

SENATE BILL NO. 104—COMMITTEE ON  
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON JUDICIARY)

PREFILED FEBRUARY 2, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to traffic offenses.  
(BDR 43-309)

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

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

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver’s license of a person; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 During the 2021 Legislative Session, the Legislature enacted Assembly Bill  
2 No. 116 (A.B. 116), which established civil penalties for certain traffic and related  
3 violations and enacted procedures for the adjudication of such violations.  
4 (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The  
5 procedures for the adjudication of civil infractions prescribed by A.B. 116 were  
6 based, in part, on the procedures for the adjudication of criminal violations  
7 prescribed by chapter 176 of NRS.

8 During the 2021 Legislative Session, the Legislature also enacted Senate Bill  
9 No. 219 (S.B. 219), which revised certain statutory provisions upon which the  
10 requirements prescribed by A.B. 116 were based by removing the authority of a  
11 court to suspend the driver’s license of a defendant or prohibit a defendant from  
12 applying for a driver’s license for a specified period as a result of any delinquent  
13 fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219,  
14 chapter 505, Statutes of Nevada 2021, at page 3292)

15 **Section 2** of this bill makes a technical change to align provisions relating to  
16 the adjudication of certain traffic and related civil infractions with the changes  
17 made by S.B. 219. Specifically, **section 2** removes the authority of a court to order  
18 the suspension of the driver’s license of a person or prohibit a person from applying  
19 for a driver’s license for a specified period as a result of a delinquent fine,  
20 administrative assessment or fee associated with a civil penalty imposed for a



21 traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a  
22 conforming change relating to the removal of the authority of a court to suspend the  
23 driver's license of a person pursuant to **section 2**.

24 **Section 3** of this bill provides that if, on or after the effective date of this bill, a  
25 person is subject to a suspension of his or her driver's license or a delay in the  
26 issuance of a driver's license imposed for failure to pay a delinquent fine,  
27 administrative assessment or fee, the Department of Motor Vehicles must: (1)  
28 immediately reinstate the driver's license of the person or the ability of the person  
29 to apply for the issuance of a driver's license; and (2) notify the person, as soon as  
30 possible, of the reinstatement of his or her driver's license or ability to apply for the  
31 issuance of a driver's license. **Section 3** also provides that the Department may not  
32 charge any fee for such reinstatement of a driver's license or require a person to  
33 undergo any physical or mental examination to be eligible for such reinstatement of  
34 a driver's license.

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

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

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

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

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

61 Under existing law, if a person receiving a civil infraction citation does not  
62 contest the determination that the person has committed the civil infraction set forth  
63 in the citation, the person must respond to the citation by: (1) indicating that the  
64 person does not contest the determination; and (2) submitting full payment of the  
65 monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this  
66 requirement by authorizing such a person to request that the court waive or reduce  
67 the monetary penalty specified in the citation or enter into a payment plan with the  
68 person in lieu of requiring the person to submit full payment of the monetary  
69 penalty specified in the citation. **Section 1.8** of this bill authorizes the court to  
70 waive or reduce the monetary penalty or enter into a payment plan with a person  
71 who submits a request pursuant to **section 1.6** under certain circumstances.

72 Under existing law, any civil penalty assessed against a person who is found to  
73 have committed a civil infraction must be paid to: (1) the treasurer of the city in  
74 which the civil infraction occurred; or (2) if the civil infraction did not occur in a  
75 city, the treasurer of the county in which the civil infraction occurred.



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76 (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to  
77 the treasurer of the city or county, as applicable, in which the civil infraction  
78 citation was filed.

79 Existing law: (1) authorizes a prosecuting attorney to elect to treat certain  
80 traffic and related offenses that are punishable as a misdemeanor instead as a civil  
81 infraction; and (2) provides a procedure for making such an election. Pursuant to  
82 this procedure, existing law requires the prosecuting attorney to make the election  
83 on or before the time scheduled for the first appearance of the defendant. (NRS  
84 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make  
85 the election at any time before the court enters a judgment of conviction; and (2)  
86 eliminates certain procedural requirements relating to making such an election.  
87 **Section 2.2** also authorizes the district attorney or city attorney of any county or  
88 city, respectively, to authorize a traffic enforcement agency over whom the district  
89 attorney or city attorney has jurisdiction to elect to treat certain traffic and related  
90 offenses that are punishable as a misdemeanor instead as a civil infraction.

