

(Reprinted with amendments adopted on April 5, 2021)

FIRST REPRINT

A.B. 151

ASSEMBLY BILL NO. 151—ASSEMBLYMEN GONZÁLEZ, TORRES; ANDERSON, FLORES, BRITTNEY MILLER, MONROE-MORENO, NGUYEN, SUMMERS-ARMSTRONG, WATTS AND YEAGER

FEBRUARY 18, 2021

JOINT SPONSORS: SENATORS DONATE, HAMMOND, D. HARRIS AND SPEARMAN

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to offenses. (BDR 14-776)

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

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

AN ACT relating to offenses; revising provisions relating to the collection of delinquent fines, administrative assessments, fees and restitution; revising provisions relating to the suspension of the driver’s license of a person under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law authorizes a court to suspend the driver’s license of a defendant or  
2 to prohibit a defendant from applying for a driver’s license for a specified period, if  
3 the court determines that: (1) the defendant has the ability to pay a delinquent fine,  
4 administrative assessment, fee or restitution, but is willfully avoiding payment; or  
5 (2) the defendant was given the opportunity to perform community service to  
6 satisfy the amount due because the defendant is indigent and the defendant has  
7 failed to perform such community service. (NRS 176.064) **Section 1** of this bill  
8 removes the authority of the court to suspend the driver’s license of a defendant or  
9 prohibit a defendant from applying for a driver’s license for a specified period if the  
10 delinquent fine, administrative assessment, fee or restitution was originally imposed  
11 for a minor traffic offense.

12 Existing law requires a court to notify the Department of Motor Vehicles if a  
13 driver violates a written promise to appear pursuant to a citation for a violation of a  
14 traffic law or ordinance, other than a traffic law or ordinance governing standing or



15 parking. Upon receipt of such notification, the Department must notify the driver  
16 that his or her privilege to drive will be suspended unless a hearing is requested or  
17 the citation or complaint is otherwise resolved within 30 days. If a hearing is not  
18 requested or the citation or complaint is not otherwise resolved within 30 days, then  
19 the Department must suspend the driver's license of the driver. (NRS 483.465)  
20 **Section 2** of this bill removes the requirement to notify the Department if the  
21 violation of the written promise to appear pursuant to a citation was for a minor  
22 traffic offense, thereby eliminating the possibility of suspension of the driver's  
23 license of a driver who was cited for a minor traffic offense and who violated the  
24 written promise to appear.

25 **Section 3** of this bill provides that if, in connection with a citation for a minor  
26 traffic offense, on October 1, 2021, the effective date of this bill, a person is subject  
27 to a suspension of his or her driver's license or a delay in the issuance of a driver's  
28 license imposed for failure to pay a delinquent fine, administrative assessment, fee  
29 or restitution or is subject to a suspension of his or her driver's license for violation  
30 of a written promise to appear for the citation, then the Department of Motor  
31 Vehicles must: (1) immediately reinstate the driver's license of the person or the  
32 ability of the person to apply for the issuance of a driver's license; and (2) notify  
33 the person, as soon as possible, of the reinstatement of his or her driver's license or  
34 ability to apply for the issuance of a driver's license. **Section 3** also provides that  
35 the Department must not charge any fee for the reinstatement of a driver's license  
36 or require a person to undergo any physical or mental examination to be eligible for  
37 reinstatement of a driver's license.

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

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

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

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

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

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

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



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

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

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) ~~##~~ *Except as otherwise provided in this paragraph, if* the  
26 court determines that the defendant has the ability to pay the amount  
27 due and is willfully avoiding payment, or if the defendant was given  
28 the opportunity to perform community service to satisfy the amount  
29 due because the defendant is indigent and the defendant has failed to  
30 perform such community service, order the suspension of the  
31 driver's license of the defendant. ~~##~~ *Except as otherwise provided*  
32 *in this paragraph, if* the defendant does not possess a driver's  
33 license, the court may prohibit the defendant from applying for a  
34 driver's license for a specified period. ~~##~~ *Except as otherwise*  
35 *provided in this paragraph, if* the defendant is already the subject of  
36 a court order suspending or delaying the issuance of the defendant's  
37 driver's license, the court may order the additional suspension or  
38 delay, as appropriate, to apply consecutively with the previous  
39 order. At the time the court issues an order suspending the driver's  
40 license of a defendant pursuant to this paragraph, the court shall  
41 require the defendant to surrender to the court all driver's licenses  
42 then held by the defendant. The court shall, within 5 days after  
43 issuing the order, forward to the Department of Motor Vehicles the  
44 licenses, together with a copy of the order. At the time the court  
45 issues an order pursuant to this paragraph delaying the ability of a



