

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 provides that the juvenile court has exclusive original jurisdiction
39 over a child who is alleged to have committed an act designated as a delinquent act,
40 unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain
41 offenses are not considered delinquent acts and are therefore excluded from the
42 jurisdiction of the juvenile court. (NRS 62B.330) **Section 2.76** of this bill provides
43 that violations of law that are punishable as civil infractions are not considered
44 delinquent acts and are therefore excluded from the jurisdiction of the juvenile
45 court. Existing law grants justice courts and municipal courts jurisdiction to hear
46 and dispose of violations of law that are punishable as civil infractions. (NRS
47 4.370, 5.050) Therefore, **section 2.76** clarifies that justice courts and municipal
48 courts have jurisdiction to hear and dispose of violations of law that are punishable
49 as civil infractions, regardless of the age of the person alleged to have committed
50 the violation.

51 Existing law authorizes a peace officer to request the electronic mail address
52 and mobile telephone number of a person to whom a traffic citation is issued for the
53 purpose of enabling the court in which the person is required to appear to
54 communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a
55 peace officer to request the electronic mail address and mobile telephone number of
56 a person to whom a civil infraction citation is issued for the same purpose.

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

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

68 Existing law requires a person who receives a civil infraction citation to
69 respond to the citation within 90 days after the date on which the citation is issued.
70 **Section 1.6** instead requires such a person to respond to the citation within 90 days
71 after the date on which the citation is issued or filed with the court, whichever is
72 later. **Section 1.4** makes a conforming change relating to the revised deadline set
73 forth in **section 1.6**.

74 Under existing law, if a person receiving a civil infraction citation does not
75 contest the determination that the person has committed the civil infraction set forth



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76 in the citation, the person must respond to the citation by: (1) indicating that the
77 person does not contest the determination; and (2) submitting full payment of the
78 monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this
79 requirement by authorizing such a person to request that the court waive or reduce
80 the monetary penalty specified in the citation or enter into a payment plan with the
81 person in lieu of requiring the person to submit full payment of the monetary
82 penalty specified in the citation. **Section 1.8** of this bill authorizes the court to
83 waive or reduce the monetary penalty or enter into a payment plan with a person
84 who submits a request pursuant to **section 1.6** under certain circumstances.

85 Existing law establishes the procedures for a hearing at which a person may
86 contest whether the person committed a violation set forth in a civil infraction
87 citation and generally requires the person to post a bond in an amount equal to the
88 monetary penalty, administrative assessments and fees specified in the civil
89 infraction citation or alternatively deposit such an amount in cash with the court.
90 (NRS 484A.7041) **Section 1.7** of this bill eliminates the requirement that a person
91 who requests a hearing must post a bond or deposit cash with the court.

92 Existing law authorizes a court having jurisdiction over a civil infraction to
93 reduce any moving violation for which a person was issued a civil infraction
94 citation to a nonmoving violation if the court determines that any circumstances
95 warrant such a reduction. (NRS 484A.7043) **Section 1.8** clarifies that the court is
96 not required to hold a hearing before reducing a moving violation to a nonmoving
97 violation.

98 Under existing law, any civil penalty assessed against a person who is found to
99 have committed a civil infraction must be paid to: (1) the treasurer of the city in
100 which the civil infraction occurred; or (2) if the civil infraction did not occur in a
101 city, the treasurer of the county in which the civil infraction occurred.
102 (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to
103 the treasurer of the city or county, as applicable, in which the civil infraction
104 citation was filed.

105 Existing law: (1) authorizes a prosecuting attorney to elect to treat certain
106 traffic and related offenses that are punishable as a misdemeanor instead as a civil
107 infraction; and (2) provides a procedure for making such an election. Pursuant to
108 this procedure, existing law requires the prosecuting attorney to make the election
109 on or before the time scheduled for the first appearance of the defendant. (NRS
110 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make
111 the election at any time before the court enters a judgment of conviction; and (2)
112 eliminates certain procedural requirements relating to making such an election.
113 **Section 2.2** also authorizes the district attorney or city attorney of any county or
114 city, respectively, to authorize a traffic enforcement agency over whom the district
115 attorney or city attorney has jurisdiction to elect to treat certain traffic and related
116 offenses that are punishable as a misdemeanor instead as a civil infraction. Finally,
117 **section 2.2** provides that a bench warrant may not be issued for a violation that is
118 treated as a civil infraction.

119 Existing law authorizes a peace officer to arrest a person without a warrant if
120 the peace officer has reasonable cause for believing that the person has committed
121 homicide by vehicle, certain offenses involving driving under the influence and
122 certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill
123 authorizes a peace officer who has reasonable cause for believing that a person has
124 committed a violation for which existing law authorizes the peace officer to arrest a
125 person to also arrest the person without a warrant for an offense that is punishable
126 as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to
127 arrests authorized by **section 2.6**.

128 Existing law establishes the jurisdiction of justice courts. (NRS 4.370) **Section**
129 **2.67** of this bill authorizes the justice court to transfer original jurisdiction of a civil
130 infraction to the district court or juvenile court if: (1) the person charged with the



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131 civil infraction is a person under 18 years of age; and (2) the district court or
132 juvenile court, as applicable, approves the transfer.

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

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

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

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:

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

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

11 ➔ send a written notice to that person that his or her driver's license
12 is subject to suspension.

13 2. The notice must include:

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

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

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

17 3. If a person who receives a notice pursuant to subsection 1
18 does not, within 30 days after receiving the notice, comply with the
19 subpoena or warrant or satisfy the arrearage as required in NRS
20 425.510, the Department shall suspend the license without providing
21 the person with an opportunity for a hearing.

