

SENATE BILL NO. 104—COMMITTEE ON  
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON JUDICIARY)

PREFILED FEBRUARY 2, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to traffic offenses.  
(BDR 43-309)

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; revising provisions relating to the  
suspension of the driver's license of a person; and  
providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a 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 a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

**Section 2** of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, **section 2** removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a



conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to **section 2**.

**Section 3** of this bill provides that if, on or after 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 or fee, 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 may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

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

**Section 1.** 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 484A.7047.~~

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 : ~~any of the following:~~

(1) 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 ~~[-]; or~~



(2) ~~[A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.~~

~~—(3)]~~ 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. 2.** NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

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

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

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

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. 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. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action



except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[-~~

~~-(a) Request]~~ *request* that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.]~~

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 (c), 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 civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice 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 civil penalties, administrative assessments and fees 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) 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) or (b).

**Sec. 3.** 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➔ as that section existed before the effective date of this act, the Department of Motor Vehicles shall 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, as applicable, and shall 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, as applicable.

2. The Department of Motor Vehicles may not:

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

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

**Sec. 4.** The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

**Sec. 5.** This act becomes effective upon passage and approval.

