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FIRST REPRINT

A.B. 434

ASSEMBLY BILL NO. 434—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 Judiciary

SUMMARY—Revises various provisions relating to offenses.
(BDR 14-428)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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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; removing the time limitation on the imposition of certain administrative assessments for the provision of court facilities; revising provisions relating to imprisonment or community service ordered for a convicted person; establishing various provisions relating to the commission of certain traffic offenses; revising provisions relating to the payment of administrative assessments, fines and court fees and the collection of delinquent assessments, fines and fees; requiring any fine paid or forfeiture of bail by a person who commits certain offenses to be credited to the State Permanent School Fund; revising provisions relating to speeding violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a county or city may authorize, by ordinance, the
2 justices or judges of the justice or municipal courts within its jurisdiction to impose
3 for a period of not longer than 50 years an administrative assessment for the
4 provision of court facilities. (NRS 176.0611) **Section 1** of this bill removes the 50-
5 year limitation on the imposition of such an administrative assessment.

6 Existing law authorizes a state or local entity that is responsible for collecting a
7 delinquent fine, administrative assessment, fee or restitution owed by a defendant to



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8 contract with a licensed collection agency to collect the delinquent amount. (NRS
9 176.064) **Section 1.3** of this bill provides that a state or local entity may take such
10 action if the defendant has been found guilty of the offense for which the fine,
11 administrative assessment, fee or restitution was imposed.

12 Existing law provides that if a person other than an indigent person is
13 delinquent in the payment of an administrative assessment, fine or forfeiture, the
14 court may order the person to be imprisoned for a period of 1 day for each \$75
15 of the amount owed. (NRS 176.065, 176.075) **Sections 1.7 and 2** of this bill
16 increase the amount of credit received for each day of imprisonment to \$150 and
17 establish the circumstances in which a person is considered to be indigent. **Section**
18 **1.7** also authorizes the imprisonment of an indigent person if he or she was
19 provided with the opportunity to perform community service to satisfy the entire
20 amount owed and failed to perform such community service.

21 Existing law authorizes a court to order a convicted person to perform
22 supervised community service in certain circumstances. (NRS 176.087) **Section 3**
23 of this bill provides that for each hour of community service performed by a person,
24 the court is required to provide a credit of \$10 or the amount of the state minimum
25 wage if health insurance is not offered, whichever is greater, toward the payment of
26 any fine that was imposed against the person for the commission of the offense for
27 which community service was ordered.

28 **Section 5.1** of this bill establishes the intent of the Legislature to provide that
29 the incarceration of a person for failing to appear in court or failing to pay any
30 administrative assessment, fine or court fee imposed for the commission of a traffic
31 violation should generally be disfavored unless failing to incarcerate such a person
32 would substantially jeopardize public safety.

33 **Section 5.3** of this bill establishes a presumption that a person arrested for the
34 commission of certain traffic violations should be released on his or her own
35 recognizance.

36 **Section 5.5** of this bill provides that certain convictions for a traffic violation
37 are not criminal convictions for the purpose of applying for employment, a
38 professional license or any educational opportunities.

39 **Section 5.7** of this bill requires that a grace period of not less than 30 calendar
40 days must be provided to a person who has failed to appear in court or failed to pay
41 any administrative assessment, fine or court fee imposed for certain traffic
42 violations before a warrant can be issued for such a failure to appear or failure to
43 pay. **Section 5.8** of this bill prohibits a warrant from being issued for such a failure
44 to pay unless the person has been provided with the opportunity to perform
45 community service to satisfy the entire amount owed and has failed to perform such
46 community service.

47 **Sections 1.3 and 5.9** of this bill require collection fees imposed for certain
48 delinquent amounts owed by a defendant and certain fees assessed by a court to be
49 assessed on a per case basis and not on a per charge basis.

50 **Section 6** of this bill provides that if a court imposes upon a person an
51 administrative assessment, fine or court fee for a violation of any provision of
52 chapters 484A to 484E, inclusive, of NRS, and the court allows any such
53 administrative assessment, fine or court fee to be paid in installments, the payments
54 must be applied first to the unpaid balance of an administrative assessment, then to
55 the unpaid balance of a fine and finally to the unpaid balance of a court fee. **Section**
56 **7** of this bill provides that if a traffic citation issued to a person contains more than
57 one offense charged, or if a person has been issued more than one traffic citation
58 that is outstanding, any payment made by the person must be applied to one offense
59 or one citation, as applicable, in chronological order beginning with the citation that
60 was issued first and in accordance with **section 6**, until all administrative
61 assessments, fines and court fees due for the offense or citation are paid in full.
62 **Section 7** provides that payments must continue to be applied in such a manner



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63 all administrative assessments, fines and court fees due for all offenses
64 charged or all outstanding traffic citations are paid in full.