22 4. The Department shall suspend immediately the license of a
23 defendant if so ordered pursuant to NRS 62B.420 . ~~for 484A.7047.~~



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

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

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

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

12 (3) A judge of the juvenile court that an unsatisfied civil
13 judgment for which the suspension was ordered pursuant to NRS
14 62B.420 has been satisfied; and

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

17 6. The Department shall not require a person whose driver's
18 license was suspended pursuant to this section to submit to the tests
19 and other requirements which are adopted by regulation pursuant to
20 subsection 1 of NRS 483.495 as a condition of the reinstatement of
21 the license.

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

24 484A.615 1. A court having jurisdiction over an offense for
25 which a traffic citation must be issued pursuant to NRS 484A.630 or
26 that is punishable as a civil infraction pursuant to NRS 484A.703 to
27 484A.705, inclusive, or its traffic violations bureau may establish a
28 system by which, except as otherwise provided in subsection 6, the
29 court or traffic violations bureau may allow:

30 (a) A person who has been issued a traffic citation or a civil
31 infraction citation that is filed with the court or traffic violations
32 bureau to perform certain actions approved by the court or traffic
33 violations bureau, including, without limitation, to make a plea and
34 state his or her defense or, if authorized, any mitigating
35 circumstances, by mail, by electronic mail, over the Internet or by
36 other electronic means.

37 (b) A peace officer who issued a civil infraction citation to a
38 person or, if the provisions of NRS 484A.7049 apply, a peace
39 officer who halted a person, to perform certain actions approved by
40 the court or traffic violations bureau, including, without limitation,
41 to submit a written statement under oath by mail, by electronic mail,
42 over the Internet or by other electronic means in lieu of his or her
43 personal appearance at the hearing held pursuant to NRS 484A.7041
44 to contest the determination that the person who has been issued the
45 civil infraction citation committed a civil infraction.



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

4 (a) A person described in paragraph (a) of subsection 1 to use
5 the system to perform certain actions approved by the court or
6 traffic violations bureau, including, without limitation, to make a
7 plea or state his or her defense or, if authorized, any mitigating
8 circumstances in lieu of making a plea and statement of his or her
9 defense or any mitigating circumstances in court.

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

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

19 4. If a court or traffic violations bureau allows an eligible
20 person to whom a traffic citation or civil infraction citation is issued
21 to use a system established pursuant to subsection 1 to make a plea
22 and state his or her defense or, if authorized, any mitigating
23 circumstances and the person chooses to make a plea and state his or
24 her defense or any mitigating circumstances by using such a system,
25 the person waives any relevant constitutional right, including,
26 without limitation, the right to a trial, the right to confront any
27 witnesses and the right to counsel, as applicable.

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

29 (a) For the purpose of authenticating that the person making the
30 plea and statement of his or her defense or any mitigating
31 circumstances or performing any other approved action is the person
32 to whom the traffic citation or civil infraction citation was issued, be
33 capable of requiring the person to submit any of the following
34 information, as applicable, at the discretion of the court or traffic
35 violations bureau:

36 (1) The traffic citation number or civil infraction citation
37 number;

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

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

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

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



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

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

8 (1) The civil infraction citation number;

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

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

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

17 (d) If a plea and statement of the defense or mitigating
18 circumstances of a person or a written statement of a peace officer is
19 submitted by electronic mail, over the Internet or by other electronic
20 means:

21 (1) Confirm receipt of:

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

23 and

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

25 (2) Make available to:

26 (I) The person making the plea a copy of the plea and
27 statement; and

28 (II) The peace officer submitting the written statement a
29 copy of the written statement.

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

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

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

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

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

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



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

3 484A.630 1. Whenever a person is halted by a peace officer
4 for any violation of chapters 484A to 484E, inclusive, of NRS and is
5 not taken before a magistrate as required or permitted by NRS
6 484A.720 and 484A.730, the peace officer must prepare a traffic
7 citation manually or electronically in the form of a complaint
8 issuing in the name of "The State of Nevada," containing a notice to
9 appear in court, the name and address of the person, the state
10 registration number of the ~~[person's]~~ vehicle ~~[,]~~ *the person was*
11 *driving when the citation was issued*, if any, the number of the
12 person's driver's license, if any, the offense charged, including a
13 brief description of the offense and the NRS citation, the time and
14 place when and where the person is required to appear in court, and
15 such other pertinent information as may be necessary. The peace
16 officer may also request, and the person may provide, the electronic
17 mail address and mobile telephone number of the person for the
18 purpose of enabling the court in which the person is required to
19 appear to communicate with the person. If the peace officer requests
20 such information, the peace officer shall expressly inform the person
21 that providing such information is voluntary and, if the person
22 provides such information, the person thereby gives his or her
23 consent for the court to communicate with the person through such
24 means. The peace officer shall sign the citation and deliver a copy of
25 the citation to the person charged with the violation. If the citation is
26 prepared electronically, the peace officer shall sign the copy of the
27 citation that is delivered to the person charged with the violation.

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

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

32 4. The person charged with the violation may give his or her
33 written promise to appear in court by signing or physically receiving
34 at least one copy of the traffic citation prepared by the peace officer
35 and thereupon the peace officer shall not take the person into
36 physical custody for the violation. If the citation is prepared
37 electronically, the peace officer shall indicate on the electronic
38 record of the citation whether the person charged gave his or her
39 written promise to appear. A copy of the citation that is signed by
40 the person charged or the electronic record of the citation which
41 indicates that the person charged gave his or her written promise to
42 appear suffices as proof of service.

