

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 INFRACCTIONS)

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; 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 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 that is responsible for collecting such a delinquent
4 fine, administrative assessment, fee or restitution to take certain actions, including
5 reporting the delinquency to credit reporting agencies and contracting with a
6 licensed collection agency to collect the delinquent amount. Existing law also
7 authorizes the court to take certain actions, including: (1) entering a civil judgment
8 for the amount due in favor of the state or local entity responsible for collecting the
9 delinquent amount; (2) requesting that a prosecuting attorney undertake collection



10 of the delinquency by attachment or garnishment of the property of the defendant,
11 wages or other money receivable; (3) ordering the suspension of the driver's license
12 of the defendant or prohibiting the defendant from applying for a driver's license
13 for a specified period; and (4) for a delinquent fine or administrative assessment,
14 ordering the confinement of the person in the appropriate prison, jail or detention
15 facility. (NRS 176.064)

16 **Section 1.3** of this bill revises provisions relating to the procedure for
17 collecting such delinquent fines, administrative assessments, fees or restitution.
18 **Section 1.3** removes the ability of a state or local entity responsible for collecting a
19 delinquent amount to report the delinquency to credit reporting agencies and
20 provides that such a state or local entity may contract with a licensed collection
21 agency to collect the delinquent amount if the defendant has been found guilty of
22 the offense for which the fine, administrative assessment, fee or restitution was
23 imposed. **Section 1.3** also removes the ability of the court to request that a
24 prosecuting attorney undertake collection of the delinquency. **Section 1.3**
25 additionally specifies that a court may only order the suspension of the driver's
26 license of a defendant or prohibit a defendant from applying for a driver's license
27 for a specified period if the court determines that the defendant: (1) has the ability
28 to pay the amount due and is willfully avoiding payment; or (2) was given the
29 opportunity to perform community service to satisfy the amount due because the
30 defendant is indigent and the defendant has failed to perform such community
31 service. **Section 1.3** thereby authorizes a state or local entity responsible for
32 collecting a delinquent amount to: (1) request that the court enter a civil judgment
33 for the amount due in favor of the state or local entity, suspend the driver's license
34 of the defendant or prohibit the defendant from applying for a driver's license in
35 such specified circumstances and, for a delinquent fine or administrative
36 assessment, if the court determines that the defendant has the ability to pay the
37 amount due and is willfully avoiding payment, order the confinement of the
38 defendant in the appropriate prison, jail or detention facility; and (2) contract with a
39 licensed collection agency to collect the delinquent amount and the collection fee.

40 Existing law provides that if a person other than an indigent person is
41 delinquent in the payment of an administrative assessment, fine or forfeiture, the
42 court may order the person to be imprisoned for a period of 1 day for each \$75
43 of the amount owed. (NRS 176.065, 176.075) **Sections 1.7 and 2** of this bill
44 increase the amount of credit received for each day of imprisonment to \$150 and
45 establish the circumstances in which a person is considered to be indigent. **Sections**
46 **1.7 and 2** also authorize the imprisonment of an indigent person if he or she was
47 provided with the opportunity to perform community service to satisfy the entire
48 amount owed and failed to perform such community service.

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

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

61 **Section 5.3** of this bill establishes a presumption that a person arrested for the
62 commission of certain traffic violations should be released on his or her own
63 recognizance, but also establishes the circumstances in which such a presumption
64 does not apply.



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

68 **Section 5.7** of this bill requires that a grace period of not less than 30 calendar
69 days must be provided in certain circumstances to a person who has failed to appear
70 in court or failed to pay any administrative assessment, fine or court fee imposed
71 for certain traffic violations before a warrant can be issued for such a failure to
72 appear or failure to pay. **Section 5.8** of this bill prohibits a warrant from being
73 issued for such a failure to pay unless the person has been provided with the
74 opportunity to perform community service to satisfy the entire amount owed and
75 has failed to perform such community service.

