

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

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

35 (b) Complies with the requirements of subsection 3 and NRS 484A.430 and
36 484A.440.

37 **Sec. 44.** NRS 484B.150 is hereby amended to read as follows:

38 484B.150 1. It is ~~unlawful~~ **a misdemeanor** for a person to drink an
39 alcoholic beverage while the person is driving or in actual physical control of a
40 motor vehicle upon a highway.

41 2. Except as otherwise provided in this subsection, it is ~~unlawful~~ **a**
42 **misdemeanor** for a person to have an open container of an alcoholic beverage
43 within the passenger area of a motor vehicle while the motor vehicle is upon a
44 highway. This subsection does not apply to:

45 (a) The passenger area of a motor vehicle which is designed, maintained or
46 used primarily for the transportation of persons for compensation; or

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

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

52 4. As used in this section:

53 (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 ~~defendant~~ person has not had a fine or community service waived pursuant to paragraph (a).

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

1 (a) Must be reasonable; and

2 (b) May, if a ~~defendant~~ *person* desires to acquire a child restraint system
3 from such a person or agency, include the cost of a child restraint system provided
4 by the person or agency to the defendant.

5 ~~✓~~ A program of training may not be operated for profit.

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

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

9 (a) Negligence in any civil action; or

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

11 7. This section does not apply:

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

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

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

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

24 (b) Integrated child seats; and

25 (c) Safety belts that are designed specifically to be adjusted to accommodate
26 children.

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

28 484B.160 1. Except as otherwise provided in subsections 2 and 4, a driver
29 shall not permit a person, with regard to a motor vehicle being operated on a paved
30 highway, to ride upon or within any portion of the vehicle that is primarily designed
31 or intended for carrying goods or other cargo or that is otherwise not designed or
32 intended for the use of passengers, including, without limitation:

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

34 (b) Within the bed of a pickup truck.

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

37 (a) Eighteen years of age or older; or

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

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

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

41 3. A ~~citation~~ *notice of civil infraction* must be issued *pursuant to section*
42 *27 of this act* to a driver who permits a person to ride upon or within a vehicle in
43 violation of subsection 1. A driver who is cited pursuant to this subsection shall be
44 punished by a ~~fine~~ *civil penalty* of at least \$35 but not more than \$100.

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

47 5. A violation of this section:

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

49 (b) May not be considered as:

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

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

52 6. As used in this section:

53 (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) 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 ~~[fined]~~ *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 construction or maintenance or any other area which has been designated as a temporary traffic control zone.

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

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

1 4. As used in this section, “authorized flagger serving in a traffic control
2 capacity” means:

3 (a) An employee of the Department of Transportation or of a contractor
4 performing highway construction or maintenance or performing other work within
5 an area designated as a temporary traffic control zone for the Department of
6 Transportation while the employee is carrying out the duties of his or her
7 employment;

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

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

17 **Sec. 50.** NRS 484B.593 is hereby amended to read as follows:

18 484B.593 1. The Department of Transportation or a local authority, after
19 considering the advice of the Nevada Bicycle and Pedestrian Advisory Board, may
20 with respect to any controlled-access highway under its jurisdiction:

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

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

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

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

30 484B.600 1. It is unlawful for any person to drive or operate a vehicle of
31 any kind or character at:

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

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

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

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

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

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

45 4. ~~[(A)] Except as otherwise provided in subsection 5, a person who [drives at~~
46 ~~a rate of speed of more than 20 miles per hour greater than that posted by a~~
47 ~~public authority for the particular portion of the highway being traversed]~~
48 ~~violates paragraph (c) or (d) of subsection 1 shall be punished by a civil penalty~~
49 ~~of not more than \$500.] \$20 for each mile per hour greater than the speed limit~~
50 ~~established pursuant to paragraph (c) or (d) of subsection 1, as applicable.~~

51 5. A person who commits a violation of any provision of this section that
52 causes physical injury to a person or damage to property shall be punished by a
53 civil penalty of not more than \$1,000.