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



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

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

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

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

9 484A.7035 1. When a person is halted by a peace officer in
10 this State for any violation of chapters 483 to 484E, inclusive, 486
11 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic*
12 *enforcement agency pursuant to NRS 484A.7049, for a violation*
13 *of certain such provisions that is punishable as a misdemeanor*, or
14 a prosecuting attorney elects to treat a violation of chapters 483 to
15 484E, inclusive, 486 or 490 of NRS that is punishable as a
16 misdemeanor instead as a civil infraction in accordance with NRS
17 484A.7049, the peace officer or prosecuting attorney, as applicable,
18 may prepare a civil infraction citation manually or electronically in
19 the form of a complaint issuing in the name of "The State of
20 Nevada," containing : ~~[-, except as otherwise provided in paragraph~~
21 ~~(a) of subsection 2 of NRS 484A.7049;]~~

22 (a) A statement that the citation represents a determination by a
23 peace officer or prosecuting attorney that a civil infraction has been
24 committed by the person named in the citation and that the
25 determination will be final unless contested as provided in NRS
26 484A.703 to 484A.705, inclusive;

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

28 (c) The name, date of birth, residential address and mailing
29 address, if different from the residential address, telephone number
30 and electronic mail address of the person who is being issued the
31 citation and an indication as to whether the person has agreed to
32 receive communications relating to the civil infraction by text
33 message;

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

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

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

38 (g) The personnel number or other unique agency identification
39 number of the peace officer issuing the citation ~~[-and the address and~~
40 ~~phone number of the agency which employs the peace officer]~~ or, if
41 a prosecuting attorney is issuing the citation, the personnel number
42 or other unique agency identification number of the peace officer
43 who halted the person for the violation or the volunteer appointed
44 pursuant to NRS 484B.470 who issued the citation ~~[-and the address~~



1 ~~and phone number of the agency which employs the peace officer or~~
2 ~~volunteer.]~~ preprinted or printed legibly on the citation;

3 (h) A statement of the options provided pursuant to NRS
4 484A.703 to 484A.705, inclusive, for responding to the citation and
5 the procedures necessary to exercise these options;

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

12 (j) A statement that the person must respond to the citation as
13 provided in NRS 484A.703 to 484A.705, inclusive, within 90
14 calendar days ~~and~~ *after the date on which the citation is issued or*
15 *filed with the court, whichever is later.*

16 2. *The peace officer may also request, and the person may*
17 *provide, the electronic mail address and mobile telephone number*
18 *of the person for the purpose of enabling the court in which the*
19 *person is required to appear to communicate with the person. If*
20 *the peace officer requests such information, the peace officer shall*
21 *expressly inform the person that providing such information is*
22 *voluntary and, if the person provides such information, the person*
23 *thereby gives his or her consent for the court to communicate with*
24 *the person through such means.*

25 3. A peace officer who issues a civil infraction citation
26 pursuant to subsection 1 shall sign the citation and deliver a copy of
27 the citation to the person charged with the civil infraction. If the
28 citation is prepared electronically, the peace officer shall sign the
29 copy of the citation that is delivered to the person charged with
30 the violation.

31 ~~3.]~~ 4. A civil infraction citation may be served by delivering a
32 copy of the citation to the person charged with the civil infraction
33 pursuant to this section or NRS 484A.7049. The acceptance of a
34 civil infraction citation by the person charged with the civil
35 infraction shall be deemed personal service of the citation and a
36 copy of the citation signed by the peace officer or prosecuting
37 attorney, as applicable, constitutes proof of service. If a person
38 charged with a civil infraction refuses to accept a civil infraction
39 citation, the copy of the citation signed by the peace officer or
40 prosecuting attorney, as applicable, constitutes proof of service.

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

43 484A.704 1. Any person who receives a civil infraction
44 citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to
45 the citation as provided in this section not later than 90 calendar



1 days after the date on which the citation is issued ~~[]~~ *or filed with*
2 *the court, whichever is later.*

3 2. If a person receiving a civil infraction citation does not
4 contest the determination that the person has committed the civil
5 infraction set forth in the citation, the person must respond to the
6 citation by indicating that the person does not contest the
7 determination and submitting ~~[full]~~ *in person, by mail or through*
8 *the Internet or other electronic means:*

9 (a) Full payment of the monetary penalty, the administrative
10 assessment and any fees to the court specified in the citation, or its
11 traffic violations bureau ~~[, in person, by mail or through the Internet~~
12 ~~or other electronic means.] ; or~~

13 (b) *A request that the court waive or reduce the monetary*
14 *penalty or enter into a payment plan with the person, if the person*
15 *believes that full payment of the monetary penalty and*
16 *administrative assessment is excessive in relation to his or her*
17 *financial resources or is not within his or her present financial*
18 *ability to pay. Such a request must include any supporting*
19 *documentation.*

20 3. If a person receiving a civil infraction citation wishes to
21 contest the determination that the person has committed the civil
22 infraction set forth in the citation, the person must respond by
23 requesting in person, by mail or through the Internet or other
24 electronic means a hearing for that purpose. The court shall notify
25 the person in writing of the time, place and date of the hearing,
26 but the date of the hearing must not be earlier than 9 calendar days
27 after the court provides notice of the hearing.

28 4. Except as otherwise provided in ~~[this]~~ subsection ~~[]~~ 5, not
29 less than 30 days before the deadline for a person to respond to a
30 civil infraction citation, the court must send to the address or
31 electronic mail address of the person, as indicated on the civil
32 infraction citation issued to the person ~~[, a]~~ :

33 (a) A reminder that the person must respond to the civil
34 infraction citation within 90 calendar days after the date on which
35 the civil infraction citation is issued ~~[]~~ *or filed with the court,*
36 *whichever is later; and*

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

40 5. If the person agreed to receive communications relating to
41 the civil infraction by text message, the court may send ~~[such a]~~ *the*
42 *notice required by subsection 4* to the telephone number of the
43 person as indicated on the civil infraction citation.

