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485.010. Short title, NV ST 485.010

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West's Nevada Revised Statutes Annotated

Title 43, Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485, Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

General Provisions

N.R.S. 485.010

485.010. Short title

Currentness

This chapter may be cited as the Motor Vehicle Insurance and Financial Responsibility Act.

#### Credits

Added by Laws 1949, c. 127, § 21. NRS amended by Laws 1995, p. 2734.

Notes of Decisions (4)

N. R. S. 485.010, NV ST 485.010

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485.035. "Judgment" defined, NV ST 485.035

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

General Provisions

N.R.S. 485.035

485.035. "Judgment" defined

Currentness

"Judgment" means any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle for damages, including damages for care and loss of services because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

**Credits**

Added by Laws 1957, p. 722.

N. R. S. 485.035, NV ST 485.035

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**485.185. Insurance for payment of tort liabilities arising from..., NV ST 485.185**

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Insurance Required

N.R.S. 485.185

485.185. Insurance for payment of tort liabilities arising from maintenance or use of motor vehicle: Coverage to be obtained from insurance company duly licensed and approved; minimum thresholds of coverage

Effective: January 1, 2016 to December 31, 2016

Currentness

<Section effective until Jan. 1, 2017, or upon the date, if earlier, the Department of Motor Vehicles has sufficient resources to carry out the amendatory provisions of Laws 2015, c. 326, and all required notifications of that fact have been promulgated by the Department. See, also, section effective upon that date.>

Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

1. In the amount of \$15,000 for bodily injury to or death of one person in any one crash;
2. Subject to the limit for one person, in the amount of \$30,000 for bodily injury to or death of two or more persons in any one crash; and
3. In the amount of \$10,000 for injury to or destruction of property of others in any one crash,

for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

**Credits**

Added by Laws 1979, p. 1820. Amended by Laws 1981, p. 1862; Laws 1987, p. 1090; Laws 1993, p. 2484; Laws 1995, p. 2734; Laws 2007, c. 433, § 7; Laws 2015, c. 317, § 44, eff. Jan. 1, 2016.

**485.185. Insurance for payment of tort liabilities arising from..., NV ST 485.185**

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Notes of Decisions (5)

N. R. S. 485.185, NV ST 485.185

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485.190. Department to determine amount of security required;..., NV ST 485.190

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.190

485.190. Department to determine amount of security required; hearing; suspension of license and registration; procedure regarding erroneous information

Effective: January 1, 2016

Currentness

1. If, 20 days after the receipt of a report of a crash involving a motor vehicle within this State which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$750, the Department does not have on file evidence satisfactory to it that the person who would otherwise be required to file security under subsection 2 has been released from liability, has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the crash, the Department shall upon request set the matter for a hearing as provided in NRS 485.191.

2. The Department shall, immediately after a determination adverse to an operator or owner is made in a hearing pursuant to NRS 485.191, suspend the license of each operator and all registrations of each owner of a motor vehicle involved in such a crash, and, if the operator is a nonresident, the privilege of operating a motor vehicle within this State, and, if the owner is a nonresident, the privilege of the use within this State of any motor vehicle owned by him or her, unless the operator or owner, or both, immediately deposit security in the sum so determined by the Department at the hearing. If erroneous information is given to the Department with respect to the matters set forth in paragraph (a), (b) or (c) of subsection 1 of NRS 485.200, the Department shall take appropriate action as provided in this section after it receives correct information with respect to those matters.

**Credits**

Added by Laws 1949, c. 127, § 4 [part]. NRS amended by Laws 1961, p. 139; Laws 1965, pp. 264, 1275; Laws 1973, p. 1545; Laws 1981, p. 1862; Laws 1987, p. 1090; Laws 1993, p. 2486; Laws 1999, c. 639, § 19, eff. July 1, 1999; Laws 2007, c. 433, § 8; Laws 2015, c. 317, § 45, eff. Jan. 1, 2016.

Notes of Decisions (2)

N. R. S. 485.190, NV ST 485.190

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**485.190. Department to determine amount of security required;..., NV ST 485.190**

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485.191. Right to hearing; notice; request for hearing; waiver, NV ST 485.191

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.191

485.191. Right to hearing; notice; request for hearing; waiver

Effective: January 1, 2016

Currentness

1. Any operator or owner of a motor vehicle who was involved in a crash and who is not exempt from the requirements of depositing security by the provisions of NRS 485.200, is entitled to a hearing before the Director or a representative of the Director before a determination of the amount of security required pursuant to NRS 485.190, and before the suspension of his or her operator's license or registration as provided in subsection 2 of NRS 485.190. The hearing must be held in the county of residence of the operator. If the operator and owner reside in different counties and the hearing would involve both of them, the hearing must be held in the county which will be the most convenient for the summoning of witnesses.

2. The owner or operator must be given at least 30 days' notice of the hearing in writing with a brief explanation of the proceedings to be taken against the owner or operator and the possible consequences of a determination adverse to the owner or operator.

3. If the operator or owner desires a hearing, the owner or operator shall, within 15 days, notify the Department in writing of such intention. If the owner or operator does not send this notice within the 15 days, he or she waives his or her right to a hearing, except that, the Director may for good cause shown permit the owner a later opportunity for a hearing.