1 defendant to apply for a driver's license, the court shall, within 5  
2 days after issuing the order, forward to the Department of Motor  
3 Vehicles a copy of the order. The Department of Motor Vehicles  
4 shall report a suspension pursuant to this paragraph to an insurance  
5 company or its agent inquiring about the defendant's driving record,  
6 but such a suspension must not be considered for the purpose of  
7 rating or underwriting. *The provisions of this paragraph do not*  
8 *apply to a delinquent fine, administrative assessment, fee or*  
9 *restitution that was imposed for a minor traffic offense as defined*  
10 *in NRS 176.0643.*

11 (c) If the court determines that the defendant has the ability to  
12 pay the amount due and is willfully avoiding payment, order the  
13 confinement of the defendant in the appropriate prison, jail or  
14 detention facility, as provided in NRS 176.065 and 176.075.

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

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

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

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

31 (2) Improve the operations of a court by providing funding  
32 for:

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

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

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

43 (d) If the money is collected by a collection agency, after the  
44 collection agency has been paid its fee pursuant to the terms of the  
45 contract, any remaining money must be deposited in the state, city



1 or county treasury, whichever is appropriate, to be used only for the  
2 purposes set forth in paragraph (a), (b) or (c) of this subsection.

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

13 **Sec. 2.** NRS 483.465 is hereby amended to read as follows:

14 483.465 1. If a driver who holds a Nevada driver's license  
15 violates a written promise to appear pursuant to a citation that was  
16 prepared manually or electronically for a violation of a traffic law or  
17 ordinance occurring within this State other than one governing  
18 standing or parking ~~§~~ *or a minor traffic offense as defined in NRS*  
19 *176.0643*, the clerk of the court shall immediately notify the  
20 Department on a form approved by the Department.

21 2. Upon receipt of notice from a court in this State of a failure  
22 to appear, the Department shall notify the driver by mail that his or  
23 her privilege to drive is subject to suspension and allow 30 days  
24 after the date of mailing the notice to:

25 (a) Appear in court and obtain a dismissal of the citation or  
26 complaint as provided by law;

27 (b) Appear in court and, if permitted by the court, make an  
28 arrangement acceptable to the court to satisfy a judgment of  
29 conviction; or

30 (c) Make a written request to the Department for a hearing.

31 3. If notified by a court, within 30 days after the notice of a  
32 failure to appear, that a driver has been allowed to make an  
33 arrangement for the satisfaction of a judgment of conviction, the  
34 Department shall remove the suspension from the driver's record. If  
35 the driver subsequently defaults on the arrangement with the court,  
36 the court shall notify the Department which shall immediately  
37 suspend the driver's license until the court notifies the Department  
38 that the suspension may be removed.

39 4. The Department shall suspend the license of a driver 31 days  
40 after it mails the notice provided for in subsection 2 to the driver,  
41 unless within that time it has received a written request for a hearing  
42 from the driver or notice from the court on a form approved by the  
43 Department that the driver has appeared or the citation or complaint  
44 has been dismissed. A license so suspended remains suspended until



1 further notice is received from the court that the driver has appeared  
2 or that the case has been otherwise disposed of as provided by law.

3 **Sec. 3.** 1. If, on October 1, 2021, in connection with a  
4 citation for a minor traffic offense, a person who has been issued a  
5 citation for the minor traffic offense is subject to:

6 (a) Suspension of his or her driver's license pursuant to  
7 paragraph (b) of subsection 3 of NRS 176.064 or NRS 483.465; or

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

10 then the Department of Motor Vehicles shall immediately  
11 reinstate the driver's license of the person or the ability of the  
12 person to apply for the issuance of a driver's license, as applicable,  
13 and shall notify the person, as soon as possible, of the reinstatement  
14 of his or her driver's license or ability to apply for the issuance of a  
15 driver's license.

16 2. The Department of Motor Vehicles may not:

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

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

22 3. As used in this section, "minor traffic offense" has the  
23 meaning ascribed to it in NRS 176.0643.

24 **Sec. 4.** The amendatory provisions of this act apply to offenses  
25 committed before, on or after October 1, 2021.