44 6. If the person does not respond to the civil infraction citation
45 in the manner specified by subsection 2 or 3 within 90 calendar days



1 after the date on which the civil infraction citation is issued ~~[5]~~ *or*
2 *filed with the court, whichever is later*, the court must enter an
3 order pursuant to NRS 484A.7043 finding that the person
4 committed the civil infraction and assessing the monetary penalty
5 and administrative assessments prescribed for the civil infraction. A
6 person who has been issued a civil infraction citation and who fails
7 to respond to the civil infraction citation as required by this section
8 may not appeal an order entered pursuant to this section.

9 ~~[5]~~ 7. If any person issued a civil infraction citation fails to
10 appear at a hearing requested pursuant to subsection 3, the court
11 must enter an order pursuant to NRS 484A.7043 finding that the
12 person committed the civil infraction and assessing the monetary
13 penalty and administrative assessments prescribed for the civil
14 infraction. A person who has been issued a civil infraction citation
15 and who fails to appear at a hearing requested pursuant to subsection
16 3 may not appeal an order entered pursuant to this subsection.

17 ~~[6]~~ 8. In addition to any other penalty imposed, any person
18 who is found by the court to have committed a civil infraction
19 pursuant to subsection ~~[5]~~ 7 shall pay the witness fees, per diem
20 allowances, travel expenses and other reimbursement in accordance
21 with NRS 50.225.

22 ~~[7]~~ 9. If a court has established a system pursuant to NRS
23 484A.615, any person issued a civil infraction citation may, if
24 authorized by the court, use the system to perform any applicable
25 actions pursuant to this section.

26 **Sec. 1.7.** NRS 484A.7041 is hereby amended to read as
27 follows:

28 484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704,
29 a person receiving a civil infraction citation requests a hearing to
30 contest the determination that the person has committed the civil
31 infraction set forth in the citation, the hearing must be conducted in
32 accordance with this section.

33 2. ~~[Except as otherwise provided in this subsection, before a~~
34 ~~hearing to contest the determination that a person has committed a~~
35 ~~civil infraction, the court shall require the person to post a bond~~
36 ~~equal to the amount of the full payment of the monetary penalty, the~~
37 ~~administrative assessment and any fees specified in the civil~~
38 ~~infraction citation. In lieu of posting such a bond, the person may~~
39 ~~instead deposit cash with the court in the amount of the bond~~
40 ~~required pursuant to this subsection. Any bond posted or cash~~
41 ~~deposited with the court pursuant to this subsection must be~~
42 ~~forfeited upon the court's finding that the person committed the civil~~
43 ~~infraction. Any person whom the court determines is unable to pay~~
44 ~~the costs of defending the action or is a client of a program for legal~~
45 ~~aid in accordance with NRS 12.015 must not be required to post a~~



~~1 bond or deposit cash with the court in accordance with this~~
~~2 subsection.~~

~~3 —3.]~~ The person who requested the hearing may, at his or her
4 expense, be represented by counsel, and a city attorney or district
5 attorney, in his or her discretion and as applicable, may represent the
6 plaintiff.

~~7 [4.]~~ 3. A hearing conducted pursuant to this section must be
8 conducted by the court without a jury. In lieu of the personal
9 appearance at the hearing by the peace officer who issued the civil
10 infraction citation, the court may consider the information contained
11 in the civil infraction citation and any other written statement
12 submitted under oath by the peace officer. If the court has
13 established a system pursuant to NRS 484A.615, the peace officer
14 may, if authorized by the court, use the system to submit such a
15 statement. The person named in the civil infraction citation may
16 subpoena witnesses, including, without limitation, the peace officer
17 who issued the citation, and has the right to present evidence and
18 examine witnesses present in court.

~~19 [5.]~~ 4. After consideration of the evidence and argument, the
20 court shall determine whether a civil infraction was committed by
21 the person named in the civil infraction citation. The court must find
22 by a preponderance of the evidence that the person named in the
23 civil infraction citation committed a civil infraction. If it has not
24 been established by a preponderance of the evidence that the
25 infraction was committed by the person named in the citation, the
26 court must enter an order dismissing the civil infraction citation in
27 the court's records. If it has been established by a preponderance of
28 the evidence that the infraction was committed, the court must enter
29 in the court's records an order pursuant to NRS 484A.7043.

~~30 [6.]~~ 5. An appeal from the court's determination or order may
31 be taken in the same manner as any other civil appeal from a
32 municipal court or justice court, as applicable, except that:

33 (a) The notice of appeal must be filed not later than 7 calendar
34 days after the court enters in the court's records an order pursuant to
35 NRS 484A.7043;

36 (b) If the appellant is the person charged with the civil
37 infraction, any bond required to be given by the appellant in order to
38 secure a stay of execution of the order of the court during the
39 pendency of the appeal must equal the amount of the monetary
40 penalty and administrative assessments which the court has ordered
41 the appellant to pay pursuant to NRS 484A.7043. Any bond must be
42 forfeited if the order of the court is affirmed on appeal; and

43 (c) If a prosecuting attorney does not represent the plaintiff
44 during the proceedings in the justice court or municipal court, the



1 appellate court shall review the record and any arguments presented
2 by the person charged with the civil infraction and render a decision.