### Credits

Added by Laws 1973, p. 1544. Amended by Laws 1981, p. 1863; Laws 1987, p. 1091; Laws 1999, c. 639, § 20, eff. July 1, 1999; Laws 2015, c. 317, § 46, eff. Jan. 1, 2016.

N. R. S. 485.191, NV ST 485.191

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485.191. Right to hearing; notice; request for hearing; waiver, NV ST 485.191

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485.193. Scope of hearing, NV ST 485.193

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.193

485.193. Scope of hearing

Effective: January 1, 2016

Currentness

The hearing must be held to determine:

1. Whether or not there is a reasonable possibility that a judgment may be rendered against the owner or operator as a result of the crash in which the owner or operator was involved if the issue is brought before a court of competent jurisdiction; and
2. The amount of security that may be required of the operator or owner to satisfy any judgment for damages that may be rendered against the owner or operator.

**Credits**

Added by Laws 1973, p. 1544. Amended by Laws 1981, p. 85; Laws 2015, c. 317, § 47, eff. Jan. 1, 2016.

N. R. S. 485.193, NV ST 485.193

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485.195. Powers of officer conducting hearing, NV ST 485.195

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West's Nevada Revised Statutes Annotated

Title 43, Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485, Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.195

485.195. Powers of officer conducting hearing

Currentness

The Director or a representative of the Director may certify to all official acts and issue subpoenas for attendance of witnesses and the production of books and papers.

**Credits**

Added by Laws 1973, p. 1544. Amended by Laws 1981, p. 85.

N. R. S. 485.195, NV ST 485.195

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.197. Enforcement of subpoenas issued by Director, NV ST 485.197

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.197

485.197. Enforcement of subpoenas issued by Director

Currentness

1. The district court in and for the county in which any hearing may be held shall have the power to compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Director.

2. In case of the refusal of any witness to attend or testify or produce any papers required by such subpoena the Director may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this chapter;

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Director in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to the witness in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Director.

3. The court, upon petition of the Director, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why the witness has not attended or testified or produced the books or papers before the Director. A certified copy of the order shall be served upon the witness. If it shall appear to the court that the subpoena was regularly issued by the Director, the court shall thereupon enter an order that the witness appear before the Director at the time and

**485.197. Enforcement of subpoenas issued by Director, NV ST 485.197**

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place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness shall be dealt with as for contempt of court.

**Credits**

Added by Laws 1973, p. 1545.

N. R. S. 485.197, NV ST 485.197

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485.200. Exceptions to requirements as to security and suspension..., NV ST 485.200

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.200

485.200. Exceptions to requirements as to security and suspension of license and registration

Effective: January 1, 2016

Currentness

1. The requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, do not apply:

(a) To the operator or owner if the operator or owner had in effect at the time of the crash a motor vehicle liability policy with respect to the motor vehicle involved in the crash;

(b) To the operator if there was in effect at the time of the crash a motor vehicle liability policy with respect to his or her operation of any motor vehicle;

(c) To the operator or owner if the liability for damages of the operator or owner resulting from the crash is, in the judgment of the Department, covered by any other form of liability insurance policy or a bond;

(d) To any person qualifying as a self-insurer pursuant to NRS 485.380, or to any person operating a motor vehicle for the self-insured;

(e) To the operator or the owner of a motor vehicle involved in a crash wherein no injury or damage was caused to the person or property of anyone other than the operator or owner;

(f) To the operator or the owner of a motor vehicle legally parked at the time of the crash;

(g) To the owner of a motor vehicle if at the time of the crash the vehicle was being operated without the owner's permission,

**485.200. Exceptions to requirements as to security and suspension..., NV ST 485.200**

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express or implied, or was parked by a person who had been operating the motor vehicle without permission; or

(h) If, before the date that the Department would otherwise suspend the license and registration or nonresident's operating privilege pursuant to NRS 485.190, there is filed with the Department evidence satisfactory to it that the person who would otherwise have to file security has been released from liability or has received a determination in his or her favor at a hearing conducted pursuant to NRS 485.191, or has been finally adjudicated not to be liable or has executed an acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the crash.

2. An owner who is not the operator of the motor vehicle is not exempt from the requirements as to security and suspension in NRS 485.190 to 485.300, inclusive, if the owner holds a motor vehicle liability policy which provides coverage only when the owner is operating the motor vehicle and, at the time of the crash, another person is operating the motor vehicle with the express or implied permission of the owner.

**Credits**

Added by Laws 1949, c. 127, §§ 4 [part], 5. NRS amended by Laws 1961, p. 140; Laws 1973, pp. 836, 1546; Laws 1979, p. 1515; Laws 1981, p. 1863; Laws 1987, p. 1091; Laws 1995, p. 2736; Laws 1999, c. 639, § 21, eff. July 1, 1999; Laws 2015, c. 317, § 48, eff. Jan. 1, 2016.