65 **Section 8** of this bill establishes provisions relating to fees which courts
66 authorize a defendant to pay in lieu of requiring the defendant to complete a course
67 of traffic safety for the purpose of reducing the demerit points accumulated by the
68 defendant and sets forth the purposes for which such money must be used.

69 Existing law prohibits a local authority from enacting certain ordinances
70 relating to traffic offenses. (NRS 484A.400) **Section 9** of this bill provides that if a
71 person commits any offense for which a local authority is prohibited from enacting
72 an ordinance, any fine paid or forfeiture of bail by the person must be paid into the
73 State Treasury for credit to the State Permanent School Fund.

74 Existing law prohibits a person from driving or operating a vehicle at a rate of
75 speed that exceeds the posted speed limit or is otherwise improper under the
76 circumstances. (NRS 484B.600) **Section 28** of this bill additionally prohibits a
77 person from driving or operating a vehicle at a rate of speed that results in the
78 injury of another person or of any property. **Section 28** generally provides that if a
79 person is issued a traffic citation for speeding, the court has the discretion to reduce
80 the violation from a moving traffic violation to a violation that is not a moving
81 traffic violation. **Section 28** establishes a presumption in favor of reducing the
82 violation if the person pays the entire amount of the fine due before the date on
83 which the person is first required to make an appearance relating to the citation, but
84 also provides that such a presumption can be overcome if the person's driving
85 record demonstrates a pattern of moving traffic violations. **Section 28** also requires
86 that any fine imposed for speeding, other than speeding that results in the injury of
87 another person or of any property, must not exceed \$20 for each mile per hour a
88 person travels above the posted speed limit or the proper rate of speed at which the
89 person should be traveling, as applicable.

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

1 **Section 1.** NRS 176.0611 is hereby amended to read as
2 follows:

3 176.0611 1. A county or a city, upon recommendation of the
4 appropriate court, may, by ordinance, authorize the justices or
5 judges of the justice or municipal courts within its jurisdiction to
6 impose , ~~{for not longer than 50 years,}~~ in addition to the
7 administrative assessments imposed pursuant to NRS 176.059,
8 176.0613 and 176.0623, an administrative assessment for the
9 provision of court facilities.

10 2. Except as otherwise provided in subsection 3, in any
11 jurisdiction in which an administrative assessment for the provision
12 of court facilities has been authorized, when a defendant pleads
13 guilty or guilty but mentally ill or is found guilty or guilty but
14 mentally ill of a misdemeanor, including the violation of any
15 municipal ordinance, the justice or judge shall include in the
16 sentence the sum of \$10 as an administrative assessment for
17 the provision of court facilities and render a judgment against the
18 defendant for the assessment. If the justice or judge sentences the



1 defendant to perform community service in lieu of a fine, the justice
2 or judge shall include in the sentence the administrative assessment
3 required pursuant to this subsection.

4 3. The provisions of subsection 2 do not apply to:

5 (a) An ordinance regulating metered parking; or

6 (b) An ordinance that is specifically designated as imposing a
7 civil penalty or liability pursuant to NRS 244.3575 or 268.019.

8 4. The money collected for an administrative assessment for
9 the provision of court facilities must not be deducted from the fine
10 imposed by the justice or judge but must be taxed against the
11 defendant in addition to the fine. The money collected for such an
12 administrative assessment must be stated separately on the court's
13 docket and must be included in the amount posted for bail. If bail is
14 forfeited, the administrative assessment included in the amount
15 posted for bail pursuant to this subsection must be disbursed in the
16 manner set forth in subsection 6 or 7. If the defendant is found not
17 guilty or the charges are dismissed, the money deposited with the
18 court must be returned to the defendant. If the justice or judge
19 cancels a fine because the fine has been determined to be
20 uncollectible, any balance of the fine and the administrative
21 assessment remaining unpaid shall be deemed to be uncollectible
22 and the defendant is not required to pay it. If a fine is determined to
23 be uncollectible, the defendant is not entitled to a refund of the fine
24 or administrative assessment the defendant has paid and the justice
25 or judge shall not recalculate the administrative assessment.

