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FIRST REPRINT

A.B. 151

ASSEMBLY BILL NO. 151—ASSEMBLYMEN GONZÁLEZ, TORRES;
ANDERSON, FLORES, BRITTNEY MILLER, MONROE-
MORENO, NGUYEN, SUMMERS-ARMSTRONG, WATTS AND
YEAGER

FEBRUARY 18, 2021

JOINT SPONSORS: SENATORS DONATE, HAMMOND,
D. HARRIS AND SPEARMAN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses.
(BDR 14-776)

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 offenses; revising provisions relating to the collection of delinquent fines, administrative assessments, fees and restitution; revising provisions relating to the suspension of the driver's license of a person under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court to suspend the driver's license of a defendant or to prohibit a defendant from applying for a driver's license for a specified period, if the court determines that: (1) the defendant has the ability to pay a delinquent fine, administrative assessment, fee or restitution, but is willfully avoiding payment; or (2) the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service. (NRS 176.064) **Section 1** of this bill removes the authority of the court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period if the delinquent fine, administrative assessment, fee or restitution was originally imposed for a minor traffic offense.

Existing law requires a court to notify the Department of Motor Vehicles if a driver violates a written promise to appear pursuant to a citation for a violation of a traffic law or ordinance, other than a traffic law or ordinance governing standing or



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parking. Upon receipt of such notification, the Department must notify the driver that his or her privilege to drive will be suspended unless a hearing is requested or the citation or complaint is otherwise resolved within 30 days. If a hearing is not requested or the citation or complaint is not otherwise resolved within 30 days, then the Department must suspend the driver's license of the driver. (NRS 483.465)

Section 2 of this bill removes the requirement to notify the Department if the violation of the written promise to appear pursuant to a citation was for a minor traffic offense, thereby eliminating the possibility of suspension of the driver's license of a driver who was cited for a minor traffic offense and who violated the written promise to appear.

Section 3 of this bill provides that if, in connection with a citation for a minor traffic offense, on October 1, 2021, the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment, fee or restitution or is subject to a suspension of his or her driver's license for violation of a written promise to appear for the citation, then the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department must not charge any fee for the reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for reinstatement of a driver's license.

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

Section 1. NRS 176.064 is hereby amended to read as follows:

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

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

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

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

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



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

(b) If the defendant has been found guilty of the offense for which the fine, administrative assessment, fee or restitution was imposed, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.

3. The court may, on its own motion or at the request of a state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution, take the following actions:

(a) Enter a civil judgment for the amount due in favor of the state or local entity that is responsible for collecting the delinquent fine, administrative assessment, fee or restitution. A civil judgment entered pursuant to this paragraph may be enforced and renewed in the manner provided by law for the enforcement and renewal of a judgment for money rendered in a civil action. If the court has entered a civil judgment pursuant to this paragraph and the person against whom the judgment is entered is not indigent and has not satisfied the judgment within the time established by the court, the person may be dealt with as for contempt of court.

(b) ~~HH~~ *Except as otherwise provided in this paragraph, if* the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, or if the defendant was given the opportunity to perform community service to satisfy the amount due because the defendant is indigent and the defendant has failed to perform such community service, order the suspension of the driver's license of the defendant. ~~HH~~ *Except as otherwise provided in this paragraph, if* the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. ~~HH~~ *Except as otherwise provided in this paragraph, if* the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a



defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting. *The provisions of this paragraph do not apply to a delinquent fine, administrative assessment, fee or restitution that was imposed for a minor traffic offense as defined in NRS 176.0643.*

(c) If the court determines that the defendant has the ability to pay the amount due and is willfully avoiding payment, order the confinement of the defendant in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.

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

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

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

(1) Develop and implement a program for the collection of fines, administrative assessments, fees and restitution and to hire additional personnel necessary for the success of such a program; or

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

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

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

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

(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city



1 or county treasury, whichever is appropriate, to be used only for the
2 purposes set forth in paragraph (a), (b) or (c) of this subsection.

3 5. Any collection fee imposed pursuant to subsection 1 must be
4 assessed on a per case basis and not on a per charge basis. The
5 provisions of this subsection must not be construed to apply to any
6 credit card processing fees that are assessed solely for the purpose of
7 recouping any costs incurred to process a credit card payment. As
8 used in this subsection, "case" means a single complaint, citation,
9 information or indictment naming a single defendant that is based
10 on the same act or transaction or based on two or more acts or
11 transactions connected together or constituting parts of a common
12 scheme or plan.

13 **Sec. 2.** NRS 483.465 is hereby amended to read as follows:

14 483.465 1. If a driver who holds a Nevada driver's license
15 violates a written promise to appear pursuant to a citation that was
16 prepared manually or electronically for a violation of a traffic law or
17 ordinance occurring within this State other than one governing
18 standing or parking ~~or~~ *or a minor traffic offense as defined in NRS*
19 *176.0643*, the clerk of the court shall immediately notify the
20 Department on a form approved by the Department.

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

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

27 (b) Appear in court and, if permitted by the court, make an
28 arrangement acceptable to the court to satisfy a judgment of
29 conviction; or

30 (c) Make a written request to the Department for a hearing.

31 3. If notified by a court, within 30 days after the notice of a
32 failure to appear, that a driver has been allowed to make an
33 arrangement for the satisfaction of a judgment of conviction, the
34 Department shall remove the suspension from the driver's record. If
35 the driver subsequently defaults on the arrangement with the court,
36 the court shall notify the Department which shall immediately
37 suspend the driver's license until the court notifies the Department
38 that the suspension may be removed.

39 4. The Department shall suspend the license of a driver 31 days
40 after it mails the notice provided for in subsection 2 to the driver,
41 unless within that time it has received a written request for a hearing
42 from the driver or notice from the court on a form approved by the
43 Department that the driver has appeared or the citation or complaint
44 has been dismissed. A license so suspended remains suspended until



1 further notice is received from the court that the driver has appeared
2 or that the case has been otherwise disposed of as provided by law.

3 **Sec. 3.** 1. If, on October 1, 2021, in connection with a
4 citation for a minor traffic offense, a person who has been issued a
5 citation for the minor traffic offense is subject to:

6 (a) Suspension of his or her driver's license pursuant to
7 paragraph (b) of subsection 3 of NRS 176.064 or NRS 483.465; or

8 (b) A court order delaying the issuance of a driver's license
9 pursuant to paragraph (b) of subsection 3 of NRS 176.064,

10 ➡ then the Department of Motor Vehicles shall immediately
11 reinstate the driver's license of the person or the ability of the
12 person to apply for the issuance of a driver's license, as applicable,
13 and shall notify the person, as soon as possible, of the reinstatement
14 of his or her driver's license or ability to apply for the issuance of a
15 driver's license.

16 2. The Department of Motor Vehicles may not:

17 (a) Charge any fee for the reinstatement of the driver's license of
18 a person in accordance with this section; or

19 (b) Require a person to undergo any physical or mental
20 examination pursuant to NRS 483.330 or 483.495 to be eligible for
21 reinstatement of his or her driver's license.

22 3. As used in this section, "minor traffic offense" has the
23 meaning ascribed to it in NRS 176.0643.

24 **Sec. 4.** The amendatory provisions of this act apply to offenses
25 committed before, on or after October 1, 2021.