91 Existing law authorizes a peace officer to arrest a person without a warrant if  
92 the peace officer has reasonable cause for believing that the person has committed  
93 homicide by vehicle, certain offenses involving driving under the influence and  
94 certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill  
95 authorizes a peace officer who has reasonable cause for believing that a person has  
96 committed a violation for which existing law authorizes the peace officer to arrest a  
97 person to also arrest the person without a warrant for an offense that is punishable  
98 as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to  
99 arrests authorized by **section 2.6**.

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

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

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

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

1 **Section 1.** NRS 483.443 is hereby amended to read as follows:  
2 483.443 1. The Department shall, upon receiving notification  
3 from a district attorney or other public agency collecting support for  
4 children pursuant to NRS 425.510 that a court has determined that a  
5 person:



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

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

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

8 2. The notice must include:

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

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

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

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

17 4. The Department shall suspend immediately the license of a  
18 defendant if so ordered pursuant to NRS 62B.420. ~~[or 484A.7047.]~~

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

22 (a) A notice from : ~~[any of the following:]~~

23 (1) The district attorney or other public agency pursuant to  
24 NRS 425.510 that the person has complied with the subpoena or  
25 warrant or has satisfied the arrearage pursuant to that section ~~[.]~~ ;

26 (2) A traffic commissioner, referee, hearing master,  
27 municipal judge, justice of the peace or district judge, as applicable  
28 ~~[, that a delinquency for which the suspension was ordered pursuant~~  
29 ~~to NRS 484A.7047 has been discharged.] ; or~~

30 (3) A judge of the juvenile court that an unsatisfied civil  
31 judgment for which the suspension was ordered pursuant to NRS  
32 62B.420 has been satisfied; and

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

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

40 **Sec. 1.2.** NRS 484A.615 is hereby amended to read as  
41 follows:

42 484A.615 1. A court having jurisdiction over an offense for  
43 which a traffic citation must be issued pursuant to NRS 484A.630 or  
44 that is punishable as a civil infraction pursuant to NRS 484A.703 to  
45 484A.705, inclusive, or its traffic violations bureau may establish a



1 system by which, except as otherwise provided in subsection 6, the  
2 court or traffic violations bureau may allow:

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

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

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

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

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

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

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



1 5. Any system established pursuant to subsection 1 must:

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

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

11 (2) The name and address of the person;

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

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

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

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

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

25 (1) The civil infraction citation number;

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

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

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

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

38 (1) Confirm receipt of:

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

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

42 (2) Make available to:

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



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

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

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

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

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

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

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

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

18 484A.630 1. Whenever a person is halted by a peace officer  
19 for any violation of chapters 484A to 484E, inclusive, of NRS and is  
20 not taken before a magistrate as required or permitted by NRS  
21 484A.720 and 484A.730, the peace officer must prepare a traffic  
22 citation manually or electronically in the form of a complaint  
23 issuing in the name of "The State of Nevada," containing a notice to  
24 appear in court, the name and address of the person, the state  
25 registration number of the ~~[person's]~~ vehicle ~~[ ]~~ *the person was*  
26 *driving when the citation was issued*, if any, the number of the  
27 person's driver's license, if any, the offense charged, including a  
28 brief description of the offense and the NRS citation, the time and  
29 place when and where the person is required to appear in court, and  
30 such other pertinent information as may be necessary. The peace  
31 officer may also request, and the person may provide, the electronic  
32 mail address and mobile telephone number of the person for the  
33 purpose of enabling the court in which the person is required to  
34 appear to communicate with the person. If the peace officer requests  
35 such information, the peace officer shall expressly inform the person  
36 that providing such information is voluntary and, if the person  
37 provides such information, the person thereby gives his or her  
38 consent for the court to communicate with the person through such  
39 means. The peace officer shall sign the citation and deliver a copy of  
40 the citation to the person charged with the violation. If the citation is  
41 prepared electronically, the peace officer shall sign the copy of the  
42 citation that is delivered to the person charged with the violation.