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

2 484B.607 1. Upon approaching any traffic incident, the driver of the
3 approaching vehicle shall, in the absence of other direction given by a law
4 enforcement officer:

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

7 (b) Proceed with caution;

8 (c) Be prepared to stop; and

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

12 2. ~~1A~~ Except as otherwise provided in this subsection, a person who violates
13 subsection 1 is guilty of a ~~misdemeanor~~ civil infraction punishable pursuant to
14 sections 24 to 36, inclusive, of this act. A person who commits a violation of
15 subsection 1 that causes physical injury to a person or damage to property is
16 guilty of a civil infraction and shall be punished by a civil penalty of not more
17 than \$1,000.

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

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

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

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

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

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

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

40 (g) A crash scene;

41 (h) A stalled vehicle;

42 (i) Debris on the roadway; or

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

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

45 484B.610 1. Except as otherwise provided in subsection 2 and pursuant to
46 the power granted in NRS 269.185, the town board or board of county
47 commissioners may, by ordinance, limit the speed of motor vehicles in any
48 unincorporated town in the county as may be deemed proper.

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

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

4. ~~4. Except as otherwise provided in subsection 5, a person who drives at a rate of speed of more than 20 miles per hour greater than the~~ violates any 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.)~~ \$20 for each mile per hour over the speed limit established pursuant to this section.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

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. ~~4. Except as otherwise provided in subsection 5, a person who drives at a rate of speed of more than 20 miles per hour greater than the~~ violates any 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.)~~ \$20 for each mile per hour over the speed limit established pursuant to this section.

5. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

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

484B.617 1. Except as otherwise provided in ~~subsection~~ subsections 3 ~~and 4~~, 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. A person who commits a violation of any provision of this section that causes physical injury to a person or damage to property shall be punished by a civil penalty of not more than \$1,000.

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

4 (a) An urban area; or

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

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

10 484B.620 1. The Department of Transportation may prescribe speed zones,
11 and install appropriate speed signs controlling vehicular traffic on the state highway
12 system as established in chapter 408 of NRS through hazardous areas, after
13 necessary studies have been made to determine the need therefor, and to eliminate
14 speed zones and remove the signs therefrom whenever the need therefor ceases to
15 exist.

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

19 3. A person who ~~drives a motor vehicle in a speed zone prescribed pursuant~~
20 ~~to this section at a rate of speed of more than 20 miles per hour greater than the~~
21 ~~speed therein authorized~~ violates subsection 2 shall be punished by a civil
22 penalty of not more than ~~[\$500.] \$20 for each mile per hour in excess of the~~
23 speed authorized in the speed zone.

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

25 484B.630 1. On a highway that has one lane for traveling in each direction,
26 where passing is unsafe because of traffic traveling in the opposite direction or
27 other conditions, the driver of a slow-moving vehicle, behind which five or more
28 vehicles are formed in a line, shall, to allow the vehicles following behind to
29 proceed, turn off the roadway:

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

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

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

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

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

38 3. As used in this section, "slow-moving vehicle" means a vehicle that is
39 traveling at a rate of speed which is less than the posted speed limit for the highway
40 or portion of the highway upon which the vehicle is traveling.

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

42 484B.650 1. A driver commits an offense of aggressive driving if, during
43 any single, continuous period of driving within the course of 1 mile, the driver does
44 all the following, in any sequence:

45 (a) Commits one or more acts of speeding in violation of NRS 484B.363 or
46 484B.600.

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

49 (1) Failing to obey an official traffic-control device in violation of NRS
50 484B.300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 484B.760 1. It is a ~~misdemeanor~~ *civil infraction punishable pursuant to*
8 *sections 24 to 36, inclusive, of this act* for any person to do any act forbidden or
9 fail to perform any act required in NRS 484B.768 to 484B.783, inclusive.

