
ASSEMBLY BILL NO. 416—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE COMMITTEE TO STUDY THE
ADVISABILITY AND FEASIBILITY OF TREATING
CERTAIN TRAFFIC AND RELATED
VIOLATIONS AS CIVIL INFRACTIONS)

MARCH 25, 2019

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution. (BDR 14-429)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to criminal procedure; revising provisions relating to the collection of delinquent fines, administrative assessments, fees or restitution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a court to impose a collection fee against a defendant
2 for any delinquent fine, administrative assessment, fee or restitution. Existing law
3 authorizes a state or local entity responsible for collecting such a delinquent fine,
4 administrative assessment, fee or restitution to take certain actions, including
5 reporting the delinquency to credit reporting agencies. Existing law also authorizes
6 the court to take certain actions, including: (1) entering a civil judgment for the
7 amount due in favor of the state or local entity responsible for collecting the
8 delinquent amount; (2) requesting that a prosecuting attorney undertake collection
9 of the delinquency by attachment or garnishment of the property of the defendant,
10 wages or other money receivable; (3) ordering the suspension of the driver's license
11 of the defendant or prohibiting the defendant from applying for a driver's license
12 for a specified period; and (4) for a delinquent fine or administrative assessment,
13 ordering the confinement of the person in the appropriate prison, jail or detention
14 facility. (NRS 176.064)

15 **Section 2** of this bill revises provisions relating to the procedure for collecting
16 such delinquent fines, administrative assessments, fees or restitution. **Section 2**
17 removes the ability of a state or local entity responsible for collecting a delinquent
18 amount to report the delinquency to credit reporting agencies and removes the



19 ability of the court to request that a prosecuting attorney undertake collection of the
20 delinquency or to order the suspension of the driver's license of the defendant or
21 prohibit a defendant from applying for a driver's license. **Section 2** thereby
22 authorizes a state or local entity responsible for collecting a delinquent amount to:
23 (1) request that the court enter a civil judgment for the amount due in favor of the
24 state or local entity and, if the court determines that the defendant has the ability to
25 pay the amount due and is willfully avoiding payment, order the confinement of the
26 defendant in the appropriate prison, jail or detention facility; and (2) contract with a
27 licensed collection agency to collect the delinquent amount and the collection fee.
28 **Sections 3 and 4** of this bill make conforming changes.

29 **Section 1** of this bill provides that any delinquent fine, administrative
30 assessment or fee owed by a defendant is deemed to be uncollectible if after 5 years
31 it remains impossible or impracticable to collect the delinquent amount.

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

1 **Section 1.** Chapter 176 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *Any delinquent fine, administrative assessment or fee owed by*
4 *a defendant pursuant to NRS 176.064 is deemed to be*
5 *uncollectible if after 5 years it remains impossible or impracticable*
6 *to collect the delinquent amount.*

7 **Sec. 2.** NRS 176.064 is hereby amended to read as follows:
8 176.064 1. If a fine, administrative assessment, fee or
9 restitution is imposed upon a defendant pursuant to this chapter,
10 whether or not the fine, administrative assessment, fee or restitution
11 is in addition to any other punishment, and the fine, administrative
12 assessment, fee or restitution or any part of it remains unpaid after
13 the time established by the court for its payment, the defendant is
14 liable for a collection fee, to be imposed by the court at the time it
15 finds that the fine, administrative assessment, fee or restitution is
16 delinquent, of:

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

19 (b) Not more than \$500, if the amount of the delinquency is
20 \$2,000 or greater, but is less than \$5,000.

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

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

28 (a) ~~Report the delinquency to reporting agencies that assemble~~
29 ~~or evaluate information concerning credit.~~



1 ~~—(b)~~ Request that the court take appropriate action pursuant to
2 subsection 3.

3 ~~[(c)]~~ (b) Contract with a collection agency licensed pursuant to
4 NRS 649.075 to collect the delinquent amount and the collection
5 fee. The collection agency must be paid as compensation for its
6 services an amount not greater than the amount of the collection fee
7 imposed pursuant to subsection 1, in accordance with the provisions
8 of the contract.