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



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

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

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

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

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

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

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

25 484A.7035 1. When a person is halted by a peace officer in  
26 this State for any violation of chapters 483 to 484E, inclusive, 486  
27 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic*  
28 *enforcement agency pursuant to NRS 484A.7049, for a violation*  
29 *of certain such provisions that is punishable as a misdemeanor*, or  
30 a prosecuting attorney elects to treat a violation of chapters 483 to  
31 484E, inclusive, 486 or 490 of NRS that is punishable as a  
32 misdemeanor instead as a civil infraction in accordance with NRS  
33 484A.7049, the peace officer or prosecuting attorney, as applicable,  
34 may prepare a civil infraction citation manually or electronically in  
35 the form of a complaint issuing in the name of "The State of  
36 Nevada," containing : [~~except as otherwise provided in paragraph~~  
37 ~~(a) of subsection 2 of NRS 484A.7049;~~]

38 (a) A statement that the citation represents a determination by a  
39 peace officer or prosecuting attorney that a civil infraction has been  
40 committed by the person named in the citation and that the  
41 determination will be final unless contested as provided in NRS  
42 484A.703 to 484A.705, inclusive;

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

44 (c) The name, date of birth, residential address and mailing  
45 address, if different from the residential address, telephone number





1 and electronic mail address of the person who is being issued the  
2 citation and an indication as to whether the person has agreed to  
3 receive communications relating to the civil infraction by text  
4 message;

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

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

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

9 (g) The personnel number or other unique agency identification  
10 number of the peace officer issuing the citation ~~[and the address and~~  
11 ~~phone number of the agency which employs the peace officer]~~ or, if  
12 a prosecuting attorney is issuing the citation, the personnel number  
13 or other unique agency identification number of the peace officer  
14 who halted the person for the violation or the volunteer appointed  
15 pursuant to NRS 484B.470 who issued the citation ~~[and the address~~  
16 ~~and phone number of the agency which employs the peace officer or~~  
17 ~~volunteer,]~~ preprinted or printed legibly on the citation;

18 (h) A statement of the options provided pursuant to NRS  
19 484A.703 to 484A.705, inclusive, for responding to the citation and  
20 the procedures necessary to exercise these options;

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

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

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

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



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

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

13 484A.704 1. Any person who receives a civil infraction  
14 citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to  
15 the citation as provided in this section not later than 90 calendar  
16 days after the date on which the citation is issued ~~§~~ *or filed with*  
17 *the court, whichever is later.*

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

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

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

35 3. If a person receiving a civil infraction citation wishes to  
36 contest the determination that the person has committed the civil  
37 infraction set forth in the citation, the person must respond by  
38 requesting in person, by mail or through the Internet or other  
39 electronic means a hearing for that purpose. The court shall notify  
40 the person in writing of the time, place and date of the hearing,  
41 but the date of the hearing must not be earlier than 9 calendar days  
42 after the court provides notice of the hearing.

43 4. Except as otherwise provided in ~~this~~ subsection ~~§~~ 5, not  
44 less than 30 days before the deadline for a person to respond to a  
45 civil infraction citation, the court must send to the address or



1 electronic mail address of the person, as indicated on the civil  
2 infraction citation issued to the person ~~{,a}~~:

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

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

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

14 6. If the person does not respond to the civil infraction citation  
15 in the manner specified by subsection 2 or 3 within 90 calendar days  
16 after the date on which the civil infraction citation is issued ~~{}~~ *or*  
17 *filed with the court, whichever is later,* the court must enter an  
18 order pursuant to NRS 484A.7043 finding that the person  
19 committed the civil infraction and assessing the monetary penalty  
20 and administrative assessments prescribed for the civil infraction. A  
21 person who has been issued a civil infraction citation and who fails  
22 to respond to the civil infraction citation as required by this section  
23 may not appeal an order entered pursuant to this section.

24 ~~{5}~~ 7. If any person issued a civil infraction citation fails to  
25 appear at a hearing requested pursuant to subsection 3, the court  
26 must enter an order pursuant to NRS 484A.7043 finding that the  
27 person committed the civil infraction and assessing the monetary  
28 penalty and administrative assessments prescribed for the civil  
29 infraction. A person who has been issued a civil infraction citation  
30 and who fails to appear at a hearing requested pursuant to subsection  
31 3 may not appeal an order entered pursuant to this subsection.