Notes of Decisions (1)

N. R. S. 485.200, NV ST 485.200

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485.210. Requirements as to policy or bond, NV ST 485.210

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.210

485.210. Requirements as to policy or bond

Effective: January 1, 2016

Currentness

For the purposes of NRS 485.200, a policy or bond is not effective unless:

1. The policy or bond is subject, if the crash has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$15,000 because of bodily injury to or death of one person in any one crash and, subject to the limit for one person, to a limit of not less than \$30,000 because of bodily injury to or death of two or more persons in any one crash and, if the crash has resulted in injury to or destruction of property, to a limit of not less than \$10,000 because of injury to or destruction of property of others in any one crash; and

2. The insurance company or surety company issuing that policy or bond is authorized to do business in this State or, if the company is not authorized to do business in this State, unless it executes a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon that policy or bond arising out of a crash.

### Credits

Added by Laws 1949, c. 127, § 4 [part]. NRS amended by Laws 1961, p. 141; Laws 1963, p. 220; Laws 1969, p. 177; Laws 1981, p. 628; Laws 1985, p. 1958; Laws 1987, p. 1092; Laws 1995, p. 2737; Laws 2015, c. 317, § 49, eff. Jan. 1, 2016.

Notes of Decisions (2)

N. R. S. 485.210, NV ST 485.210

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485.220. Form and amount of security, NV ST 485.220

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.220

485.220. Form and amount of security

Effective: January 1, 2016

Currentness

1. The security required pursuant to NRS 485.190 to 485.300, inclusive, must be in such a form and amount as the Department may require, but in no case in excess of the limits specified in NRS 485.210 in reference to the acceptable limits of a policy or bond.

2. The person depositing the security shall specify in writing the person or persons on whose behalf the deposit is made and, at any time while the deposit is in the custody of the Department or the State Treasurer, the person depositing it may, in writing, amend the specification of the person or persons on whose behalf the deposit is made to include an additional person or persons, but a single deposit of security is applicable only on behalf of persons required to furnish security because of the same crash.

**Credits**

Added by Laws 1949, c. 127, § 8 [part]. NRS amended by Laws 1961, p. 141; Laws 1981, p. 1128; Laws 1995, p. 2737; Laws 1999, c. 639, § 22, eff. July 1, 1999; Laws 2015, c. 317, § 50, eff. Jan. 1, 2016.

N. R. S. 485.220, NV ST 485.220

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485.230. Duration of suspension; requirements for reinstatement, NV ST 485.230

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.230

485.230. Duration of suspension; requirements for reinstatement

Effective: January 1, 2016

Currentness

1. The license, all registrations and the nonresident's operating privilege suspended as provided in NRS 485.190 must remain so suspended and may not be renewed nor may any license or registration be issued to any such person until:

(a) The person deposits or there is deposited on his or her behalf the security required under NRS 485.190;

(b) Two years have elapsed following the date of the crash and evidence satisfactory to the Department has been filed with it that during that period no action for damages arising out of the crash has been instituted; or

(c) Evidence satisfactory to the Department has been filed with it of a release from liability, or a final adjudication of nonliability, or an acknowledged written agreement, in accordance with NRS 485.190.

2. Upon any default in the payment of any installment under any acknowledged written agreement, and upon notice of the default, the Department shall suspend the license and all registrations or the nonresident's operating privilege of the person defaulting, which may not be restored until:

(a) The person deposits and thereafter maintains security as required under NRS 485.190 in such an amount as the Department may then determine; or

(b) One year has elapsed following the date of default, or 2 years following the date of the crash, whichever is greater, and during that period no action upon the agreement has been instituted in a court in this State.

**485.230. Duration of suspension; requirements for reinstatement, NV ST 485.230**

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3. Proof of financial responsibility, as set forth in NRS 485.307, is an additional requirement for reinstatement of the operator's license and registrations under this section. The person shall maintain proof of financial responsibility for 3 years after the date of reinstatement of the license in accordance with the provisions of this chapter. If the person fails to do so the Department shall suspend the license and registrations.

**Credits**

Added by Laws 1949, c. 127, § 6. NRS amended by Laws 1957, p. 721; Laws 1961, p. 141; Laws 1981, p. 1864; Laws 1985, p. 1175; Laws 1999, c. 639, § 23, eff. July 1, 1999; Laws 2015, c. 317, § 51, eff. Jan. 1, 2016.

N. R. S. 485.230, NV ST 485.230

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485.240. Application to nonresidents, unlicensed drivers,...., NV ST 485.240

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.240

485.240. Application to nonresidents, unlicensed drivers, unregistered motor vehicles and crashes in other states

Effective: January 1, 2016

Currentness

1. If the operator or the owner of a motor vehicle involved in a crash within this State has no license or registration, or is a nonresident, the operator or owner must not be allowed a license or registration until the operator or owner has complied with the requirements of NRS 485.190 to 485.300, inclusive, to the same extent that would be necessary if, at the time of the crash, the operator or owner had held a license and registration.

2. When a nonresident's operating privilege is suspended pursuant to NRS 485.190 or 485.230, the Department shall transmit a certified copy of the record of that action to the officer in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides, if the law of that state provides for action in relation thereto similar to that provided for in subsection 3.

3. Upon receipt of a certification that the operating privilege of a resident of this State has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle crash, under circumstances which would require the Department to suspend a nonresident's operating privilege had the crash occurred in this State, the Department shall suspend the license of the resident if the resident was the operator, and all of his or her registrations if the resident was the owner of a motor vehicle involved in that crash. The suspension must continue until the resident furnishes evidence of compliance with the law of the other state relating to the deposit of that security.