10 2. The parent of any child and the guardian of any ward shall not authorize or
11 knowingly permit the child or ward to violate any of the provisions of chapters
12 484A to 484E, inclusive, of NRS.

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

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

18 484B.900 No automobile rental agency shall be liable for any traffic violation
19 arising out of the use of a leased or rented motor vehicle during the period such
20 motor vehicle is not in the possession of the agency. This section does not absolve
21 any such agency from liability for any misdemeanor *or civil infraction punishable*
22 *pursuant to sections 24 to 36, inclusive, of this act* committed by an officer,
23 employee or agent of the agency.

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

25 484D.285 1. The driver of a vehicle which is equipped with a device for
26 braking that uses the compression of the engine of the vehicle shall not use the
27 device at any time unless:

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

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

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

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

36 484D.405 1. It is unlawful for any person to operate or cause to be operated
37 upon the public highways of the State of Nevada any out-of-state or foreign
38 privately owned motor vehicle equipped with a red light or siren attached thereto as
39 a part of the equipment of the vehicle.

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

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

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

49 484D.495 1. It is unlawful to drive a passenger car manufactured after:

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

52 (b) January 1, 1970, on a highway unless it is equipped with a lap-type safety
53 belt assembly for each permanent seating position for passengers. This requirement

1 does not apply to the rear seats of vehicles operated by a police department or
2 sheriff's office.

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

5 2. Any person driving, and any passenger who:

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

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

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

12 3. A ~~{citation}~~ *notice of civil infraction* must be issued *pursuant to section*
13 *27 of this act* to any driver or to any adult passenger who fails to wear a safety belt
14 as required by subsection 2. If the passenger is a child who:

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

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

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

28 4. A violation of subsection 2:

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

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

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

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

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

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

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

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

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

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

51 7. It is unlawful for any person to distribute, have for sale, offer for sale or
52 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 ~~[.]~~ *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] <i>Civil Penalty</i> |
|------------------------------|--|
| 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 or]~~ *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.

Sec. 71. NRS 486.381 is hereby amended to read as follows:

486.381 Any person violating any provisions of NRS 486.011 to 486.361, inclusive, is guilty of a ~~[misdemeanor,]~~ *civil infraction unless a provision of those sections specifically provides that a particular violation is a misdemeanor, gross misdemeanor or felony.*

Sec. 72. NRS 490.520 is hereby amended to read as follows:

490.520 **1.** It is a gross misdemeanor for any person knowingly to falsify:

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

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

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

3. Except as otherwise provided in subsections ~~[3.] 4~~ and ~~[4.] 5~~, 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 this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a *misdemeanor*, gross misdemeanor or ~~[a]~~ felony.

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

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

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

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

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

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

Sec. 72.5. NRS 4.355 is hereby amended to read as follows:

4.355 1. A justice of the peace in a township whose population is 40,000 or more may appoint a referee to take testimony and recommend orders and a judgment:

(a) In any action filed pursuant to NRS 73.010;

(b) In any action filed pursuant to NRS 33.200 to 33.360, inclusive;

(c) In any action for a misdemeanor constituting a violation of chapters 484A to 484E, inclusive, of NRS, except NRS 484C.110 or 484C.120; ~~[or]~~

(d) In any action for a misdemeanor constituting a violation of a county traffic ordinance ~~[or]~~ *or*

(e) 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 referee must meet the qualifications of a justice of the peace as set forth in NRS 4.010.

3. The referee:

(a) Shall take testimony;

(b) Shall make findings of fact, conclusions of law and recommendations for an order or judgment;

(c) May, subject to confirmation by the justice of the peace, enter an order or judgment; and

(d) Has any other power or duty contained in the order of reference issued by the justice of the peace.

4. The findings of fact, conclusions of law and recommendations of the referee must be furnished to each party or his or her attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 5 days after receipt of the findings of fact, conclusions of law and recommendations, a party may file a written objection. If no objection is filed, the court shall accept the findings, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 5-day period, the justice of the peace shall review the matter by trial de

1 novo, except that if all of the parties so stipulate, the review must be confined to the
2 record.