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

5 484A.7043 1. Except as otherwise provided in this section, a
6 person who is found to have committed a civil infraction shall be
7 punished by a civil penalty of not more than \$500 per violation
8 unless a greater civil penalty is authorized by specific statute.
9 Except as otherwise provided in NRS 484A.792, any civil penalty
10 collected pursuant to NRS 484A.703 to 484A.705, inclusive, must
11 be paid to:

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

14 (b) If the civil infraction did not occur in a city, the treasurer of
15 the county in which the civil infraction ~~occurred~~ *citation was*
16 *filed.*

17 2. If a person is found to have committed a civil infraction, in
18 addition to any civil penalty imposed on the person, the court shall
19 order the person to pay the administrative assessments set forth in
20 NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that
21 the person would be required to pay if the civil penalty were a fine
22 imposed on a defendant who pleads guilty or guilty but mentally ill
23 or is found guilty or guilty but mentally ill of a misdemeanor. If, in
24 lieu of a civil penalty, the court authorizes a person to successfully
25 complete a course of traffic safety approved by the Department of
26 Motor Vehicles, the court must order the person to pay the amount
27 of the administrative assessment that corresponds to the civil penalty
28 for which the defendant would have otherwise been responsible.
29 The administrative assessments imposed pursuant to this subsection
30 must be collected and distributed in the same manner as the
31 administrative assessments imposed and collected pursuant to NRS
32 176.059, 176.0611, 176.0613 and 176.0623.

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

36 (a) Excessive in relation to the financial resources of the
37 defendant, the court may waive or reduce the monetary penalty
38 accordingly.

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

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

43 (a) In addition to ordering a person who is found to have
44 committed a civil infraction to pay a civil penalty and administrative
45 assessments pursuant to this section, order the person to successfully



1 complete a course of traffic safety approved by the Department of
2 Motor Vehicles.

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

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

10 **5. *Nothing in this section shall be construed to require a***
11 ***court having jurisdiction over a civil infraction pursuant to NRS***
12 ***484A.703 to 484A.705, inclusive, to hold a hearing before***
13 ***reducing a moving violation for which a person was issued a civil***
14 ***infraction citation to a nonmoving violation.***

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

16 484A.7047 1. If a civil penalty, administrative assessment or
17 fee is imposed upon a person who is found to have committed a civil
18 infraction pursuant to NRS 484A.703 to 484A.705, inclusive,
19 whether or not the civil penalty, administrative assessment or fee is
20 in addition to any other punishment, and the civil penalty,
21 administrative assessment or fee or any part of it remains unpaid
22 after the time established by the court for its payment, the
23 delinquent person is liable for a collection fee, to be imposed by the
24 court at the time it finds that the civil penalty, administrative
25 assessment or fee is delinquent, of:

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

28 (b) Not more than \$500, if the amount of the delinquency is
29 \$2,000 or greater, but is less than \$5,000.

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

32 2. The city or county that is responsible for collecting a
33 delinquent civil penalty, administrative assessment or fee may, in
34 addition to attempting to collect the delinquent amounts through any
35 other lawful means, contract with a collection agency licensed
36 pursuant to NRS 649.075 to collect the delinquent amounts owed by
37 a person who is found to have committed a civil infraction. The
38 collection agency must be paid as compensation for its services an
39 amount not greater than the amount of the collection fee imposed
40 pursuant to subsection 1 in accordance with the provisions of the
41 contract.

42 3. If a court finds that a person committed a civil infraction, the
43 civil penalty, administrative assessments and fees prescribed for the
44 civil infraction may be enforced in the manner provided by law for
45 the enforcement of a judgment for money rendered in a civil action



1 except that the judgment and any lien for the judgment expires 10
2 years after the date the judgment was docketed and may not be
3 renewed. The court may ~~f~~:

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

10 ~~[(b) Order the suspension of the driver's license of the~~
11 ~~delinquent person. If the delinquent person does not possess a~~
12 ~~driver's license, the court may prohibit him or her from applying for~~
13 ~~a driver's license for a specified period. If the delinquent person is~~
14 ~~already the subject of a court order suspending or delaying the~~
15 ~~issuance of his or her driver's license, the court may order the~~
16 ~~additional suspension or delay, as appropriate, to apply~~
17 ~~consecutively with the previous order. At the time the court issues~~
18 ~~an order pursuant to this paragraph suspending the driver's license~~
19 ~~of a delinquent person or delaying the ability of a delinquent person~~
20 ~~to apply for a driver's license, the court shall, within 5 days after~~
21 ~~issuing the order, forward to the Department a copy of the order.~~
22 ~~The Department shall report a suspension pursuant to this paragraph~~
23 ~~to an insurance company or its agent inquiring about the delinquent~~
24 ~~person's driving record, but such a suspension must not be~~
25 ~~considered for the purpose of rating or underwriting.]~~

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

28 (a) Except as otherwise provided in paragraph (c), if the money
29 is collected by or on behalf of a municipal court, the money must be
30 deposited in a special fund in the appropriate city treasury. The city
31 may use the money in the fund only to develop and implement a
32 program for the collection of civil penalties, administrative
33 assessments and fees and to hire additional personnel necessary for
34 the success of such a program.

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

39 (1) Develop and implement a program for the collection of
40 civil penalties, administrative assessments and fees and to hire
41 additional personnel necessary for the success of such a program; or

42 (2) Improve the operations of a court by providing funding
43 for:

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



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

3 (c) If the money is collected by a collection agency, after the
4 collection agency has been paid its fee pursuant to the terms of the
5 contract, any remaining money must be deposited in the state, city
6 or county treasury, whichever is appropriate, to be used only for the
7 purposes set forth in paragraph (a) or (b).

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

10 484A.7049 1. A prosecuting attorney may , *at any time*
11 *before a court having jurisdiction over the alleged offense enters a*
12 *judgment of conviction against a defendant*, elect to treat a
13 violation of a provision of chapters 483 to 484E, inclusive, 486 or
14 490 of NRS that is punishable as a misdemeanor, other than a
15 violation of NRS 484C.110 or 484C.120, as a civil infraction
16 pursuant to NRS 484A.703 to 484A.705, inclusive.