#### Credits

Added by Laws 1949, c. 127, § 7. NRS amended by Laws 1957, p. 722; Laws 1961, p. 142; Laws 1981, p. 1128; Laws 1995, p. 2737; Laws 1999, c. 639, § 24, eff. July 1, 1999; Laws 2015, c. 317, § 52, eff. Jan. 1, 2016.

N. R. S. 485.240, NV ST 485.240

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**485.240. Application to nonresidents, unlicensed drivers,...., NV ST 485.240**

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485.250. Authority of Department to reduce amount of security, NV ST 485.250

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.250

485.250. Authority of Department to reduce amount of security

Effective: January 1, 2016

Currentness

The Department may reduce the amount of security ordered in any case within 6 months after the date of the crash if, in its judgment, the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposited over the reduced amount ordered must be returned to the depositor or his or her personal representative forthwith, notwithstanding the provisions of NRS 485.270.

**Credits**

Added by Laws 1949, c. 127, § 8 [part]. NRS amended by Laws 1961, p. 143; Laws 1999, c. 639, § 25, eff. July 1, 1999; Laws 2015, c. 317, § 53, eff. Jan. 1, 2016.

N. R. S. 485.250, NV ST 485.250

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485.260. Custody of security, NV ST 485.260

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.260

485.260. Custody of security

Currentness

Security deposited pursuant to the requirements of NRS 485.190 to 485.300, inclusive, must be placed by the Department in the custody of the State Treasurer.

**Credits**

Added by Laws 1949, c. 127, § 9 [part]. Amended by Laws 1955, p. 192; NRS amended by Laws 1961, p. 143; Laws 1981, p. 1129; Laws 1995, p. 2738; Laws 1999, c. 639, § 26, eff. July 1, 1999.

N. R. S. 485.260, NV ST 485.260

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485.270. Disposition of security, NV ST 485.270

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.270

485.270. Disposition of security

Effective: January 1, 2016

Currentness

Security deposited in compliance with the requirements of this chapter is applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit was made for damages arising out of the crash in question in an action at law, begun not later than 2 years after the date of the crash or within 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, or to the payment in settlement, agreed to by the depositor, of a claim or claims arising out of the crash.

**Credits**

Added by Laws 1949, c. 127, § 9 [part]. Amended by Laws 1955, p. 192; Laws 1957, p. 722; Laws 1981, p. 1865; Laws 2015, c. 317, § 54, eff. Jan. 1, 2016.

N. R. S. 485.270, NV ST 485.270

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.280. Return of deposit, NV ST 485.280

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.280

485.280. Return of deposit

Effective: January 1, 2016

Currentness

A deposit or any balance thereof must be returned to the depositor or his or her personal representative:

1. When evidence satisfactory to the Department has been filed with it that there has been a release from liability, a final adjudication of nonliability or an acknowledged agreement, in accordance with paragraph (h) of subsection 1 of NRS 485.200; or

2. If 2 years after the date of the crash or 1 year after the date of deposit of any security under NRS 485.230, whichever period is longer, the Department is given reasonable evidence that there is no action pending and no judgment rendered in such an action left unpaid.

**Credits**

Added by Laws 1949, c. 127, § 9 [part]. Amended by Laws 1955, p. 192; Laws 1961, p. 143; Laws 1981, p. 1865; Laws 1987, p. 1093; Laws 1999, c. 639, § 27, eff. July 1, 1999; Laws 2015, c. 317, § 55, eff. Jan. 1, 2016.

N. R. S. 485.280, NV ST 485.280

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.290. Transfers of deposits to State Highway Fund; procedure..., NV ST 485.290

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.290

485.290. Transfers of deposits to State Highway Fund; procedure for payment of claimants after transfer

Currentness

1. In cases where a return to a depositor or his or her personal representative is authorized and warranted under NRS 485.280 but the address or present whereabouts of the depositor is unknown and cannot be readily ascertained by the Department, the security deposited may, 90 days after its return would be authorized by NRS 485.280, be transferred from the custody of the State Treasurer to the State Highway Fund for the general use of the Department of Transportation upon the written and certified request of the Department.
2. The request made by the Department must state the names of the parties, the dates and a concise statement of the facts involved and must be forwarded in duplicate to the State Controller and the State Treasurer.
3. The State Controller and the State Treasurer are directed to transfer the amounts of security deposits from the custody of the State Treasurer to the State Highway Fund to effectuate the purposes of this section upon being satisfied that the provisions of this chapter have been complied with.
4. If the depositor of the security or his or her rightful heirs or legatees, within 5 years after the transfer of the deposit to the State Highway Fund, present a verified claim to the Department and make proof of the validity of the claim, the Department, if it is satisfied as to the validity of the claim, may determine the amount thereby found to be due and certify it to the State Controller who shall draw a warrant therefor on the State Treasurer, who shall pay the warrant out of the State Highway Fund.
5. If the Department denies the validity of the claim, the claimant, upon notice to the Attorney General, has a right to appeal to the First Judicial District Court of the State of Nevada, in and for Carson City, and present proof of the validity of the claim. If, after hearing, the court is satisfied the claimant is rightfully entitled to the deposit, the court shall enter a decree that the money be paid to the claimant. The decree must be certified to the State Board of Examiners, stating the amount thereby found to be due, and the State Board of Examiners shall allow the amount and certify it to the State Controller who shall draw a warrant therefor on the State Treasurer, who shall pay the warrant out of the State Highway Fund.