26 5. If the justice or judge permits the fine and administrative
27 assessment for the provision of court facilities to be paid in
28 installments, the payments must be applied in the following order:

29 (a) To pay the unpaid balance of an administrative assessment
30 imposed pursuant to NRS 176.059;

31 (b) To pay the unpaid balance of an administrative assessment
32 for the provision of court facilities pursuant to this section;

33 (c) To pay the unpaid balance of an administrative assessment
34 for the provision of specialty court programs pursuant to
35 NRS 176.0613;

36 (d) To pay the unpaid balance of an administrative assessment
37 for obtaining a biological specimen and conducting a genetic marker
38 analysis pursuant to NRS 176.0623; and

39 (e) To pay the fine.

40 6. The money collected for administrative assessments for the
41 provision of court facilities in municipal courts must be paid by the
42 clerk of the court to the city treasurer on or before the fifth day of
43 each month for the preceding month. The city treasurer shall deposit
44 the money received in a special revenue fund. The city may use the
45 money in the special revenue fund only to:



1 (a) Acquire land on which to construct additional facilities for
2 the municipal courts or a regional justice center that includes the
3 municipal courts.

4 (b) Construct or acquire additional facilities for the municipal
5 courts or a regional justice center that includes the municipal courts.

6 (c) Renovate or remodel existing facilities for the municipal
7 courts.

8 (d) Acquire furniture, fixtures and equipment necessitated by the
9 construction or acquisition of additional facilities or the renovation
10 of an existing facility for the municipal courts or a regional justice
11 center that includes the municipal courts. This paragraph does not
12 authorize the expenditure of money from the fund for furniture,
13 fixtures or equipment for judicial chambers.

14 (e) Acquire advanced technology for use in the additional or
15 renovated facilities.

16 (f) Pay debt service on any bonds issued pursuant to subsection
17 3 of NRS 350.020 for the acquisition of land or facilities or the
18 construction or renovation of facilities for the municipal courts or a
19 regional justice center that includes the municipal courts.

20 ↪ Any money remaining in the special revenue fund after 5 fiscal
21 years must be deposited in the municipal general fund for the
22 continued maintenance of court facilities if it has not been
23 committed for expenditure pursuant to a plan for the construction or
24 acquisition of court facilities or improvements to court facilities.
25 The city treasurer shall provide, upon request by a municipal court,
26 monthly reports of the revenue credited to and expenditures made
27 from the special revenue fund.

28 7. The money collected for administrative assessments for the
29 provision of court facilities in justice courts must be paid by the
30 clerk of the court to the county treasurer on or before the fifth day of
31 each month for the preceding month. The county treasurer shall
32 deposit the money received to a special revenue fund. The county
33 may use the money in the special revenue fund only to:

34 (a) Acquire land on which to construct additional facilities for
35 the justice courts or a regional justice center that includes the justice
36 courts.

37 (b) Construct or acquire additional facilities for the justice
38 courts or a regional justice center that includes the justice courts.

39 (c) Renovate or remodel existing facilities for the justice courts.

40 (d) Acquire furniture, fixtures and equipment necessitated by the
41 construction or acquisition of additional facilities or the renovation
42 of an existing facility for the justice courts or a regional justice
43 center that includes the justice courts. This paragraph does not
44 authorize the expenditure of money from the fund for furniture,
45 fixtures or equipment for judicial chambers.



1 (e) Acquire advanced technology for use in the additional or
2 renovated facilities.

3 (f) Pay debt service on any bonds issued pursuant to subsection
4 3 of NRS 350.020 for the acquisition of land or facilities or the
5 construction or renovation of facilities for the justice courts or a
6 regional justice center that includes the justice courts.

7 ↪ Any money remaining in the special revenue fund after 5 fiscal
8 years must be deposited in the county general fund for the continued
9 maintenance of court facilities if it has not been committed for
10 expenditure pursuant to a plan for the construction or acquisition of
11 court facilities or improvements to court facilities. The county
12 treasurer shall provide, upon request by a justice court, monthly
13 reports of the revenue credited to and expenditures made from the
14 special revenue fund.

15 8. If money collected pursuant to this section is to be used to
16 acquire land on which to construct a regional justice center, to
17 construct a regional justice center or to pay debt service on bonds
18 issued for these purposes, the county and the participating cities
19 shall, by interlocal agreement, determine such issues as the size of
20 the regional justice center, the manner in which the center will be
21 used and the apportionment of fiscal responsibility for the center.