32 ~~{6}~~ 8. In addition to any other penalty imposed, any person  
33 who is found by the court to have committed a civil infraction  
34 pursuant to subsection ~~{5}~~ 7 shall pay the witness fees, per diem  
35 allowances, travel expenses and other reimbursement in accordance  
36 with NRS 50.225.

37 ~~{7}~~ 9. If a court has established a system pursuant to NRS  
38 484A.615, any person issued a civil infraction citation may, if  
39 authorized by the court, use the system to perform any applicable  
40 actions pursuant to this section.

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

43 484A.7043 1. Except as otherwise provided in this section, a  
44 person who is found to have committed a civil infraction shall be  
45 punished by a civil penalty of not more than \$500 per violation



1 unless a greater civil penalty is authorized by specific statute.  
2 Except as otherwise provided in NRS 484A.792, any civil penalty  
3 collected pursuant to NRS 484A.703 to 484A.705, inclusive, must  
4 be paid to:

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

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

10 2. If a person is found to have committed a civil infraction, in  
11 addition to any civil penalty imposed on the person, the court shall  
12 order the person to pay the administrative assessments set forth in  
13 NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that  
14 the person would be required to pay if the civil penalty were a fine  
15 imposed on a defendant who pleads guilty or guilty but mentally ill  
16 or is found guilty or guilty but mentally ill of a misdemeanor. If, in  
17 lieu of a civil penalty, the court authorizes a person to successfully  
18 complete a course of traffic safety approved by the Department of  
19 Motor Vehicles, the court must order the person to pay the amount  
20 of the administrative assessment that corresponds to the civil penalty  
21 for which the defendant would have otherwise been responsible.  
22 The administrative assessments imposed pursuant to this subsection  
23 must be collected and distributed in the same manner as the  
24 administrative assessments imposed and collected pursuant to NRS  
25 176.059, 176.0611, 176.0613 and 176.0623.

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

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

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

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

36 (a) In addition to ordering a person who is found to have  
37 committed a civil infraction to pay a civil penalty and administrative  
38 assessments pursuant to this section, order the person to successfully  
39 complete a course of traffic safety approved by the Department of  
40 Motor Vehicles.

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



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

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

5 484A.7047 1. If a civil penalty, administrative assessment or  
6 fee is imposed upon a person who is found to have committed a civil  
7 infraction pursuant to NRS 484A.703 to 484A.705, inclusive,  
8 whether or not the civil penalty, administrative assessment or fee is  
9 in addition to any other punishment, and the civil penalty,  
10 administrative assessment or fee or any part of it remains unpaid  
11 after the time established by the court for its payment, the  
12 delinquent person is liable for a collection fee, to be imposed by the  
13 court at the time it finds that the civil penalty, administrative  
14 assessment or fee is delinquent, of:

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

17 (b) Not more than \$500, if the amount of the delinquency is  
18 \$2,000 or greater, but is less than \$5,000.

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

21 2. The city or county that is responsible for collecting a  
22 delinquent civil penalty, administrative assessment or fee may, in  
23 addition to attempting to collect the delinquent amounts through any  
24 other lawful means, contract with a collection agency licensed  
25 pursuant to NRS 649.075 to collect the delinquent amounts owed by  
26 a person who is found to have committed a civil infraction. The  
27 collection agency must be paid as compensation for its services an  
28 amount not greater than the amount of the collection fee imposed  
29 pursuant to subsection 1 in accordance with the provisions of the  
30 contract.

31 3. If a court finds that a person committed a civil infraction, the  
32 civil penalty, administrative assessments and fees prescribed for the  
33 civil infraction may be enforced in the manner provided by law for  
34 the enforcement of a judgment for money rendered in a civil action  
35 except that the judgment and any lien for the judgment expires 10  
36 years after the date the judgment was docketed and may not be  
37 renewed. The court may ~~f~~:

38 ~~—(a) Request~~ *request* that the city or county in which the court  
39 has jurisdiction undertake collection of the delinquency, including,  
40 without limitation, the original amount of the civil judgment entered  
41 pursuant to this subsection and the collection fee, by attachment or  
42 garnishment of the property, wages or other money receivable of the  
43 delinquent person.