17 2. The ~~[prosecuting attorney shall make the election described~~
18 ~~in subsection 1 on or before the time scheduled for the first~~
19 ~~appearance of the defendant by:~~

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

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

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

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

30 *district attorney or city attorney of any county or city, respectively,*
31 *may authorize a traffic enforcement agency over whom the district*
32 *attorney or city attorney, as applicable, has jurisdiction to elect to*
33 *treat a violation of a provision of chapters 483 to 484E, inclusive,*
34 *486 or 490 of NRS that is punishable as a misdemeanor, other*
35 *than a violation of NRS 484C.110 or 484C.120, as a civil*
36 *infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so*
37 *authorized, a traffic enforcement agency may authorize a peace*
38 *officer employed by the agency to treat a violation of such*
39 *provisions as a civil infraction pursuant to NRS 484A.703 to*
40 *484A.705, inclusive.*

41 3. *A bench warrant may not be issued for a violation treated*
42 *as a civil infraction pursuant to this section.*



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

3 484A.705 Notwithstanding any other provision of law, if a
4 person commits a violation of a provision of chapters 483 to 484E,
5 inclusive, 486 or 490 of NRS that is punishable as a civil infraction
6 while the person is under the influence of alcohol or a controlled
7 substance, the person may ~~instead~~ be ~~charged~~:

- 8 1. *Charged* with a misdemeanor ~~;~~; and
9 2. *Arrested, if authorized pursuant to NRS 484A.710.*

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

12 484A.710 1. Any peace officer may, without a warrant, arrest
13 a person if the officer has reasonable cause for believing that the
14 person has committed ~~any~~:

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

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

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

18 ~~(c)~~ (3) A violation of NRS 484C.430;

19 ~~(d)~~ (4) A violation of NRS 484C.130;

20 ~~(e)~~ (5) Failure to stop, give information or render reasonable
21 assistance in the event of a crash resulting in death or personal
22 injuries in violation of NRS 484E.010 or 484E.030;

23 ~~(f)~~ (6) Failure to stop or give information in the event of a
24 crash resulting in damage to a vehicle or to other property legally
25 upon or adjacent to a highway in violation of NRS 484E.020 or
26 484E.040;

27 ~~(g)~~ (7) Reckless driving;

28 ~~(h)~~ (8) Driving a motor vehicle on a highway or on premises to
29 which the public has access at a time when the person's driver's
30 license has been cancelled, revoked or suspended; or

31 ~~(i)~~ (9) Driving a motor vehicle in any manner in violation of
32 the restrictions imposed in a restricted license issued to the person
33 pursuant to NRS 483.490.

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

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

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

42 484A.760 Whenever any person is taken into custody by a
43 peace officer for the purpose of taking him or her before a
44 magistrate or court as authorized or required in chapters 484A to
45 484E, inclusive, of NRS upon any charge other than a felony or the



1 offenses enumerated in ~~paragraphs (a) to (e),~~ *subparagraphs (1) to*
2 *(5)*, inclusive, of *paragraph (a) of* subsection 1 of NRS 484A.710,
3 and no magistrate is available at the time of arrest, and there is no
4 bail schedule established by the magistrate or court and no lawfully
5 designated court clerk or other public officer who is available and
6 authorized to accept bail upon behalf of the magistrate or court, the
7 person must be released from custody upon the issuance to the
8 person of a misdemeanor citation or traffic citation and the person
9 signing a promise to appear, as provided in NRS 171.1773 or
10 484A.630, respectively, or physically receiving a copy of the traffic
11 citation, as provided in NRS 484A.630.

12 **Sec. 2.67.** NRS 4.370 is hereby amended to read as follows:

13 4.370 1. Except as otherwise provided in subsection 2, justice
14 courts have jurisdiction of the following civil actions and
15 proceedings and no others except as otherwise provided by specific
16 statute:

17 (a) In actions arising on contract for the recovery of money only,
18 if the sum claimed, exclusive of interest, does not exceed \$15,000.

19 (b) In actions for damages for injury to the person, or for taking,
20 detaining or injuring personal property, or for injury to real property
21 where no issue is raised by the verified answer of the defendant
22 involving the title to or boundaries of the real property, if the
23 damage claimed does not exceed \$15,000.

24 (c) Except as otherwise provided in paragraph (1), in actions for
25 a fine, penalty or forfeiture not exceeding \$15,000, given by statute
26 or the ordinance of a county, city or town, where no issue is raised
27 by the answer involving the legality of any tax, impost, assessment,
28 toll or municipal fine.

29 (d) In actions upon bonds or undertakings conditioned for the
30 payment of money, if the sum claimed does not exceed \$15,000,
31 though the penalty may exceed that sum. Bail bonds and other
32 undertakings posted in criminal matters may be forfeited regardless
33 of amount.

34 (e) In actions to recover the possession of personal property, if
35 the value of the property does not exceed \$15,000.

36 (f) To take and enter judgment on the confession of a defendant,
37 when the amount confessed, exclusive of interest, does not exceed
38 \$15,000.

39 (g) Of actions for the possession of lands and tenements where
40 the relation of landlord and tenant exists, when damages claimed do
41 not exceed \$15,000 or when no damages are claimed.

42 (h) Of actions when the possession of lands and tenements has
43 been unlawfully or fraudulently obtained or withheld, when
44 damages claimed do not exceed \$15,000 or when no damages are
45 claimed.



1 (i) Of suits for the collection of taxes, where the amount of the
2 tax sued for does not exceed \$15,000.

3 (j) Of actions for the enforcement of mechanics' liens, where the
4 amount of the lien sought to be enforced, exclusive of interest, does
5 not exceed \$15,000.

6 (k) Of actions for the enforcement of liens of owners of facilities
7 for storage, where the amount of the lien sought to be enforced,
8 exclusive of interest, does not exceed \$15,000.

9 (l) In actions for a civil penalty imposed for a violation of
10 NRS 484D.680.