22 **Sec. 1.3.** NRS 176.064 is hereby amended to read as follows:

23 176.064 1. If a fine, administrative assessment, fee or
24 restitution is imposed upon a defendant pursuant to this chapter,
25 whether or not the fine, administrative assessment, fee or restitution
26 is in addition to any other punishment, and the fine, administrative
27 assessment, fee or restitution or any part of it remains unpaid after
28 the time established by the court for its payment, the defendant is
29 liable for a collection fee, to be imposed by the court at the time it
30 finds that the fine, administrative assessment, fee or restitution is
31 delinquent, of:

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

34 (b) Not more than \$500, if the amount of the delinquency is
35 \$2,000 or greater, but is less than \$5,000.

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

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

43 (a) Report the delinquency to reporting agencies that assemble
44 or evaluate information concerning credit.



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

3 (c) ~~{Contract}~~ *If the defendant has been found guilty of the*
4 *offense for which the fine, administrative assessment, fee or*
5 *restitution was imposed, contract* with a collection agency licensed
6 pursuant to NRS 649.075 to collect the delinquent amount and the
7 collection fee. The collection agency must be paid as compensation
8 for its services an amount not greater than the amount of the
9 collection fee imposed pursuant to subsection 1, in accordance with
10 the provisions of the contract.

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

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

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

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



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

6 (d) For a delinquent fine or administrative assessment, order the
7 confinement of the person in the appropriate prison, jail or detention
8 facility, as provided in NRS 176.065 and 176.075.

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

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

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

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

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

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

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

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

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

42 ***5. Any collection fee imposed pursuant to subsection 1 must***
43 ***be assessed on a per case basis and not on a per charge basis. The***
44 ***provisions of this subsection must not be construed to apply to any***



1 *credit card processing fees that are assessed solely for the purpose*
2 *of recouping any costs incurred to process a credit card payment.*

3 **Sec. 1.7.** NRS 176.065 is hereby amended to read as follows:

4 176.065 1. Except as otherwise provided in subsection 2,
5 when a person is sentenced to both fine and imprisonment, or to pay
6 a forfeiture in addition to imprisonment, the court may, pursuant to
7 NRS 62B.420 or 176.064, order that the person be confined in the
8 state prison, the city or county jail or a detention facility, whichever
9 is designated in the person's sentence of imprisonment, for an
10 additional period of 1 day for each ~~[\$75]~~ ***\$150*** of the amount until
11 the administrative assessment and the fine or forfeiture are satisfied
12 or the maximum term of imprisonment prescribed by law for the
13 offense committed has elapsed, whichever is earlier, but the
14 person's eligibility for parole is governed only by the person's
15 sentence of imprisonment.

16 2. The provisions of this section do not apply to indigent
17 persons ~~§~~ ***unless an indigent person has been provided with the***
18 ***opportunity to perform community service to satisfy the entire***
19 ***amount owed and has failed to perform such community service.***
20 ***For the purposes of this subsection, a person is indigent if the***
21 ***person:***

22 (a) ***Receives public assistance, as that term is defined in***
23 ***NRS 422A.065;***

24 (b) ***Resides in public housing, as that term is defined in***
25 ***NRS 315.021; or***

26 (c) ***Has a household income that is less than 200 percent of the***
27 ***federally designated level signifying poverty.***

28 **Sec. 2.** NRS 176.075 is hereby amended to read as follows:

29 176.075 1. Except as otherwise provided in subsection 2,
30 when a person is sentenced to pay a fine or forfeiture without an
31 accompanying sentence of imprisonment, the court may, pursuant to
32 NRS 62B.420 or 176.064, order that the person be confined in the
33 city or county jail or detention facility for a period of not more than
34 1 day for each ~~[\$75]~~ ***\$150*** of the amount until the administrative
35 assessment and the fine or forfeiture are satisfied.

36 2. The provisions of this section do not apply to indigent
37 persons. ***For the purposes of this subsection, a person is indigent if***
38 ***the person:***

39 (a) ***Receives public assistance, as that term is defined in***
40 ***NRS 422A.065;***

41 (b) ***Resides in public housing, as that term is defined in***
42 ***NRS 315.021;***

43 (c) ***Has a household income that is less than 200 percent of the***
44 ***federally designated level signifying poverty; or***

45 (d) ***Is housed in a public or private mental health facility.***



1 **Sec. 3.** NRS 176.087 is hereby amended to read as follows:

2 176.087 1. Except where the imposition of a specific criminal
3 penalty is mandatory, a court may order a convicted person to
4 perform supervised community service:

5 (a) In lieu of all or a part of any fine or imprisonment that may
6 be imposed for the commission of a misdemeanor; or

7 (b) As a condition of probation granted for another offense.

8 2. The community service must be performed for and under the
9 supervising authority of a county, city, town or other political
10 subdivision or agency of the State of Nevada or a charitable
11 organization that renders service to the community or its residents.

