

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 certain traffic and related violations; 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.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) **Sections 1.3 and 1.4** of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) **Section 2.76** of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, **section 2.76** clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) **Section 1.6** of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) **Section 1.2** of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. **Section 1.6** instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. **Section 1.4** makes a conforming change relating to the revised deadline set forth in **section 1.6**.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth



in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. **Section 1.8** of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to **section 1.6** under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) **Section 1.7** of this bill revises this requirement to instead require the person to post a bond equal to \$50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) **Section 1.7** requires the court to enter a default judgment against the person for any amount remaining unsatisfied.

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) **Section 1.8** clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. **Section 2.2** also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable



as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to arrests authorized by **section 2.6**.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) **Section 2.7** of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. **Sections 2.72 and 2.74** of this bill make conforming changes to indicate the proper placement of **section 2.7** in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. **Section 2.95** of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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 ~~;~~ ;

(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.~~ ; or

(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. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.



2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~person's~~ vehicle ~~if~~ *the person was driving when the traffic citation or civil infraction citation was issued*, if any;

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

(5) The offense charged or the civil infraction for which the citation was issued; and



(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea;

and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.



Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~person's~~ vehicle ~~;~~ **the person was driving when the citation was issued**, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:



(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor*, or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing : ~~I, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049;~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

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

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~person's~~ vehicle ~~I~~ *the person was driving when the citation was issued*, if any;

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

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

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~and the address and phone number of the agency which employs the peace officer~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~and the address~~



~~and phone number of the agency which employs the peace officer or volunteer,}~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

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

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~H~~ *after the date on which the citation is issued or filed with the court, whichever is later.*

2. *The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.*

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~3-1~~ 4. A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar



days after the date on which the citation is issued ~~it~~ *or filed with the court, whichever is later.*

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~full~~ *in person, by mail or through the Internet or other electronic means:*

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~it, in person, by mail or through the Internet or other electronic means.~~ ; or

(b) *A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.*

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. 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 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~this~~ subsection ~~it~~ 5, not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~it~~ :

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~it~~ *or filed with the court, whichever is later; and*

(b) *If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.*

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~such a~~ *the* notice *required by subsection 4* to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days



1 after the date on which the civil infraction citation is issued ~~H~~ **or**
2 **filed with the court, whichever is later,** the court must enter an
3 order pursuant to NRS 484A.7043 finding that the person
4 committed the civil infraction and assessing the monetary penalty
5 and administrative assessments prescribed for the civil infraction. A
6 person who has been issued a civil infraction citation and who fails
7 to respond to the civil infraction citation as required by this section
8 may not appeal an order entered pursuant to this section.

9 ~~15.1~~ 7. If any person issued a civil infraction citation fails to
10 appear at a hearing requested pursuant to subsection 3, the court
11 must enter an order pursuant to NRS 484A.7043 finding that the
12 person committed the civil infraction and assessing the monetary
13 penalty and administrative assessments prescribed for the civil
14 infraction. A person who has been issued a civil infraction citation
15 and who fails to appear at a hearing requested pursuant to subsection
16 3 may not appeal an order entered pursuant to this subsection.

17 ~~16.1~~ 8. In addition to any other penalty imposed, any person
18 who is found by the court to have committed a civil infraction
19 pursuant to subsection ~~15.1~~ 7 shall pay the witness fees, per diem
20 allowances, travel expenses and other reimbursement in accordance
21 with NRS 50.225.

22 ~~17.1~~ 9. If a court has established a system pursuant to NRS
23 484A.615, any person issued a civil infraction citation may, if
24 authorized by the court, use the system to perform any applicable
25 actions pursuant to this section.

26 **Sec. 1.7.** NRS 484A.7041 is hereby amended to read as
27 follows:

28 484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704,
29 a person receiving a civil infraction citation requests a hearing to
30 contest the determination that the person has committed the civil
31 infraction set forth in the citation, the hearing must be conducted in
32 accordance with this section.

33 2. Except as otherwise provided in this subsection, before a
34 hearing to contest the determination that a person has committed a
35 civil infraction, the court shall require the person to post a bond
36 equal to **\$50 or** the amount of the full payment of the monetary
37 penalty, the administrative assessment and any fees specified in the
38 civil infraction citation ~~H~~ **, whichever is less.** In lieu of posting such
39 a bond, the person may instead deposit cash with the court in the
40 amount of the bond required pursuant to this subsection. ~~Any bond~~
41 ~~posted or cash deposited with the court pursuant to this subsection~~
42 ~~must be forfeited upon~~ **Upon** the court's finding that the person
43 committed the civil infraction ~~H~~ **:**

44 **(a) Any bond posted or cash deposited with the court pursuant**
45 **to this subsection must be forfeited; and**



(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.

3. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with ~~this~~ subsection ~~4~~ **2**.

4. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~4~~ **5**. 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 civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~5~~ **6**. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a 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 citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

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

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered



the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than \$500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~occurred;~~ *citation was filed;* or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~occurred;~~ *citation was filed.*

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

3. If the court determines that a civil penalty or administrative assessment *specified in the civil infraction citation or* imposed pursuant to this section is:

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

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



1 4. A court having jurisdiction over a civil infraction pursuant to
2 NRS 484A.703 to 484A.705, inclusive, may:

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

8 (b) Waive or reduce the civil penalty that a person who is found
9 to have committed a civil infraction would otherwise be required to
10 pay if the court determines that any circumstances warrant such a
11 waiver or reduction.