11 (m) Except as otherwise provided in this paragraph, in any
12 action for the issuance of a temporary or extended order for
13 protection against domestic violence pursuant to NRS 33.020. A
14 justice court does not have jurisdiction in an action for the issuance
15 of a temporary or extended order for protection against domestic
16 violence:

17 (1) In a county whose population is 100,000 or more and less
18 than 700,000;

19 (2) In any township whose population is 100,000 or more
20 located within a county whose population is 700,000 or more;

21 (3) If a district court issues a written order to the justice court
22 requiring that further proceedings relating to the action for the
23 issuance of the order for protection be conducted before the district
24 court; or

25 (4) Where the adverse party against whom the order is
26 sought is under 18 years of age.

27 (n) Except as otherwise provided in this paragraph, in any action
28 for the issuance of an emergency or extended order for protection
29 against high-risk behavior pursuant to NRS 33.570 or 33.580. A
30 justice court does not have jurisdiction in an action for the issuance
31 of an emergency or extended order for protection against high-risk
32 behavior:

33 (1) In a county whose population is 100,000 or more but less
34 than 700,000;

35 (2) In any township whose population is 100,000 or more
36 located within a county whose population is 700,000 or more;

37 (3) If a district court issues a written order to the justice court
38 requiring that further proceedings relating to the action for the
39 issuance of the order for protection be conducted before the district
40 court; or

41 (4) Where the adverse party against whom the order is
42 sought is under 18 years of age.

43 (o) In an action for the issuance of a temporary or extended
44 order for protection against harassment in the workplace pursuant to



1 NRS 33.200 to 33.360, inclusive, where the adverse party against
2 whom the order is sought is 18 years of age or older.

3 (p) In small claims actions under the provisions of chapter 73 of
4 NRS.

5 (q) In actions to contest the validity of liens on mobile homes or
6 manufactured homes.

7 (r) In any action pursuant to NRS 200.591 for the issuance of a
8 protective order against a person alleged to be committing the crime
9 of stalking, aggravated stalking or harassment where the adverse
10 party against whom the order is sought is 18 years of age or older.

11 (s) In any action pursuant to NRS 200.378 for the issuance of a
12 protective order against a person alleged to have committed the
13 crime of sexual assault where the adverse party against whom the
14 order is sought is 18 years of age or older.

15 (t) In actions transferred from the district court pursuant to
16 NRS 3.221.

17 (u) In any action for the issuance of a temporary or extended
18 order pursuant to NRS 33.400.

19 (v) In any action seeking an order pursuant to NRS 441A.195.

20 (w) In any action to determine whether a person has committed
21 a civil infraction punishable pursuant to NRS 484A.703 to
22 484A.705, inclusive. *Upon approval of the district court or juvenile
23 court, as applicable, the justice court may transfer original
24 jurisdiction of a civil infraction punishable pursuant to NRS
25 484A.703 to 484A.705, inclusive, to the district court or juvenile
26 court, as applicable, if the person charged with the civil infraction
27 is a person under 18 years of age.*

28 2. The jurisdiction conferred by this section does not extend to
29 civil actions, other than for forcible entry or detainer, in which the
30 title of real property or mining claims or questions affecting the
31 boundaries of land are involved.

32 3. Justice courts have jurisdiction of all misdemeanors and no
33 other criminal offenses except as otherwise provided by specific
34 statute. Upon approval of the district court, a justice court may
35 transfer original jurisdiction of a misdemeanor to the district court
36 for the purpose of assigning an offender to a program established
37 pursuant to NRS 176A.250 or, if the justice court has not
38 established a program pursuant to NRS 176A.280, to a program
39 established pursuant to that section.

40 4. Except as otherwise provided in subsections 5, 6 and 7, in
41 criminal cases the jurisdiction of justices of the peace extends to the
42 limits of their respective counties.

43 5. A justice of the peace may conduct a pretrial release hearing
44 for a person located outside of the township of the justice of the
45 peace.



1 6. In the case of any arrest made by a member of the Nevada
2 Highway Patrol, the jurisdiction of the justices of the peace extends
3 to the limits of their respective counties and to the limits of all
4 counties which have common boundaries with their respective
5 counties.

6 7. Each justice court has jurisdiction of any violation of a
7 regulation governing vehicular traffic on an airport within the
8 township in which the court is established.

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

11 *A prosecuting attorney who prosecutes a person charged with a*
12 *civil infraction or a violation of a traffic ordinance that is*
13 *punishable by imposition of a civil penalty is immune from*
14 *liability to the same extent as a prosecuting attorney who*
15 *prosecutes a person charged with violating a criminal law of this*
16 *State.*

17 **Sec. 2.72.** NRS 41.0307 is hereby amended to read as follows:
18 41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~§~~, *and*
19 *section 2.7 of this act:*

20 1. "Employee" includes an employee of a:
21 (a) Part-time or full-time board, commission or similar body of
22 the State or a political subdivision of the State which is created by
23 law.

24 (b) Charter school.
25 (c) University school for profoundly gifted pupils described in
26 chapter 388C of NRS.

27 2. "Employment" includes any services performed by an
28 immune contractor.

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

31 (a) Is an independent contractor with the State pursuant to NRS
32 333.700; and

33 (b) Contracts to provide medical services for the Department of
34 Corrections.

35 ➔ As used in this subsection, "professional corporation" and
36 "professional association" have the meanings ascribed to them in
37 NRS 89.020.

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

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

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



1 (c) A district attorney and any deputy or assistant district
2 attorney or an attorney appointed to prosecute a person for a limited
3 duration with limited jurisdiction.