12 3. The court may require the convicted person to deposit with
13 the court a reasonable sum of money to pay for the cost of policies
14 of insurance against liability for personal injury and damage to
15 property or for industrial insurance, or both, during those periods in
16 which the person performs the community service, unless, in the
17 case of industrial insurance, it is provided by the authority for which
18 the person performs the community service.

19 4. The following conditions apply to any such community
20 service imposed by the court:

21 (a) The court must fix the period of community service that is
22 imposed as punishment or a condition of probation and distribute
23 the period over weekends or over other appropriate times that will
24 allow the convicted person to continue employment and to care for
25 the person's family. The period of community service fixed by the
26 court must not exceed, for a:

27 (1) Misdemeanor, 200 hours;

28 (2) Gross misdemeanor, 600 hours; or

29 (3) Felony, 1,000 hours.

30 (b) A supervising authority listed in subsection 2 must agree to
31 accept the convicted person for community service before the court
32 may require the convicted person to perform community service for
33 that supervising authority. The supervising authority must be located
34 in or be the town or city of the convicted person's residence or, if
35 that placement is not possible, one located within the jurisdiction of
36 the court or, if that placement is not possible, the authority may be
37 located outside the jurisdiction of the court.

38 (c) Community service that a court requires pursuant to this
39 section must be supervised by an official of the supervising
40 authority or by a person designated by the authority.

41 (d) The court may require the supervising authority to report
42 periodically to the court or to a probation officer the convicted
43 person's performance in carrying out the punishment or condition of
44 probation.



1 **5. For each hour of community service that is performed by a**
2 **person pursuant to this section, the court must provide a credit of**
3 **\$10 or the amount of the state minimum wage if health insurance**
4 **is not offered, whichever is greater, toward the payment of any**
5 **fine that was imposed against the person for the commission of the**
6 **offense for which the person was ordered to perform community**
7 **service.**

8 **Sec. 4.** (Deleted by amendment.)

9 **Sec. 5.** Chapter 484A of NRS is hereby amended by adding
10 thereto the provisions set forth as sections 5.1 to 9, inclusive, of this
11 act.

12 **Sec. 5.1. The Legislature hereby finds and declares that the**
13 **incarceration of a person for failing to appear in court or failing**
14 **to pay any administrative assessment, fine or court fee imposed for**
15 **the commission of a minor traffic violation should generally be**
16 **disfavored unless a court determines that failing to incarcerate**
17 **such a person would substantially jeopardize public safety.**

18 **Sec. 5.3. 1. Except as otherwise provided in subsection 2,**
19 **after a person is arrested for the commission of a traffic violation**
20 **pursuant to chapters 484A to 484E, inclusive, of NRS, there is a**
21 **presumption that the person should be released on his or her own**
22 **recognizance.**

23 **2. The presumption established in subsection 1 does not apply**
24 **if a person is arrested for:**

25 **(a) Reckless driving in violation of NRS 484B.653;**

26 **(b) Vehicular manslaughter in violation of NRS 484B.657; or**

27 **(c) Driving, operating or being in actual physical control of a**
28 **vehicle or a vessel under power or sail while under the influence**
29 **of intoxicating liquor or a controlled substance in violation of**
30 **NRS 484C.110, 484C.120 or 488.410, as applicable.**

31 **Sec. 5.5. 1. Notwithstanding any other provision of law,**
32 **and except as otherwise provided in subsection 2, any conviction**
33 **for a traffic violation pursuant to chapters 484A to 484E,**
34 **inclusive, of NRS is not a criminal conviction for the purpose of**
35 **applying for employment, a professional license or any**
36 **educational opportunity.**

37 **2. The provisions of subsection 1 do not apply if a person is**
38 **convicted of:**

39 **(a) Reckless driving in violation of NRS 484B.653;**

40 **(b) Vehicular manslaughter in violation of NRS 484B.657; or**

41 **(c) Driving, operating or being in actual physical control of a**
42 **vehicle or a vessel under power or sail while under the influence**
43 **of intoxicating liquor or a controlled substance in violation of**
44 **NRS 484C.110, 484C.120 or 488.410, as applicable.**



1 **Sec. 5.7. 1.** *Except as otherwise provided in subsection 2,*
2 *and subject to the limitation imposed by section 5.8 of this act, a*
3 *grace period of not less than 30 calendar days must be provided to*
4 *a person who has failed to appear in court or failed to pay any*
5 *administrative assessment, fine or court fee imposed upon the*
6 *person for a violation of any provision of chapters 484A to 484E,*
7 *inclusive, of NRS before a warrant can be issued for such a*
8 *failure to appear or failure to pay.*