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

79 **Section 6** of this bill provides that if a court imposes upon a person an
80 administrative assessment, court fee or fine for a violation of any provision of
81 chapters 484A to 484E, inclusive, of NRS, and the court allows any such
82 administrative assessment, court fee or fine to be paid in installments, the payments
83 must be applied first to the unpaid balance of an administrative assessment, then to
84 the unpaid balance of a court fee and finally to the unpaid balance of a fine. **Section**
85 **7** of this bill provides that if a traffic citation issued to a person contains more than
86 one offense charged, or if a person has been issued more than one traffic citation
87 that is outstanding, any payment made by the person must be applied to one offense
88 or one citation, as applicable, in chronological order beginning with the citation that
89 was issued first and in accordance with **section 6**, until all administrative
90 assessments, court fees and fines due for the offense or citation are paid in full.
91 **Section 7** also generally provides that payments must be applied first to traffic
92 violations and then to any violations that are not traffic violations. **Section 7** further
93 provides that payments must continue to be applied in such a manner until all
94 administrative assessments, court fees and fines due for all offenses charged or all
95 outstanding traffic citations are paid in full.

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

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

105 Existing law prohibits a person from driving or operating a vehicle at a rate of
106 speed that exceeds the posted speed limit or is otherwise improper under the
107 circumstances. (NRS 484B.600) **Section 28** of this bill additionally prohibits a
108 person from driving or operating a vehicle at a rate of speed that results in the
109 injury of another person or of any property. **Section 28** generally provides that if a
110 person is issued a traffic citation for speeding, the court has the discretion to reduce
111 the violation from a moving traffic violation to a violation that is not a moving
112 traffic violation. **Section 28** establishes a presumption in favor of reducing the
113 violation if the person pays the entire amount of the fine and all fees due before
114 the date on which the person is first required to make an appearance relating to the
115 citation, but also provides that such a presumption can be overcome if the person's
116 driving record demonstrates a pattern of moving traffic violations. **Section 28** also
117 requires that any fine imposed for speeding, other than speeding that results in the
118 injury of another person or of any property, must not exceed \$20 for each mile per



119 hour a person travels above the posted speed limit or the proper rate of speed at
120 which the 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.** (Deleted by amendment.)

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

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

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

14 (b) Not more than \$500, if the amount of the delinquency is
15 \$2,000 or greater, but is less than \$5,000.

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

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

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

25 ~~(b)~~ Request that the court take appropriate action pursuant to
26 subsection 3.

27 ~~(e) Contract~~

28 (b) *If the defendant has been found guilty of the offense for*
29 *which the fine, administrative assessment, fee or restitution was*
30 *imposed, contract* with a collection agency licensed pursuant to
31 NRS 649.075 to collect the delinquent amount and the collection
32 fee. The collection agency must be paid as compensation for its
33 services an amount not greater than the amount of the collection fee
34 imposed pursuant to subsection 1, in accordance with the provisions
35 of the contract.

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



1 (a) Enter a civil judgment for the amount due in favor of the
2 state or local entity that is responsible for collecting the delinquent
3 fine, administrative assessment, fee or restitution. A civil judgment
4 entered pursuant to this paragraph may be enforced and renewed in
5 the manner provided by law for the enforcement and renewal of a
6 judgment for money rendered in a civil action. If the court has
7 entered a civil judgment pursuant to this paragraph and the person
8 against whom the judgment is entered is not indigent and has not
9 satisfied the judgment within the time established by the court, the
10 person may be dealt with as for contempt of court.

11 (b) ~~Request that a prosecuting attorney undertake collection of~~
12 ~~the delinquency, including, without limitation, the original amount~~
13 ~~of the civil judgment entered pursuant to paragraph (a) and the~~
14 ~~collection fee, by attachment or garnishment of the defendant's~~
15 ~~property, wages or other money receivable.~~

16 ~~—(c) Order~~ *If the court determines that the defendant has the*
17 *ability to pay the amount due and is willfully avoiding payment, or*
18 *if the defendant was given the opportunity to perform community*
19 *service to satisfy the amount due because the defendant is indigent*
20 *and the defendant has failed to perform such community service,*
21 *order* the suspension of the driver's license of the defendant. If the
22 defendant does not possess a driver's license, the court may prohibit
23 the defendant from applying for a driver's license for a specified
24 period. If the defendant is already the subject of a court order
25 suspending or delaying the issuance of the defendant's driver's
26 license, the court may order the additional suspension or delay, as
27 appropriate, to apply consecutively with the previous order. At the
28 time the court issues an order suspending the driver's license of a
29 defendant pursuant to this paragraph, the court shall require the
30 defendant to surrender to the court all driver's licenses then held by
31 the defendant. The court shall, within 5 days after issuing the order,
32 forward to the Department of Motor Vehicles the licenses, together
33 with a copy of the order. At the time the court issues an order
34 pursuant to this paragraph delaying the ability of a defendant to
35 apply for a driver's license, the court shall, within 5 days after
36 issuing the order, forward to the Department of Motor Vehicles a
37 copy of the order. The Department of Motor Vehicles shall report a
38 suspension pursuant to this paragraph to an insurance company or
39 its agent inquiring about the defendant's driving record, but such a
40 suspension must not be considered for the purpose of rating or
41 underwriting.