12 (c) Reduce any moving violation for which a person was issued
13 a civil infraction citation to a nonmoving violation if the court
14 determines that any circumstances warrant such a reduction.

15 *5. Nothing in this section shall be construed to require a*
16 *court having jurisdiction over a civil infraction pursuant to NRS*
17 *484A.703 to 484A.705, inclusive, to hold a hearing before*
18 *reducing a moving violation for which a person was issued a civil*
19 *infraction citation to a nonmoving violation.*

20 **Sec. 2.** NRS 484A.7047 is hereby amended to read as follows:

21 484A.7047 1. If a civil penalty, administrative assessment or
22 fee is imposed upon a person who is found to have committed a civil
23 infraction pursuant to NRS 484A.703 to 484A.705, inclusive,
24 whether or not the civil penalty, administrative assessment or fee is
25 in addition to any other punishment, and the civil penalty,
26 administrative assessment or fee or any part of it remains unpaid
27 after the time established by the court for its payment, the
28 delinquent person is liable for a collection fee, to be imposed by the
29 court at the time it finds that the civil penalty, administrative
30 assessment or fee is delinquent, of:

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

33 (b) Not more than \$500, if the amount of the delinquency is
34 \$2,000 or greater, but is less than \$5,000.

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

37 2. The city or county that is responsible for collecting a
38 delinquent civil penalty, administrative assessment or fee may, in
39 addition to attempting to collect the delinquent amounts through any
40 other lawful means, contract with a collection agency licensed
41 pursuant to NRS 649.075 to collect the delinquent amounts owed by
42 a person who is found to have committed a civil infraction. The
43 collection agency must be paid as compensation for its services an
44 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 ~~f~~:

~~—(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. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may , *at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant*, elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~—(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~—(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~—(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~

district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such



provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~instead~~ be ~~charged~~ :

1. *Charged* with a misdemeanor ~~+~~ ; and

2. *Arrested, if authorized pursuant to NRS 484A.710.*

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~any~~ :

(a) *Any* of the following offenses:

~~(a)~~ (1) Homicide by vehicle;

~~(b)~~ (2) A violation of NRS 484C.110 or 484C.120;

~~(c)~~ (3) A violation of NRS 484C.430;

~~(d)~~ (4) A violation of NRS 484C.130;

~~(e)~~ (5) Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~(f)~~ (6) Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~(g)~~ (7) Reckless driving;

~~(h)~~ (8) Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~(i)~~ (9) Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) *An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).*

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a



magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~paragraphs (a) to (e),~~ **subparagraphs (1) to (5),** inclusive, of **paragraph (a)** of subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~H~~, **and section 2.7 of this act:**

1. “Employee” includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. “Employment” includes any services performed by an immune contractor.

3. “Immune contractor” means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➤ As used in this subsection, “professional corporation” and “professional association” have the meanings ascribed to them in NRS 89.020.

4. “Public officer” or “officer” includes:



(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act*, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.



1 **Sec. 2.76.** NRS 62B.330 is hereby amended to read as follows:
2 62B.330 1. Except as otherwise provided in this title, the
3 juvenile court has exclusive original jurisdiction over a child living
4 or found within the county who is alleged or adjudicated to have
5 committed a delinquent act.

6 2. For the purposes of this section, a child commits a
7 delinquent act if the child:

8 (a) Violates a county or municipal ordinance other than those:

9 (1) Specified in paragraph (f) or (g) of subsection 1 of
10 NRS 62B.320;

11 (2) Concerning an offense related to tobacco; or

12 (3) Relating to the consumption or possession of alcohol or
13 the possession of 1 ounce or less of marijuana that are punishable
14 pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

15 (b) Violates any rule or regulation having the force of law; or

16 (c) Commits an act designated a criminal offense pursuant to the
17 laws of the State of Nevada.

18 3. For the purposes of this section, each of the following acts
19 shall be deemed not to be a delinquent act, and the juvenile court
20 does not have jurisdiction over a person who is charged with
21 committing such an act:

22 (a) Murder or attempted murder and any other related offense
23 arising out of the same facts as the murder or attempted murder,
24 regardless of the nature of the related offense, if the person was 16
25 years of age or older when the murder or attempted murder was
26 committed.

27 (b) A felony resulting in death or substantial bodily harm to the
28 victim and any other related offense arising out of the same facts as
29 the felony, regardless of the nature of the related offense, if:

30 (1) The felony was committed on the property of a public or
31 private school when pupils or employees of the school were present
32 or may have been present, at an activity sponsored by a public or
33 private school or on a school bus while the bus was engaged in its
34 official duties; and

35 (2) The person intended to create a great risk of death or
36 substantial bodily harm to more than one person by means of a
37 weapon, device or course of action that would normally be
38 hazardous to the lives of more than one person.

39 (c) A category A or B felony and any other related offense
40 arising out of the same facts as the category A or B felony,
41 regardless of the nature of the related offense, if the person was at
42 least 16 years of age but less than 18 years of age when the offense
43 was committed, and:



(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) *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 NRS 484A.703 to 484A.705, inclusive.*

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~the~~ :

1. *The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed \$155, instead of a criminal sanction.*

2. *A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed \$500, instead of a criminal sanction.*

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

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.