9 **2.** *The provisions of subsection 1 do not apply if:*

10 **(a)** *The court determines that providing such a grace period*
11 *would substantially jeopardize public safety; or*

12 **(b)** *The person was issued a traffic citation for:*

13 **(1)** *Reckless driving in violation of NRS 484B.653;*

14 **(2)** *Vehicular manslaughter in violation of NRS 484B.657;*

15 *or*

16 **(3)** *Driving, operating or being in actual physical control of*
17 *a vehicle or a vessel under power or sail while under the influence*
18 *of intoxicating liquor or a controlled substance in violation of*
19 *NRS 484C.110, 484C.120 or 488.410, as applicable.*

20 **Sec. 5.8.** *If a person has failed to pay any administrative*
21 *assessment, fine or court fee imposed upon the person for a*
22 *violation of any provision of chapters 484A to 484E, inclusive, of*
23 *NRS, a warrant must not be issued unless the person has been*
24 *provided with the opportunity to perform community service to*
25 *satisfy the entire amount due and has failed to perform such*
26 *community service.*

27 **Sec. 5.9. 1.** *Any fee assessed by a court pursuant to*
28 *chapters 484A to 484E, inclusive, of NRS that is not expressly*
29 *authorized by statute or is not solely for the purpose of recovering*
30 *any costs incurred relating to the participation of a person in a*
31 *specialty court program must be assessed on a per case basis and*
32 *not on a per charge basis. The provisions of this subsection must*
33 *not be construed to apply to any credit card processing fees that*
34 *are assessed solely for the purpose of recouping any costs incurred*
35 *to process a credit card payment.*

36 **2.** *As used in this section, “specialty court program” means a*
37 *program established by a court to facilitate testing, treatment and*
38 *oversight of certain persons over whom the court has jurisdiction*
39 *and who the court has determined suffer from a mental illness or*
40 *who abuse alcohol or drugs. Such a program includes, without*
41 *limitation, a program established pursuant to NRS 176A.250 or*
42 *453.580.*

43 **Sec. 6.** *In accordance with section 7 of this act and any*
44 *provision of law that further specifies the order in which more*
45 *than one administrative assessment, fine or court fee that is*



1 *imposed upon a person must be paid, including, without*
2 *limitation, NRS 176.0611 and 176.0613, if a court imposes upon a*
3 *person an administrative assessment, fine or court fee for a*
4 *violation of any provision of chapters 484A to 484E, inclusive, of*
5 *NRS, and the court permits any such administrative assessment,*
6 *fine or court fee to be paid in installments, the payments must be*
7 *applied in the following order:*

- 8 1. *To pay the unpaid balance of an administrative*
9 *assessment;*
- 10 2. *To pay the unpaid balance of a fine; and*
- 11 3. *To pay the unpaid balance of a court fee.*

12 **Sec. 7. 1.** *If a traffic citation that is issued to a person*
13 *contains more than one offense charged, or if a person has been*
14 *issued more than one traffic citation that is outstanding, any*
15 *payment made by the person must be applied, in accordance with*
16 *the provisions of section 6 of this act, to one offense or one*
17 *citation, as applicable, in chronological order beginning with the*
18 *citation that was issued first until all administrative assessments,*
19 *finances and court fees due for that offense or citation are paid in*
20 *full.*

21 2. *Once all administrative assessments, fines and court fees*
22 *due for an offense or citation are paid in full, any remaining*
23 *portion of a payment made by a person must be applied to the next*
24 *offense or citation, as applicable, until all administrative*
25 *assessments, fines and court fees due for that offense or citation*
26 *are paid in full.*

27 3. *Payments made by a person must continue to be applied in*
28 *the manner set forth in this section until all administrative*
29 *assessments, fines and court fees due for all offenses charged or*
30 *all outstanding traffic citations are paid in full.*

31 **Sec. 8. 1.** *Except as otherwise provided in this section, if a*
32 *court authorizes a defendant who pleads guilty, guilty but mentally*
33 *ill or nolo contendere to, or who is found guilty or guilty but*
34 *mentally ill of, a violation of chapters 484A to 484E, inclusive, of*
35 *NRS to pay a fee for the purpose of reducing demerit points, in*
36 *lieu of requiring the defendant to complete a course of traffic*
37 *safety for the purpose of reducing demerit points, the court must*
38 *include the fee in the sentence, in addition to any other penalty or*
39 *administrative assessment provided by law, and render a judgment*
40 *against the defendant for the fee.*