42 ~~{(d)}~~ (c) For a delinquent fine or administrative assessment, *if*
43 *the court determines that the defendant has the ability to pay the*
44 *amount due and is willfully avoiding payment,* order the



1 confinement of the ~~person~~ *defendant* in the appropriate prison, jail
2 or detention facility, as provided in NRS 176.065 and 176.075.

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

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

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

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

19 (2) Improve the operations of a court by providing funding
20 for:

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

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

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

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

36 ***5. Any collection fee imposed pursuant to subsection 1 must***
37 ***be assessed on a per case basis and not on a per charge basis. The***
38 ***provisions of this subsection must not be construed to apply to any***
39 ***credit card processing fees that are assessed solely for the purpose***
40 ***of recouping any costs incurred to process a credit card payment.***
41 ***As used in this subsection, "case" means a single complaint,***
42 ***citation, information or indictment naming a single defendant that***
43 ***is based on the same act or transaction or based on two or more***
44 ***acts or transactions connected together or constituting parts of a***
45 ***common scheme or plan.***



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

(1) Misdemeanor, 200 hours;

(2) Gross misdemeanor, 600 hours; or

(3) Felony, 1,000 hours.

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

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

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

25 **(a)** *A person is arrested for:*

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

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

28 **or**

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

33 **(b)** *The court determines that a person is willfully refusing to*
34 *satisfy any obligations imposed by the court, including, without*
35 *limitation, willfully refusing to pay any amount owed or willfully*
36 *refusing to perform community service.*

37 **Sec. 5.5. 1.** *Notwithstanding any other provision of law,*
38 *and except as otherwise provided in subsection 2, any conviction*
39 *for a traffic violation pursuant to chapters 484A to 484E,*
40 *inclusive, of NRS is not a criminal conviction for the purpose of*
41 *applying for employment, a professional license or any*
42 *educational opportunity.*

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

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



1 (b) Vehicular manslaughter in violation of NRS 484B.657; or
2 (c) Driving, operating or being in actual physical control of a
3 vehicle or a vessel under power or sail while under the influence
4 of intoxicating liquor or a controlled substance in violation of
5 NRS 484C.110, 484C.120 or 488.410, as applicable.

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

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

15 (a) The court determines that providing such a grace period
16 would substantially jeopardize public safety;

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

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

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

20 or

21 (3) Driving, operating or being in actual physical control of
22 a vehicle or a vessel under power or sail while under the influence
23 of intoxicating liquor or a controlled substance in violation of
24 NRS 484C.110, 484C.120 or 488.410, as applicable; or

25 (c) During the immediately preceding 30 calendar days, the
26 person was released from custody and given a date to return to
27 court but failed to appear in court.

28 **Sec. 5.8.** If a person has failed to pay any administrative
29 assessment, fine or court fee imposed upon the person for a
30 violation of any provision of chapters 484A to 484E, inclusive, of
31 NRS, a warrant must not be issued unless the person has been
32 provided with the opportunity to perform community service to
33 satisfy the entire amount due and has failed to perform such
34 community service.

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

44 2. As used in this section:



1 (a) "Case" means a single complaint, citation, information or
2 indictment naming a single defendant that is based on the same
3 act or transaction or based on two or more acts or transactions
4 connected together or constituting parts of a common scheme or
5 plan.

6 (b) "Specialty court program" means a program established by
7 a court to facilitate testing, treatment and oversight of certain
8 persons over whom the court has jurisdiction and who the court
9 has determined suffer from a mental illness or who abuse alcohol
10 or drugs or are homeless. Such a program includes, without
11 limitation, a program established pursuant to NRS 176A.250 or
12 453.580.