9 3. The court may, on its own motion or at the request of a state
10 or local entity that is responsible for collecting the delinquent fine,
11 administrative assessment, fee or restitution, take ~~[any or all of]~~ the
12 following actions : ~~[- in the following order of priority if~~
13 ~~practicable:]~~

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

24 (b) ~~[Request that a prosecuting attorney undertake collection of~~
25 ~~the delinquency, including, without limitation, the original amount~~
26 ~~of the civil judgment entered pursuant to paragraph (a) and the~~
27 ~~collection fee, by attachment or garnishment of the defendant's~~
28 ~~property, wages or other money receivable.~~

29 ~~—(c) Order the suspension of the driver's license of the defendant.~~
30 ~~If the defendant does not possess a driver's license, the court may~~
31 ~~prohibit the defendant from applying for a driver's license for a~~
32 ~~specified period. If the defendant is already the subject of a court~~
33 ~~order suspending or delaying the issuance of the defendant's~~
34 ~~driver's license, the court may order the additional suspension or~~
35 ~~delay, as appropriate, to apply consecutively with the previous~~
36 ~~order. At the time the court issues an order suspending the driver's~~
37 ~~license of a defendant pursuant to this paragraph, the court shall~~
38 ~~require the defendant to surrender to the court all driver's licenses~~
39 ~~then held by the defendant. The court shall, within 5 days after~~
40 ~~issuing the order, forward to the Department of Motor Vehicles the~~
41 ~~licenses, together with a copy of the order. At the time the court~~
42 ~~issues an order pursuant to this paragraph delaying the ability of a~~
43 ~~defendant to apply for a driver's license, the court shall, within 5~~
44 ~~days after issuing the order, forward to the Department of Motor~~
45 ~~Vehicles a copy of the order. The Department of Motor Vehicles~~



1 ~~shall report a suspension pursuant to this paragraph to an insurance~~
2 ~~company or its agent inquiring about the defendant's driving record,~~
3 ~~but such a suspension must not be considered for the purpose of~~
4 ~~rating or underwriting.~~

5 ~~—(d) For a delinquent fine or administrative assessment,]~~ *If the*
6 *court determines that the person has the ability to pay the amount*
7 *due and is willfully avoiding payment,* order the confinement of the
8 person in the appropriate prison, jail or detention facility, as
9 provided in NRS 176.065 and 176.075.

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

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

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

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

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

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

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

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

38 (d) If the money is collected by a collection agency, after the
39 collection agency has been paid its fee pursuant to the terms of the
40 contract, any remaining money must be deposited in the state, city
41 or county treasury, whichever is appropriate, to be used only for the
42 purposes set forth in paragraph (a), (b) or (c) of this subsection.

43 **Sec. 3.** NRS 483.443 is hereby amended to read as follows:

44 483.443 1. The Department shall, upon receiving notification
45 from a district attorney or other public agency collecting support for



1 children pursuant to NRS 425.510 that a court has determined that a
2 person:

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

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

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

10 2. The notice must include:

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

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

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

14 3. If a person who receives a notice pursuant to subsection 1
15 does not, within 30 days after receiving the notice, comply with the
16 subpoena or warrant or satisfy the arrearage as required in NRS
17 425.510, the Department shall suspend the license without providing
18 the person with an opportunity for a hearing.

19 4. The Department shall suspend immediately the license of a
20 defendant if so ordered pursuant to NRS 62B.420 . ~~[or 176.064.]~~

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

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

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

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

39 **Sec. 4.** NRS 483.460 is hereby amended to read as follows:

40 483.460 1. Except as otherwise provided by specific statute,
41 the Department shall revoke the license, permit or privilege of any
42 driver upon receiving a record of his or her conviction of any of the
43 following offenses, when that conviction has become final, and
44 the driver is not eligible for a license, permit or privilege to drive for
45 the period indicated:



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

2 (1) A violation of subsection 6 of NRS 484B.653.

3 (2) A third or subsequent violation within 7 years of NRS
4 484C.110 or 484C.120.

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

7 (4) A violation of NRS 484C.430 or a homicide resulting
8 from driving or being in actual physical control of a vehicle while
9 under the influence of intoxicating liquor or a controlled substance
10 or resulting from any other conduct prohibited by NRS 484C.110,
11 484C.130 or 484C.430.

12 ➤ The period during which such a driver is not eligible for a
13 license, permit or privilege to drive must be set aside during any
14 period of imprisonment and the period of revocation must resume
15 when the Department is notified pursuant to NRS 209.517 or
16 213.12185 that the person has completed the period of
17 imprisonment or that the person has been placed on residential
18 confinement or parole.

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

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

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

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

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

34 (5) A second violation within 7 years of NRS 484C.110 or
35 484C.120 and the driver is not eligible for a restricted license during
36 any of that period.

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

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

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



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

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

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

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

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

21 6. In addition to any other requirements set forth by specific
22 statute, if the Department is notified that a court has ordered the
23 revocation, suspension or delay in the issuance of a license pursuant
24 to title 5 of NRS, NRS ~~176.064,~~ 206.330 or 392.148, chapters
25 484A to 484E, inclusive, of NRS or any other provision of law, the
26 Department shall take such actions as are necessary to carry out the
27 court's order.

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