41 2. *The money collected for the fee imposed pursuant to this*
42 *section must not be deducted from any fine imposed by the court*
43 *but must be collected from the defendant in addition to the fine.*
44 *The money collected for such a fee must be stated separately on*
45 *the court's docket. If the court cancels a fine because the fine has*



1 *been determined to be uncollectible, any balance of the fine and*
2 *the fee remaining unpaid shall be deemed to be uncollectible and*
3 *the defendant is not required to pay them. If a fine is determined*
4 *to be uncollectible, the defendant is not entitled to a refund of any*
5 *amount of the fine or fee that the defendant has paid.*

6 3. *A court shall, if requested by a defendant, allow a fee*
7 *imposed pursuant to this section to be paid in installments under*
8 *terms established by the court.*

9 4. *The money collected for a fee pursuant to this section in*
10 *municipal court must be paid by the clerk of the court to the city*
11 *treasurer on or before the fifth day of each month for the*
12 *preceding month. On or before the 15th day of that month, the city*
13 *treasurer shall deposit:*

14 (a) *Twenty-five percent of the money received for each such*
15 *fee with the State Controller for credit to a special account in the*
16 *State General Fund administered by the Office of Court*
17 *Administrator.*

18 (b) *Seventy-five percent of the money received for each such*
19 *fee in a special revenue fund. The city may use the money in the*
20 *special revenue fund only to:*

21 (1) *Fund local specialty court programs; or*

22 (2) *Pay for upgrades to court information technology.*

23 5. *The money collected for a fee pursuant to this section in*
24 *justice courts must be paid by the clerk of the court to the county*
25 *treasurer on or before the fifth day of each month for the*
26 *preceding month. On or before the 15th day of that month, the*
27 *county treasurer shall deposit:*

28 (a) *Twenty-five percent of the money received for each such*
29 *fee with the State Controller for credit to a special account in the*
30 *State General Fund administered by the Office of Court*
31 *Administrator.*

32 (b) *Seventy-five percent of the money received for each such*
33 *fee in a special revenue fund. The county may use the money in*
34 *the special revenue fund only to:*

35 (1) *Fund local specialty court programs; or*

36 (2) *Pay for upgrades to court information technology.*

37 6. *Money that is apportioned to a court from specialty courts*
38 *fees pursuant to this section must be used by the court to:*

39 (a) *Pay for any level of treatment, including, without*
40 *limitation, psychiatric care, required for successful completion*
41 *and testing of persons who participate in the program; and*

42 (b) *Improve the operations of the specialty court program by*
43 *any combination of:*

44 (1) *Acquiring necessary capital goods;*



1 (2) *Providing for personnel to staff and oversee the*
2 *specialty court program;*

3 (3) *Providing training and education to personnel;*

4 (4) *Studying the management and operation of the*
5 *program;*

6 (5) *Conducting audits of the program;*

7 (6) *Providing for district attorney and public defender*
8 *representation;*

9 (7) *Acquiring or using appropriate technology;*

10 (8) *Providing capital for building facilities necessary to*
11 *house persons who participate in the program;*

12 (9) *Providing funding for employment programs for*
13 *persons who participate in the program; and*

14 (10) *Providing funding for statewide public information*
15 *campaigns necessary to deter driving under the influence of*
16 *intoxicating liquor or a controlled substance.*

17 7. *As used in this section:*

18 (a) *“Office of Court Administrator” means the Office of Court*
19 *Administrator created by NRS 1.320; and*

20 (b) *“Specialty court program” means a program established by*
21 *a court to facilitate testing, treatment and oversight of certain*
22 *persons over whom the court has jurisdiction and who the court*
23 *has determined suffer from a mental illness or who abuse alcohol*
24 *or drugs. Such a program includes, without limitation, a program*
25 *established pursuant to NRS 176A.250 or 453.580.*

26 **Sec. 9.** *If a person commits any offense for which a local*
27 *authority is prohibited from enacting an ordinance pursuant to*
28 *subsection 3 of NRS 484A.400, any fine paid or forfeiture of bail*
29 *by the person must be paid into the State Treasury for credit to the*
30 *State Permanent School Fund.*

31 **Sec. 10.** (Deleted by amendment.)

32 **Sec. 10.5.** NRS 484A.670 is hereby amended to read as
33 follows:

34 484A.670 1. Regardless of the disposition of the charge for
35 which a traffic citation was originally issued, it is unlawful for a
36 person to:

37 (a) Violate a written promise to appear in court given to a peace
38 officer upon the issuance of a traffic citation prepared by the peace
39 officer; or

40 (b) Fail to appear at the time and place set forth in a notice to
41 appear in court that is contained in a traffic citation prepared by a
42 peace officer.