13 **Sec. 6.** In accordance with section 7 of this act and any
14 provision of law that further specifies the order in which more
15 than one administrative assessment, court fee or fine that is
16 imposed upon a person must be paid, including, without
17 limitation, NRS 176.0611 and 176.0613, if a court imposes upon a
18 person an administrative assessment, court fee or fine for a
19 violation of any provision of chapters 484A to 484E, inclusive, of
20 NRS, and the court permits any such administrative assessment,
21 court fee or fine to be paid in installments, the payments must be
22 applied in the following order:

23 1. To pay the unpaid balance of an administrative
24 assessment;

25 2. To pay the unpaid balance of a court fee; and

26 3. To pay the unpaid balance of a fine.

27 **Sec. 7.** 1. If a traffic citation that is issued to a person
28 contains more than one offense charged, or if a person has been
29 issued more than one traffic citation that is outstanding, any
30 payment made by the person must be applied, in accordance with
31 the provisions of subsection 3 and section 6 of this act, to one
32 offense or one citation, as applicable, in chronological order
33 beginning with the citation that was issued first until all
34 administrative assessments, court fees and fines due for that
35 offense or citation are paid in full.

36 2. Once all administrative assessments, court fees and fines
37 due for an offense or citation are paid in full, any remaining
38 portion of a payment made by a person must be applied to the next
39 offense or citation, as applicable, until all administrative
40 assessments, court fees and fines due for that offense or citation
41 are paid in full.

42 3. Except as otherwise provided in this subsection, in addition
43 to the manner in which payments must be applied pursuant to
44 subsections 1 and 2, payments must be applied first to traffic
45 violations and then to any violations that are not traffic violations.



1 *If the application of any payment pursuant to this subsection*
2 *would conflict with the provisions of subsections 1 and 2, the*
3 *requirement set forth in this subsection does not apply.*

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

8 **Sec. 8. 1.** *Except as otherwise provided in this section, if a*
9 *court authorizes a defendant who pleads guilty, guilty but mentally*
10 *ill or nolo contendere to, or who is found guilty or guilty but*
11 *mentally ill of, a violation of chapters 484A to 484E, inclusive, of*
12 *NRS to pay a fee for the purpose of reducing demerit points, in*
13 *lieu of requiring the defendant to complete a course of traffic*
14 *safety for the purpose of reducing demerit points, the court must*
15 *include the fee in the sentence, in addition to any other penalty or*
16 *administrative assessment provided by law, and render a judgment*
17 *against the defendant for the fee.*

18 *2. The money collected for the fee imposed pursuant to this*
19 *section must not be deducted from any fine imposed by the court*
20 *but must be collected from the defendant in addition to the fine.*
21 *The money collected for such a fee must be stated separately on*
22 *the court's docket. If the court cancels a fine because the fine has*
23 *been determined to be uncollectible, any balance of the fine and*
24 *the fee remaining unpaid shall be deemed to be uncollectible and*
25 *the defendant is not required to pay them. If a fine is determined*
26 *to be uncollectible, the defendant is not entitled to a refund of any*
27 *amount of the fine or fee that the defendant has paid.*

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

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

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

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

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

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



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

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

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

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

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

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

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

20 (b) *Pay for the transportation to and from the program of*
21 *persons who participate in the program; and*

22 (c) *Improve the operations of the specialty court program by*
23 *any combination of:*

24 (1) *Acquiring necessary capital goods;*

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

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

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

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

31 (6) *Providing for prosecutor and public defender*
32 *representation;*

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

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

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

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

41 7. *As used in this section:*

42 (a) *"Office of Court Administrator" means the Office of Court*
43 *Administrator created by NRS 1.320; and*

44 (b) *"Specialty court program" means a program established by*
45 *a court to facilitate testing, treatment and oversight of certain*



1 *persons over whom the court has jurisdiction and who the court*
2 *has determined suffer from a mental illness or who abuse alcohol*
3 *or drugs or are homeless. Such a program includes, without*
4 *limitation, a program established pursuant to NRS 176A.250 or*
5 *453.580.*

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

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

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

14 484A.670 1. Regardless of the disposition of the charge for
15 which a traffic citation was originally issued, it is unlawful for a
16 person to:

17 (a) Violate a written promise to appear in court given to a peace
18 officer upon the issuance of a traffic citation prepared by the peace
19 officer; or

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

23 2. Except as otherwise provided in this subsection, a person
24 may comply with a written promise to appear in court or a notice to
25 appear in court by an appearance by counsel. A person who has
26 been convicted of two or more moving traffic violations in unrelated
27 incidents within a 12-month period and is subsequently arrested or
28 issued a citation within that 12-month period shall appear personally
29 in court with or without counsel.

