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FIRST REPRINT

S.B. 219

SENATE BILL NO. 219—SENATOR CANNIZZARO

MARCH 11, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses.
(BDR 14-249)

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; making an appropriation; 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 as the result of any delinquent fine, administrative assessment, fee or restitution owed. **Sections 2 and 3** of this bill make conforming changes that are necessary because of the changes in **section 1**. **Section 4** of this bill provides that if, 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, 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 3.5** of this bill makes an appropriation to the Department for the costs of providing such notification. **Section 4** also provides that the Department may not charge any



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22 fee for the reinstatement of a driver's license or require a person to undergo any
23 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:

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

2 176.064 1. If a fine, administrative assessment, fee or
3 restitution is imposed upon a defendant pursuant to this chapter,
4 whether or not the fine, administrative assessment, fee or restitution
5 is in addition to any other punishment, and the fine, administrative
6 assessment, fee or restitution or any part of it remains unpaid after
7 the time established by the court for its payment, the defendant is
8 liable for a collection fee, to be imposed by the court at the time it
9 finds that the fine, administrative assessment, fee or restitution is
10 delinquent, of:

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

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

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

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

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

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

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

36 (a) Enter a civil judgment for the amount due in favor of the
37 state or local entity that is responsible for collecting the delinquent
38 fine, administrative assessment, fee or restitution. A civil judgment
39 entered pursuant to this paragraph may be enforced and renewed in



1 the manner provided by law for the enforcement and renewal of a
2 judgment for money rendered in a civil action. If the court has
3 entered a civil judgment pursuant to this paragraph and the person
4 against whom the judgment is entered is not indigent and has not
5 satisfied the judgment within the time established by the court, the
6 person may be dealt with as for contempt of court.

7 ~~(b) If the court determines that the defendant has the ability to~~
8 ~~pay the amount due and is willfully avoiding payment, or if the~~
9 ~~defendant was given the opportunity to perform community service~~
10 ~~to satisfy the amount due because the defendant is indigent and the~~
11 ~~defendant has failed to perform such community service, order the~~
12 ~~suspension of the driver's license of the defendant. If the defendant~~
13 ~~does not possess a driver's license, the court may prohibit the~~
14 ~~defendant from applying for a driver's license for a specified period.~~
15 ~~If the defendant is already the subject of a court order suspending or~~
16 ~~delaying the issuance of the defendant's driver's license, the court~~
17 ~~may order the additional suspension or delay, as appropriate, to~~
18 ~~apply consecutively with the previous order. At the time the court~~
19 ~~issues an order suspending the driver's license of a defendant~~
20 ~~pursuant to this paragraph, the court shall require the defendant to~~
21 ~~surrender to the court all driver's licenses then held by the~~
22 ~~defendant. The court shall, within 5 days after issuing the order,~~
23 ~~forward to the Department of Motor Vehicles the licenses, together~~
24 ~~with a copy of the order. At the time the court issues an order~~
25 ~~pursuant to this paragraph delaying the ability of a defendant to~~
26 ~~apply for a driver's license, the court shall, within 5 days after~~
27 ~~issuing the order, forward to the Department of Motor Vehicles a~~
28 ~~copy of the order. The Department of Motor Vehicles shall report a~~
29 ~~suspension pursuant to this paragraph to an insurance company or~~
30 ~~its agent inquiring about the defendant's driving record, but such a~~
31 ~~suspension must not be considered for the purpose of rating or~~
32 ~~underwriting.~~

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

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

39 (a) Except as otherwise provided in paragraph (d), if the money
40 is collected by or on behalf of a municipal court, the money must be
41 deposited in a special fund in the appropriate city treasury. The city
42 may use the money in the fund only to develop and implement a
43 program for the collection of fines, administrative assessments, fees
44 and restitution and to hire additional personnel necessary for the
45 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 or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c) of this subsection.

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

Sec. 2. NRS 483.443 is hereby amended to read as follows:

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

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

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



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

2. The notice must include:

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

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

(c) Any other information the Department deems necessary.

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

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420. ~~for 176.064.~~

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

(a) A notice from the district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[, from a district judge that a delinquency for which the suspension was ordered pursuant to NRS 176.064 has been discharged]~~ or from a judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

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

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

Sec. 3. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection 9 of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.



(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of not less than 185 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if



1 notified that the person was not accepted for or failed to complete
2 the treatment.

3 4. The Department shall revoke the license, permit or privilege
4 to drive of a person who is required to install a device pursuant to
5 NRS 484C.210 or 484C.460 but who operates a motor vehicle
6 without such a device:

7 (a) For 3 years, if it is his or her first such offense during the
8 period of required use of the device.

9 (b) For 5 years, if it is his or her second such offense during the
10 period of required use of the device.

11 5. A driver whose license, permit or privilege is revoked
12 pursuant to subsection 4 is not eligible for a restricted license during
13 the period set forth in paragraph (a) or (b) of that subsection,
14 whichever applies.

15 6. In addition to any other requirements set forth by specific
16 statute, if the Department is notified that a court has ordered the
17 revocation, suspension or delay in the issuance of a license pursuant
18 to title 5 of NRS, NRS ~~176.064,~~ 206.330 or 392.148, chapters
19 484A to 484E, inclusive, of NRS or any other provision of law, the
20 Department shall take such actions as are necessary to carry out the
21 court's order.

22 7. As used in this section, "device" has the meaning ascribed to
23 it in NRS 484C.450.

24 **Sec. 3.5.** 1. There is hereby appropriated from the State
25 Highway Fund to the Department of Motor Vehicles the sum of
26 \$14,950 for the costs of providing the notification required by
27 section 4 of this act.

28 2. Any remaining balance of the appropriation made by
29 subsection 1 must not be committed for expenditure after June 30,
30 2023, by the entity to which the appropriation is made or any entity
31 to which money from the appropriation is granted or otherwise
32 transferred in any manner, and any portion of the appropriated
33 money remaining must not be spent for any purpose after
34 September 15, 2023, by either the entity to which the money was
35 appropriated or the entity to which the money was subsequently
36 granted or transferred, and must be reverted to the State Highway
37 Fund on or before September 15, 2023.

38 **Sec. 4.** 1. If, on October 1, 2021, a person is subject to:

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

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

43 ➡ then the Department of Motor Vehicles shall immediately
44 reinstate the driver's license of the person or the ability of the
45 person to apply for the issuance of a driver's license, as applicable,



1 and shall notify the person, as soon as possible, of the reinstatement
2 of his or her driver's license or ability to apply for the issuance of a
3 driver's license.

4 2. The Department of Motor Vehicles may not:

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

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

10 **Sec. 5.** The amendatory provisions of this act apply to offenses
11 committed before, on or after October 1, 2021.

12 **Sec. 6.** 1. This section and section 3.5 of this act become
13 effective on July 1, 2021.

14 2. Sections 1, 2, 3, 4 and 5 of this act become effective on
15 October 1, 2021.