3 5. A referee must be paid one-half of the hourly compensation of a justice of
4 the peace.

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

6 4.370 1. Except as otherwise provided in subsection 2, justice courts have
7 jurisdiction of the following civil actions and proceedings and no others except as
8 otherwise provided by specific statute:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (1) In a county whose population is 100,000 or more and less than
46 700,000;

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

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

52 (n) In an action for the issuance of a temporary or extended order for protection
53 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. ~~FA~~ *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* *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 : 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. : and~~

~~(b) A 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.~~

~~3. 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.~~

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

2 62E.270 1. If the juvenile court imposes a fine against:

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

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

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

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

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

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

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

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

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

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

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

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

32 (b) The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587
33 (1968), *Sparkman v. State*, 95 Nev. 76 (1979), and *State v. Dist. Ct. (Pullin)*, 124
34 Nev. 564 (2008), that the penalty for a crime is determined by the law in effect at
35 the time the offender committed the crime and not the law in effect at the time the
36 offender is sentenced unless the Legislature has expressed its clear intent that a
37 statute ameliorating the penalty apply retroactively.

38 (c) The imposition of criminal penalties for certain minor traffic and related
39 offenses is overly burdensome because it threatens persons with criminal penalties,
40 including imprisonment in county jail, for failure to pay fines, assessments and fees
41 imposed in connection with relatively minor offenses.

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

46 (e) It is unfair and unequal to impose criminal penalties, including
47 imprisonment in county jail, on a person who is alleged to have committed a minor
48 traffic or related offense but who has not been convicted of that offense before ~~the~~
49 ~~effective date of this act~~ **January 1, 2021**, while a person who commits the same
50 act **on or** after ~~the effective date of this act~~ **January 1, 2021**, is subject to civil
51 penalties rather than criminal penalties.

52 (f) To ensure the fair and equal treatment of persons who are alleged to have
53 committed a minor traffic or related offense but who have not been convicted of

1 that offense before ~~the effective date of this act~~ January 1, 2021, and persons
2 who commit such an offense on or after ~~the effective date of this act~~ January 1,
3 2021, the Legislature hereby expresses its intent that the penalties set forth in this
4 act be applied retroactively to any person who has not been convicted of an offense
5 before ~~the effective date of this act~~ January 1, 2021.

6 2. Except as otherwise provided in this section, the provisions of this act
7 apply to a violation of any provision of law that pursuant to a provision of this act is
8 punishable as a civil infraction pursuant to sections 24 to 36, inclusive, of this act if
9 the violation occurred before, on or after ~~October 1, 2019~~ January 1, 2021. The
10 provisions of this act do not apply to any violation of law for which a person was
11 convicted before ~~October 1, 2019~~ January 1, 2021.

12 3. Each court in this State shall cancel each outstanding bench warrant issued
13 for a person who failed to appear in court in response to a traffic citation issued
14 before ~~October 1, 2019~~ January 1, 2021, for a violation of law that pursuant to
15 the provisions of this act is punishable as a civil infraction pursuant to sections 24
16 to 36, inclusive, of this act.

17 4. The Central Repository for Nevada Records of Criminal History shall
18 remove from each database or compilation of records of criminal history
19 maintained by the Central Repository all records of bench warrants issued for a
20 person who failed to appear in court in response to a traffic citation issued before
21 ~~October 1, 2019~~ January 1, 2021, for a violation of law that pursuant to the
22 provisions of this act is punishable as a civil infraction pursuant to sections 24 to
23 36, inclusive, of this act.

24 **Sec. 81.** This act becomes effective upon passage and approval for the
25 purpose of adopting regulations and performing any other administrative tasks that
26 are necessary to carry out the provision of this act and on ~~October 1, 2019~~
27 January 1, 2021, for all other purposes.