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

5 41.031 1. The State of Nevada hereby waives its immunity
6 from liability and action and hereby consents to have its liability
7 determined in accordance with the same rules of law as are applied
8 to civil actions against natural persons and corporations, except as
9 otherwise provided in NRS 41.032 to 41.038, inclusive, *and section*
10 *2.7 of this act*, 485.318, subsection 3 and any statute which
11 expressly provides for governmental immunity, if the claimant
12 complies with the limitations of NRS 41.010 or the limitations of
13 NRS 41.032 to 41.036, inclusive. The State of Nevada further
14 waives the immunity from liability and action of all political
15 subdivisions of the State, and their liability must be determined in
16 the same manner, except as otherwise provided in NRS 41.032 to
17 41.038, inclusive, *and section 2.7 of this act*, subsection 3 and any
18 statute which expressly provides for governmental immunity, if the
19 claimant complies with the limitations of NRS 41.032 to 41.036,
20 inclusive.

21 2. An action may be brought under this section against the
22 State of Nevada or any political subdivision of the State. In any
23 action against the State of Nevada, the action must be brought in the
24 name of the State of Nevada on relation of the particular
25 department, commission, board or other agency of the State whose
26 actions are the basis for the suit. An action against the State of
27 Nevada must be filed in the county where the cause or some part
28 thereof arose or in Carson City. In an action against the State of
29 Nevada, the summons and a copy of the complaint must be served
30 upon:

31 (a) The Attorney General, or a person designated by the
32 Attorney General, at the Office of the Attorney General in Carson
33 City; and

34 (b) The person serving in the office of administrative head of the
35 named agency.

36 3. The State of Nevada does not waive its immunity from suit
37 conferred by Amendment XI of the Constitution of the United
38 States.

39 **Sec. 2.76.** NRS 62B.330 is hereby amended to read as follows:

40 62B.330 1. Except as otherwise provided in this title, the
41 juvenile court has exclusive original jurisdiction over a child living
42 or found within the county who is alleged or adjudicated to have
43 committed a delinquent act.

44 2. For the purposes of this section, a child commits a
45 delinquent act if the child:



1 (a) Violates a county or municipal ordinance other than those:
2 (1) Specified in paragraph (f) or (g) of subsection 1 of
3 NRS 62B.320;

4 (2) Concerning an offense related to tobacco; or
5 (3) Relating to the consumption or possession of alcohol or
6 the possession of 1 ounce or less of marijuana that are punishable
7 pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

8 (b) Violates any rule or regulation having the force of law; or

9 (c) Commits an act designated a criminal offense pursuant to the
10 laws of the State of Nevada.

11 3. ~~For~~ *Except as otherwise provided in NRS 4.370, for* the
12 purposes of this section, each of the following acts shall be deemed
13 not to be a delinquent act, and the juvenile court does not have
14 jurisdiction over a person who is charged with committing such an
15 act:

16 (a) Murder or attempted murder and any other related offense
17 arising out of the same facts as the murder or attempted murder,
18 regardless of the nature of the related offense, if the person was 16
19 years of age or older when the murder or attempted murder was
20 committed.

21 (b) A felony resulting in death or substantial bodily harm to the
22 victim and any other related offense arising out of the same facts as
23 the felony, regardless of the nature of the related offense, if:

24 (1) The felony was committed on the property of a public or
25 private school when pupils or employees of the school were present
26 or may have been present, at an activity sponsored by a public or
27 private school or on a school bus while the bus was engaged in its
28 official duties; and

29 (2) The person intended to create a great risk of death or
30 substantial bodily harm to more than one person by means of a
31 weapon, device or course of action that would normally be
32 hazardous to the lives of more than one person.

33 (c) A category A or B felony and any other related offense
34 arising out of the same facts as the category A or B felony,
35 regardless of the nature of the related offense, if the person was at
36 least 16 years of age but less than 18 years of age when the offense
37 was committed, and:

38 (1) The person is not identified by law enforcement as
39 having committed the offense and charged before the person is at
40 least 20 years, 3 months of age, but less than 21 years of age; or

41 (2) The person is not identified by law enforcement as
42 having committed the offense until the person reaches 21 years of
43 age.



1 (d) *A violation of a provision of chapters 483 to 484E,*
2 *inclusive, 486 or 490 of NRS that is punishable as a civil*
3 *infraction pursuant to NRS 484A.703 to 484A.705, inclusive.*

4 (e) Any other offense if, before the offense was committed, the
5 person previously had been convicted of a criminal offense.

6 **Sec. 2.8.** NRS 244.3575 is hereby amended to read as follows:
7 244.3575 A board of county commissioners may by ordinance
8 provide that ~~the~~ :

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

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

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

19 1. Study uniform civil infraction citations used in different
20 states to determine best practices for developing and implementing a
21 standardized, statewide uniform civil infraction citation in this State
22 that may be issued through the electronic traffic citation system
23 developed pursuant to NRS 484B.830; and

24 2. Submit its findings and any recommendations for legislation
25 resulting from the study to the Director of the Legislative Counsel
26 Bureau for transmittal to the Joint Interim Standing Committee on
27 the Judiciary.

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

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

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

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

39 ↪ as that section existed before the effective date of this act, the
40 Department of Motor Vehicles shall immediately reinstate the
41 driver's license of the person or the ability of the person to apply for
42 the issuance of a driver's license, as applicable, and shall notify the
43 person, as soon as possible, of the reinstatement of his or her
44 driver's license or ability to apply for the issuance of a driver's
45 license, as applicable.



- 1 2. The Department of Motor Vehicles may not:
2 (a) Charge any fee for the reinstatement of the driver's license of
3 a person in accordance with this section; or
4 (b) Require a person to undergo any physical or mental
5 examination pursuant to NRS 483.330 or 483.495 to be eligible for
6 reinstatement of his or her driver's license.
7 **Sec. 4.** The amendatory provisions of this act apply to offenses
8 committed before, on or after the effective date of this act.
9 **Sec. 5.** This act becomes effective upon passage and approval.

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