43 2. Except as otherwise provided in this subsection, a person
44 may comply with a written promise to appear in court or a notice to
45 appear in court by an appearance by counsel. A person who has



1 been convicted of two or more moving traffic violations in unrelated
2 incidents within a 12-month period and is subsequently arrested or
3 issued a citation within that 12-month period shall appear personally
4 in court with or without counsel.

5 3. ~~[A]~~ *Except as otherwise provided in section 5.7 of this act,*
6 *a* warrant may issue upon a violation of a written promise to appear
7 in court or a failure to appear at the time and place set forth in a
8 notice to appear in court.

9 **Sec. 11.** (Deleted by amendment.)

10 **Sec. 12.** (Deleted by amendment.)

11 **Sec. 13.** (Deleted by amendment.)

12 **Sec. 14.** (Deleted by amendment.)

13 **Sec. 15.** (Deleted by amendment.)

14 **Sec. 16.** (Deleted by amendment.)

15 **Sec. 17.** (Deleted by amendment.)

16 **Sec. 18.** (Deleted by amendment.)

17 **Sec. 19.** (Deleted by amendment.)

18 **Sec. 20.** (Deleted by amendment.)

19 **Sec. 21.** (Deleted by amendment.)

20 **Sec. 22.** (Deleted by amendment.)

21 **Sec. 23.** (Deleted by amendment.)

22 **Sec. 24.** (Deleted by amendment.)

23 **Sec. 25.** (Deleted by amendment.)

24 **Sec. 26.** (Deleted by amendment.)

25 **Sec. 27.** (Deleted by amendment.)

26 **Sec. 28.** NRS 484B.600 is hereby amended to read as follows:

27 484B.600 1. It is unlawful for any person to drive or operate
28 a vehicle of any kind or character at:

29 (a) A rate of speed greater than is reasonable or proper, having
30 due regard for the traffic, surface and width of the highway, the
31 weather and other highway conditions.

32 (b) Such a rate of speed as to endanger the life, limb or property
33 of any person.

34 (c) A rate of speed greater than that posted by a public authority
35 for the particular portion of highway being traversed.

36 (d) *A rate of speed that results in the injury of another person*
37 *or of any property.*

38 (e) In any event, a rate of speed greater than 80 miles per hour.

39 2. If, while violating any provision of subsection 1, the driver
40 of a motor vehicle is the proximate cause of a collision with a
41 pedestrian or a person riding a bicycle, the driver is subject to the
42 additional penalty set forth in subsection 4 of NRS 484B.653.

43 3. A person who violates any provision of subsection 1 may be
44 subject to the additional penalty set forth in NRS 484B.130 or
45 484B.135.



1 4. *Except as otherwise provided by law, if a person is issued a*
2 *traffic citation for a violation of any provision of subsection 1, the*
3 *court may, in its discretion, reduce the violation from a moving*
4 *traffic violation to a violation that is not a moving traffic violation.*
5 *There is a presumption in favor of reducing the violation if the*
6 *person pays the entire amount of the fine due before the date on*
7 *which the person is first required to make an appearance relating*
8 *to the citation, whether by personal appearance or through his or*
9 *her counsel, but such a presumption may be overcome if the*
10 *driving record of the person demonstrates a pattern of moving*
11 *traffic violations.*

12 5. *Any fine imposed pursuant to paragraph (a), (b), (c) or (e)*
13 *of subsection 1 must not exceed \$20 for each mile per hour a*
14 *person travels above the posted speed limit or the proper rate of*
15 *speed at which the person should be traveling, as applicable. The*
16 *provisions of this subsection apply regardless of whether*
17 *a person pays the entire amount of the fine in accordance with*
18 *subsection 4.*

19 **Sec. 29.** (Deleted by amendment.)

20 **Sec. 30.** (Deleted by amendment.)

21 **Sec. 31.** (Deleted by amendment.)

22 **Sec. 32.** (Deleted by amendment.)

23 **Sec. 33.** (Deleted by amendment.)

24 **Sec. 34.** (Deleted by amendment.)

25 **Sec. 35.** (Deleted by amendment.)

26 **Sec. 36.** (Deleted by amendment.)

27 **Sec. 37.** (Deleted by amendment.)

28 **Sec. 38.** (Deleted by amendment.)

29 **Sec. 39.** (Deleted by amendment.)

30 **Sec. 40.** (Deleted by amendment.)

31 **Sec. 41.** (Deleted by amendment.)