**485.290. Transfers of deposits to State Highway Fund; procedure..., NV ST 485.290**

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6. The amounts in the custody of the State Treasurer on March 19, 1955, falling under the provisions of this section, may be transferred to the State Highway Fund, after the expiration of 90 days from March 19, 1955, in accordance with the provisions of this section.

**Credits**

Added by Laws 1949, c. 127, § 9 [part]. Amended by Laws 1955, p. 192; NRS amended by Laws 1961, p. 143; Laws 1971, p. 231; Laws 1979, p. 1815; Laws 1999, c. 639, § 28, eff. July 1, 1999.

N. R. S. 485.290, NV ST 485.290

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.300. Matters not to be evidence in civil suits, NV ST 485.300

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Security Following Crash

N.R.S. 485.300

485.300. Matters not to be evidence in civil suits

Currentness

Any action taken by the department pursuant to NRS 485.190 to 485.300, inclusive, the findings, if any, of the department upon which the action is based and the security filed pursuant to NRS 485.190 to 485.300, inclusive, are privileged against disclosure at the trial of any action at law to recover damages.

**Credits**

Added by Laws 1949, c. 127, § 10. NRS amended by Laws 1961, p. 144; Laws 1971, p. 809; Laws 1981, p. 1129; Laws 1995, p. 2738; Laws 1999, c. 639, § 29, eff. July 1, 1999.

N. R. S. 485.300, NV ST 485.300

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.301. Judgment creditor authorized to report nonpayment of..., NV ST 485.301

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles; Insurance and Financial Responsibility (Refs & Annos)

Nonpayment of Judgment

N.R.S. 485.301

485.301. Judgment creditor authorized to report nonpayment of judgment entered as result of motor vehicle crash; Department to transmit copy of judgment to nonresident's state

Effective: January 1, 2016

Currentness

1. Whenever any person fails within 60 days to satisfy any judgment that was entered as a result of a crash involving a motor vehicle, the judgment creditor or the judgment creditor's attorney may forward to the Department immediately after the expiration of the 60 days a certified copy of the judgment.

2. If the defendant named in any certified copy of a judgment that was entered as a result of a crash involving a motor vehicle and reported to the Department is a nonresident, the Department shall transmit a certified copy of the judgment to the officer in charge of the issuance of licenses and registration certificates of the state in which the defendant is a resident.

**Credits**

Added by Laws 1957, p. 723. Amended by Laws 1961, p. 144; Laws 1983, p. 266; Laws 1999, c. 639, § 30, eff. July 1, 1999; Laws 2007, c. 433, § 9; Laws 2015, c. 317, § 56, eff. Jan. 1, 2016.

N. R. S. 485.301, NV ST 485.301

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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**485.302. Suspension for nonpayment of judgment; exceptions, NV ST 485.302**

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles; Insurance and Financial Responsibility (Refs & Annos)

Nonpayment of Judgment

N.R.S. 485.302

**485.302. Suspension for nonpayment of judgment; exceptions**

Currentness

1. The Department shall, upon the receipt of a certified copy of a judgment, suspend the license, all registrations and any nonresident's operating privilege of any person against whom the judgment was rendered, except as otherwise provided in this section and in NRS 485.305.

2. If the judgment creditor consents in writing, in such a form as the Department may prescribe, that the judgment debtor be allowed a license and registration or nonresident's operating privilege, it may be allowed by the Department until the consent is revoked in writing, notwithstanding default in the payment of the judgment or of any installments thereof prescribed in NRS 485.305, if the judgment debtor furnishes proof of financial responsibility as provided in NRS 485.307. The debtor shall maintain proof of financial responsibility for 3 years after the date of reinstatement of the license pursuant to the provisions of this chapter. If the debtor fails to do so, the Department shall suspend the license and registrations of the debtor.

**Credits**

Added by Laws 1957, p. 723. Amended by Laws 1961, p. 144; Laws 1985, p. 1176; Laws 1995, p. 2738; Laws 1999, c. 639, § 31, eff. July 1, 1999.

N. R. S. 485.302, NV ST 485.302

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.305. Payment of judgment in installments; default, NV ST 485.305

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Nonpayment of Judgment

N.R.S. 485.305

485.305. Payment of judgment in installments; default

Currentness

1. A judgment debtor upon notice to the judgment creditor may apply to the court in which the judgment was rendered for the privilege of paying the judgment in installments and the court, without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

2. The Department shall not suspend a license, registration or a nonresident's operating privilege, and shall restore any license, registrations or nonresident's operating privilege suspended following nonpayment of a judgment, if the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of the judgment in installments, and while the payment of any such installment is not in default. The requirements of this section for reinstatement of a license, registration or privilege are in addition to the requirements of NRS 485.307.