44 ~~[(b) Order the suspension of the driver's license of the~~  
45 ~~delinquent person. If the delinquent person does not possess a~~



~~1 driver's license, the court may prohibit him or her from applying for  
2 a driver's license for a specified period. If the delinquent person is  
3 already the subject of a court order suspending or delaying the  
4 issuance of his or her driver's license, the court may order the  
5 additional suspension or delay, as appropriate, to apply  
6 consecutively with the previous order. At the time the court issues  
7 an order pursuant to this paragraph suspending the driver's license  
8 of a delinquent person or delaying the ability of a delinquent person  
9 to apply for a driver's license, the court shall, within 5 days after  
10 issuing the order, forward to the Department a copy of the order.  
11 The Department shall report a suspension pursuant to this paragraph  
12 to an insurance company or its agent inquiring about the delinquent  
13 person's driving record, but such a suspension must not be  
14 considered for the purpose of rating or underwriting.]~~

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 (c), 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 civil penalties, administrative  
22 assessments and fees and to hire additional personnel necessary for  
23 the success of such a program.

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

28 (1) Develop and implement a program for the collection of  
29 civil penalties, administrative assessments and fees 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) If the money is collected by a collection agency, after the  
37 collection agency has been paid its fee pursuant to the terms of the  
38 contract, any remaining money must be deposited in the state, city  
39 or county treasury, whichever is appropriate, to be used only for the  
40 purposes set forth in paragraph (a) or (b).

41 **Sec. 2.2.** NRS 484A.7049 is hereby amended to read as  
42 follows:

43 484A.7049 1. A prosecuting attorney may, *at any time*  
44 *before a court having jurisdiction over the alleged offense enters a*  
45 *judgment of conviction against a defendant*, elect to treat a



1 violation of a provision of chapters 483 to 484E, inclusive, 486 or  
2 490 of NRS that is punishable as a misdemeanor, other than a  
3 violation of NRS 484C.110 or 484C.120, as a civil infraction  
4 pursuant to NRS 484A.703 to 484A.705, inclusive.

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

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

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

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

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

18 *district attorney or city attorney of any county or city, respectively,*  
19 *may authorize a traffic enforcement agency over whom the district*  
20 *attorney or city attorney, as applicable, has jurisdiction to elect to*  
21 *treat a violation of a provision of chapters 483 to 484E, inclusive,*  
22 *486 or 490 of NRS that is punishable as a misdemeanor, other*  
23 *than a violation of NRS 484C.110 or 484C.120, as a civil*  
24 *infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so*  
25 *authorized, a traffic enforcement agency may authorize a peace*  
26 *officer employed by the agency to treat a violation of such*  
27 *provisions as a civil infraction pursuant to NRS 484A.703 to*  
28 *484A.705, inclusive.*

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

31 484A.705 Notwithstanding any other provision of law, if a  
32 person commits a violation of a provision of chapters 483 to 484E,  
33 inclusive, 486 or 490 of NRS that is punishable as a civil infraction  
34 while the person is under the influence of alcohol or a controlled  
35 substance, the person may ~~instead~~ be ~~charged~~ :

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

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

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

40 484A.710 1. Any peace officer may, without a warrant, arrest  
41 a person if the officer has reasonable cause for believing that the  
42 person has committed ~~any~~ :

43 (a) *Any* of the following offenses:

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

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





- 1 ~~[(e)]~~ (3) A violation of NRS 484C.430;
- 2 ~~[(d)]~~ (4) A violation of NRS 484C.130;
- 3 ~~[(e)]~~ (5) Failure to stop, give information or render reasonable
- 4 assistance in the event of a crash resulting in death or personal
- 5 injury in violation of NRS 484E.010 or 484E.030;
- 6 ~~[(f)]~~ (6) Failure to stop or give information in the event of a
- 7 crash resulting in damage to a vehicle or to other property legally
- 8 upon or adjacent to a highway in violation of NRS 484E.020 or
- 9 484E.040;
- 10 ~~[(g)]~~ (7) Reckless driving;
- 11 ~~[(h)]~~ (8) Driving a motor vehicle on a highway or on premises to
- 12 which the public has access at a time when the person's driver's
- 13 license has been cancelled, revoked or suspended; or
- 14 ~~[(i)]~~ (9) Driving a motor vehicle in any manner in violation of
- 15 the restrictions imposed in a restricted license issued to the person
- 16 pursuant to NRS 483.490.