30 3. ~~FA~~ *Except as otherwise provided in section 5.7 of this act,*
31 *a warrant may issue upon a violation of a written promise to appear*
32 *in court or a failure to appear at the time and place set forth in a*
33 *notice to appear in court.*

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

7 484B.600 1. It is unlawful for any person to drive or operate
8 a vehicle of any kind or character at:

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

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

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

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

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

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

23 3. A person who violates any provision of subsection 1 may be
24 subject to the additional penalty set forth in NRS 484B.130 or
25 484B.135.

26 4. *Except as otherwise provided by law, if a person is issued a*
27 *traffic citation for a violation of any provision of subsection 1, the*
28 *court may, in its discretion, reduce the violation from a moving*
29 *traffic violation to a violation that is not a moving traffic violation.*
30 *There is a presumption in favor of reducing the violation if the*
31 *person pays the entire amount of the fine and all fees due before*
32 *the date on which the person is first required to make an*
33 *appearance relating to the citation, whether by personal*
34 *appearance or through his or her counsel, but such a presumption*
35 *may be overcome if the driving record of the person demonstrates*
36 *a pattern of moving traffic violations.*

37 5. *Any fine imposed pursuant to paragraph (a), (b), (c) or (e)*
38 *of subsection 1 must not exceed \$20 for each mile per hour a*
39 *person travels above the posted speed limit or the proper rate of*
40 *speed at which the person should be traveling, as applicable. The*
41 *provisions of this subsection apply regardless of whether*
42 *a person pays the entire amount of the fine and all fees due in*
43 *accordance with subsection 4.*

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

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



- 1 **Sec. 31.** (Deleted by amendment.)
- 2 **Sec. 32.** (Deleted by amendment.)
- 3 **Sec. 33.** (Deleted by amendment.)
- 4 **Sec. 34.** (Deleted by amendment.)
- 5 **Sec. 35.** (Deleted by amendment.)
- 6 **Sec. 36.** (Deleted by amendment.)
- 7 **Sec. 37.** (Deleted by amendment.)
- 8 **Sec. 38.** (Deleted by amendment.)
- 9 **Sec. 39.** (Deleted by amendment.)
- 10 **Sec. 40.** (Deleted by amendment.)
- 11 **Sec. 41.** (Deleted by amendment.)
- 12 **Sec. 42.** The amendatory provisions of:
 - 13 1. Sections 1.3 to 3, inclusive, of this act apply to any fine,
 - 14 administrative assessment, fee, restitution or forfeiture, as
 - 15 applicable, imposed before, on or after October 1, 2019.
 - 16 2. Sections 5.1, 5.5, 5.7 and subsection 4 of section 28 of this
 - 17 act apply to offenses committed before, on or after October 1, 2019.
 - 18 3. Section 5.3 of this act apply to offenses committed on or
 - 19 after October 1, 2019.
 - 20 4. Section 5.8 of this act apply to offenses committed before
 - 21 October 1, 2019, if a warrant has not been issued on October 1,
 - 22 2019.
 - 23 5. Section 5.9 of this act apply to any fee assessed by the court
 - 24 on or after October 1, 2019.
 - 25 6. Sections 6 and 7 of this act apply to any payments toward
 - 26 the unpaid balance of any administrative assessment, court fee or
 - 27 fine that are made by a person on or after October 1, 2019.
 - 28 7. Section 8 of this act apply to offenses committed before
 - 29 October 1, 2019, if the person is sentenced on or after October 1,
 - 30 2019.
 - 31 8. Section 9 of this act apply to any fine paid or forfeiture of
 - 32 bail on or after October 1, 2019.
 - 33 9. Subsection 5 of section 28 of this act apply to any fine
 - 34 imposed on or after October 1, 2019.