3. If the judgment debtor fails to pay any installment as specified by such an order, upon notice of the default, the Department shall forthwith suspend the license, registrations or nonresident's operating privilege of the judgment debtor until the judgment is satisfied, as provided in this chapter.

**Credits**

Added by Laws 1957, p. 724. Amended by Laws 1961, p. 145; Laws 1985, p. 1177; Laws 1999, c. 639, § 32, eff. July 1, 1999.

Notes of Decisions (2)

N. R. S. 485.305, NV ST 485.305

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.



485.307. Alternate methods of giving proof; proof required before..., NV ST 485.307

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.307

485.307. Alternate methods of giving proof; proof required before registration is restored

Effective: January 1, 2016

Currentness

1. Proof of financial responsibility, when required pursuant to this title, may be given by filing:

(a) A certificate of financial responsibility as provided in NRS 485.308 or 485.309; or

(b) A certificate of self-insurance, as provided in NRS 485.380, supplemented by an agreement by the self-insurer that, with respect to crashes occurring while the certificate is in force, the self-insurer will pay the same judgments and in the same amounts that an insurer would have been obligated to pay under an owner's policy of liability insurance if it had issued such a policy to the self-insurer.

2. Whenever the Department restores a license, permit or privilege of driving a vehicle in this State which has been revoked, no motor vehicle may be or continue to be registered in the name of the person whose license, permit or privilege was revoked unless proof of financial responsibility is furnished by that person.

**Credits**

Added by Laws 1957, p. 725. Amended by Laws 1985, p. 1177; Laws 1987, p. 1093; Laws 1993, p. 2486; Laws 1995, p. 2738; Laws 2015, c. 317, § 58, eff. Jan. 1, 2016.

N. R. S. 485.307, NV ST 485.307

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.3075. Proof required before reinstatement of license or..., NV ST 485.3075

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3075

485.3075. Proof required before reinstatement of license or registrations suspended for failure to maintain proof; duration; penalty

Currentness

A person whose license or registrations are suspended for failure to maintain proof of financial responsibility as required pursuant to this title must provide proof of financial responsibility pursuant to NRS 485.307 before the person's license or registrations will be reinstated. The person must maintain proof of financial responsibility for 3 years after the date of the reinstatement of his or her license pursuant to the provisions of this chapter. If the person fails to do so, the Department shall suspend his or her license and registrations.

**Credits**

Added by Laws 1995, p. 2734. Amended by Laws 1999, c. 639, § 33, eff. July 1, 1999.

N. R. S. 485.3075, NV ST 485.3075

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.308. Certificate of insurance as proof; filing of certificate by..., NV ST 485.308

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.308

485.308. Certificate of insurance as proof; filing of certificate by electronic or other means; insurance carrier to notify Department before cancelling or terminating policy

Currentness

1. Proof of financial responsibility may be furnished by filing with the Department the written certificate of any insurance carrier authorized to do business in this State certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. The certificate must specify its effective date and:

(a) If the policy is an owner's policy of liability insurance, designate by appropriate reference all motor vehicles covered by it; or

(b) If the policy is an operator's policy of liability insurance, designate the person covered.

2. The Department may authorize the filing of the certificates described in subsection 1 by electronic transmission or any other means deemed appropriate by the Department.

3. An insurance carrier that certifies the existence of a motor vehicle liability policy pursuant to subsection 1, must notify the Department at least 10 days before the cancellation or termination of the policy.

**Credits**

Added by Laws 1957, p. 725. Amended by Laws 1961, p. 146; Laws 1973, p. 837; Laws 1979, p. 1515; Laws 1985, p. 1178; Laws 1987, p. 1093; Laws 1993, p. 2487; Laws 1995, p. 2739; Laws 1999, c. 639, § 34, eff. July 1, 1999.

N. R. S. 485.308, NV ST 485.308

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and

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**485.308. Certificate of insurance as proof; filing of certificate by..., NV ST 485.308**

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485.309. Certificate furnished by nonresident as proof, NV ST 485.309

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.309

485.309. Certificate furnished by nonresident as proof

Effective: January 1, 2016

Currentness

1. The nonresident owner of a motor vehicle not registered in this State or a nonresident operator of a motor vehicle may give proof of financial responsibility by filing with the Department a written certificate of an insurance carrier authorized to transact business:

(a) If the insurance provides coverage for the vehicle, in the state in which the motor vehicle described in the certificate is registered; or

(b) If the insurance provides coverage for the operator only, in the state in which the insured resides,

if the certificate otherwise conforms to the provisions of this chapter.

2. The Department shall accept the proof upon condition that the insurance carrier complies with the following provisions with respect to the policies so certified:

(a) The insurance carrier shall execute a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action arising out of a crash involving a motor vehicle in this State; and

(b) The insurance carrier shall agree in writing that the policies shall be deemed to conform with the laws of this State relating to the terms of liability policies for owners of motor vehicles.

3. If any insurance carrier not authorized to transact business in this State, which has qualified to furnish proof of financial

**485.309. Certificate furnished by nonresident as proof, NV ST 485.309**

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responsibility, defaults in any undertakings or agreements, the Department shall not thereafter accept as proof any certificate of that carrier whether theretofore filed or thereafter tendered as proof, as long as the default continues.