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

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

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

25 484A.760 Whenever any person is taken into custody by a  
26 peace officer for the purpose of taking him or her before a  
27 magistrate or court as authorized or required in chapters 484A to  
28 484E, inclusive, of NRS upon any charge other than a felony or the  
29 offenses enumerated in ~~paragraphs (a) to (e),~~ *subparagraphs (1) to*  
30 *(5),* inclusive, of *paragraph (a)* of subsection 1 of NRS 484A.710,  
31 and no magistrate is available at the time of arrest, and there is no  
32 bail schedule established by the magistrate or court and no lawfully  
33 designated court clerk or other public officer who is available and  
34 authorized to accept bail upon behalf of the magistrate or court, the  
35 person must be released from custody upon the issuance to the  
36 person of a misdemeanor citation or traffic citation and the person  
37 signing a promise to appear, as provided in NRS 171.1773 or  
38 484A.630, respectively, or physically receiving a copy of the traffic  
39 citation, as provided in NRS 484A.630.

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

42 *A prosecuting attorney who prosecutes a person charged with a*  
43 *civil infraction or a violation of a traffic ordinance that is*  
44 *punishable by imposition of a civil penalty is immune from*  
45 *liability to the same extent as a prosecuting attorney who*





1 *prosecutes a person charged with violating a criminal law of this*  
2 *State.*

3 **Sec. 2.72.** NRS 41.0307 is hereby amended to read as follows:  
4 41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[ ]~~, *and*  
5 *section 2.7 of this act:*

6 1. "Employee" includes an employee of a:

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

10 (b) Charter school.

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

13 2. "Employment" includes any services performed by an  
14 immune contractor.

15 3. "Immune contractor" means any natural person, professional  
16 corporation or professional association which:

17 (a) Is an independent contractor with the State pursuant to NRS  
18 333.700; and

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

21 ➤ As used in this subsection, "professional corporation" and  
22 "professional association" have the meanings ascribed to them in  
23 NRS 89.020.

24 4. "Public officer" or "officer" includes:

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

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

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

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

35 41.031 1. The State of Nevada hereby waives its immunity  
36 from liability and action and hereby consents to have its liability  
37 determined in accordance with the same rules of law as are applied  
38 to civil actions against natural persons and corporations, except as  
39 otherwise provided in NRS 41.032 to 41.038, inclusive, *and section*  
40 *2.7 of this act*, 485.318, subsection 3 and any statute which  
41 expressly provides for governmental immunity, if the claimant  
42 complies with the limitations of NRS 41.010 or the limitations of  
43 NRS 41.032 to 41.036, inclusive. The State of Nevada further  
44 waives the immunity from liability and action of all political  
45 subdivisions of the State, and their liability must be determined in



1 the same manner, except as otherwise provided in NRS 41.032 to  
2 41.038, inclusive, *and section 2.7 of this act*, subsection 3 and any  
3 statute which expressly provides for governmental immunity, if the  
4 claimant complies with the limitations of NRS 41.032 to 41.036,  
5 inclusive.

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

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

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

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

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

25 244.3575 A board of county commissioners may by ordinance  
26 provide that ~~the~~ :

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

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

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

37 1. Study uniform civil infraction citations used in different  
38 states to determine best practices for developing and implementing a  
39 standardized, statewide uniform civil infraction citation in this State;  
40 and

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



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

6     **Sec. 3.** 1. If, on or after the effective date of this act, a person  
7 is subject to:

8     (a) A suspension of his or her driver's license pursuant to  
9 paragraph (b) of subsection 3 of NRS 484A.7047; or

10    (b) A court order delaying the issuance of a driver's license  
11 pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

12    ↳ as that section existed before the effective date of this act, the  
13 Department of Motor Vehicles shall immediately reinstate the  
14 driver's license of the person or the ability of the person to apply for  
15 the issuance of a driver's license, as applicable, and shall notify the  
16 person, as soon as possible, of the reinstatement of his or her  
17 driver's license or ability to apply for the issuance of a driver's  
18 license, as applicable.

19    2. The Department of Motor Vehicles may not:

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

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

25     **Sec. 4.** The amendatory provisions of this act apply to offenses  
26 committed before, on or after the effective date of this act.

27     **Sec. 5.** This act becomes effective upon passage and approval.