**Credits**

Added by Laws 1957, p. 725. Amended by Laws 1961, p. 146; Laws 1985, p. 1958; Laws 1987, p. 1094; Laws 1999, c. 639, § 35, eff. July 1, 1999; Laws 2015, c. 317, § 59, eff. Jan. 1, 2016.

N. R. S. 485.309, NV ST 485.309

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485.3091. Motor vehicle liability policy: Requirements, NV ST 485.3091

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3091

485.3091. Motor vehicle liability policy: Requirements

Effective: January 1, 2016

Currentness

1. An owner's policy of liability insurance must:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one crash, \$15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one crash, \$30,000; and

(3) Because of injury to or destruction of property of others in any one crash, \$10,000.

2. An operator's policy of liability insurance must insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph (b) of subsection 1.

**485.3091. Motor vehicle liability policy: Requirements, NV ST 485.3091**

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3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph (b) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers,



**485.3091. Motor vehicle liability policy: Requirements, NV ST 485.3091**

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which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

**Credits**

Added by Laws 1957, p. 726. Amended by Laws 1963, p. 222; Laws 1967, p. 1203; Laws 1969, p. 178; Laws 1973, p. 837; Laws 1979, p. 1516; Laws 1981, p. 628; Laws 1987, p. 1094; Laws 2015, c. 317, § 60, eff. Jan. 1, 2016.

Notes of Decisions (23)

N. R. S. 485.3091, NV ST 485.3091

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485.3092. Cancellation or termination of policy: Notice required;..., NV ST 485.3092

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3092

485.3092. Cancellation or termination of policy: Notice required; suspension required if effective date within 3 years after reinstatement

Currentness

When an insurance carrier has issued a motor vehicle liability policy, the insurance so issued must not be cancelled or terminated until at least 10 days after a notice of cancellation or termination of the insurance has been mailed first class or delivered to the insured and, if the insurance carrier has certified the policy under NRS 485.308 or 485.309, a notice has also been filed in the office of the Department. A policy subsequently procured and certified, on the effective date of its certification, terminates the insurance previously certified with respect to any motor vehicle designated or the person named as the insured operator in both certificates. If the effective date of the termination is within 3 years after the date of reinstatement of a license, registration or privilege, the Department shall suspend the license and registration or privilege.

#### Credits

Added by Laws 1957, p. 727. Amended by Laws 1961, p. 146; Laws 1967, p. 1204; Laws 1985, pp. 1061, 1178; Laws 1987, p. 1096; Laws 1999, c. 639, § 36, eff. July 1, 1999.

N. R. S. 485.3092, NV ST 485.3092

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485.3093. Chapter not to affect other policies, NV ST 485.3093

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3093

485.3093. Chapter not to affect other policies

Currentness

1. This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this State, and such policies, if they contain an agreement or are endorsed to conform to the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

2. This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his or her behalf of motor vehicles not owned by the insured.

**Credits**

Added by Laws 1957, p. 728.

N. R. S. 485.3093, NV ST 485.3093

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485.3098. Other proof may be required, NV ST 485.3098

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3098

485.3098. Other proof may be required

Currentness

Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the Department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration or the nonresident's operating privilege pending the filing of such other proof.

**Credits**

Added by Laws 1957, p. 729. Amended by Laws 1961, p. 148; Laws 1999, c. 639, § 37, eff. July 1, 1999.

N. R. S. 485.3098, NV ST 485.3098

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.3099. Department, under certain circumstances, to consent to..., NV ST 485.3099

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Proof of Financial Responsibility

N.R.S. 485.3099

485.3099. Department, under certain circumstances, to consent to cancellation of certificate or waive requirement of proof; re-establishment of proof

Effective: October 1, 2007

Currentness

1. The Department shall, upon request, consent to the immediate cancellation of any certificate of financial responsibility or waive the requirement of filing proof of financial responsibility, in the following events:

(a) The death of the person on whose behalf the proof of financial responsibility was filed or the permanent incapacity of the person to operate a motor vehicle; or

(b) If the person who is required to file proof of financial responsibility surrenders his or her license and registration to the Department.

2. If a person who surrenders his or her license and registration pursuant to paragraph (b) of subsection 1 applies for a license or registration within a period of 3 years after the date proof of financial responsibility was originally required, the application must be refused unless the applicant re-establishes proof of financial responsibility for the remainder of the 3-year period.

**Credits**

Added by Laws 1957, p. 729. Amended by Laws 1961, p. 148; Laws 1995, p. 2739; Laws 1999, c. 639, § 38, eff. July 1, 1999; Laws 2007, c. 433, § 10.

N. R. S. 485.3099, NV ST 485.3099

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

485.317. Department to verify insurance for each motor vehicle..., NV ST 485.317

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles: Insurance and Financial Responsibility (Refs & Annos)

Verification of Proof of Financial Responsibility

N.R.S. 485.317

485.317. Department to verify insurance for each motor vehicle registered in this State; owner to respond to inquiry when Department unable to verify insurance; suspension of registration when insurance cannot be verified; reinstatement of registration

Effective: June 2, 2013 to December 31, 2016

Currentness

<Section effective until Jan. 1, 2017, or the date, if earlier, the Department of Motor Vehicles has sufficient resources to carry out the amendatory provisions of Laws 2015, c. 326, and all required notifications of that fact are promulgated by the Department. See, also, section effective upon that date.>

1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.
2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.
3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.
4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

**485.317. Department to verify insurance for each motor vehicle..., NV ST 485.317**

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5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and compliance with the requirements for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances or that the motor vehicle was a dormant vehicle and the owner failed to cancel the registration in accordance with subsection 3 of NRS 485.320, the Department may:

(a) Reinstatement of the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Remove the suspension of the registration without the payment of a fee or administrative fine.

The Department shall adopt regulations to carry out the provisions of this subsection.

**Credits**

Added by Laws 1981, p. 1691. Amended by Laws 1983, p. 1133; Laws 1985, p. 730; Laws 1987, pp. 320, 686, 1097, 1499; Laws 1989, p. 1262; Laws 1993, pp. 272, 1393, 2487. Substituted in 1993 revision for NRS 485.383. Amended by Laws 1995, p. 2741; Laws 1997, c. 298, § 6, eff. July 5, 1997; Laws 1997, c. 551, § 2, eff. Jan. 1, 1998; Laws 2001, c. 125, § 2, eff. July 1, 2001; Laws 2001 (17th ss), c. 15, § 4, eff. Jan. 1, 2002; Laws 2005, c. 472, § 10; Laws 2009, c. 396, § 7, eff. Feb. 1, 2010; Laws 2011, c. 280, § 6, eff. July 1, 2011; Laws 2013, c. 350, § 4, eff. June 2, 2013.

**Notes of Decisions (1)**

N. R. S. 485.317, NV ST 485.317

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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485.326. Suspension of license for failure to maintain insurance, NV ST 485.326

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West's Nevada Revised Statutes Annotated

Title 43. Public Safety; Vehicles; Watercraft (Chapters 480-490)

Chapter 485. Motor Vehicles; Insurance and Financial Responsibility (Refs & Annos)

Violations and Penalties

N.R.S. 485.326

485.326. Suspension of license for failure to maintain insurance

Currentness

1. The Department shall suspend the license of any person convicted of violating the provisions of paragraph (a) of subsection 1 of NRS 485.187.

2. Any license suspended pursuant to subsection 1 must remain suspended until the person shows proof of financial responsibility as set forth in NRS 485.307. The person shall maintain proof of financial responsibility for 3 years after the reinstatement of his or her license pursuant to the provisions of this chapter, and if the person fails to do so, the Department shall suspend any license previously suspended pursuant to subsection 1.

**Credits**

Added by Laws 1981, p. 1861. Amended by Laws 1985, pp. 1178, 1959; Laws 1987, pp. 1096, 1442; Laws 1993, p. 2487; Laws 1995, pp. 700, 2742; Laws 1999, c. 639, § 40, eff. July 1, 1999.

Notes of Decisions (1)

N. R. S. 485.326, NV ST 485.326

Current through the end of the 78th Regular Session (2015) and 29th Special Session (2015) of the Nevada Legislature and subject to revision and classification by the Legislative Counsel Bureau.

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§ 1772. Suspension for nonpayment of judgments, PA ST 75 Pa.C.S.A. § 1772

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Purdon's Pennsylvania Statutes and Consolidated Statutes

Title 75 Pa.C.S.A. Vehicles (Refs & Annos)

Part II. Title, Registration and Licensing (Refs & Annos)

Chapter 17. Financial Responsibility (Refs & Annos)

Subchapter G. Nonpayment of Judgments (Refs & Annos)

75 Pa.C.S.A. § 1772

§ 1772. Suspension for nonpayment of judgments

Currentness

(a) **General rule.**--The department, upon receipt of a certified copy of a judgment, shall suspend the operating privilege of each person against whom the judgment was rendered except as otherwise provided in this section and in section 1775 (relating to installment payment of judgments).

(b) **Nonsuspension with consent of judgment creditor.**--If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor's operating privilege be retained or restored, the department shall not suspend or shall restore until the consent is revoked in writing, notwithstanding default in the payment of the judgment, or of any installment thereof prescribed in section 1775, provided the judgment debtor furnishes proof of financial responsibility.

(c) **Financial responsibility in effect at time of accident.**--Any person whose operating privilege has been suspended, or is about to be suspended or become subject to suspension, under this chapter shall be relieved from the effect of the judgment as prescribed in this chapter if the person files evidence satisfactory to the department that financial responsibility was in force and effect at the time of the accident resulting in the judgment and is or should be available for the satisfaction of the judgment. If insurance already obtained is not available because the insurance company has gone into receivership or bankruptcy, the person shall only be required to present to or file with the department proper evidence that an insurance policy was in force and effect at the time of the accident.

**Credits**

1984, Feb. 12, P.L. 26, No. 11, § 3, effective Oct. 1, 1984.

Notes of Decisions (25)

Harmon, Sarah 7/25/2016  
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**§ 1772. Suspension for nonpayment of judgments, PA ST 75 Pa.C.S.A. § 1772**

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75 Pa.C.S.A. § 1772, PA ST 75 Pa.C.S.A. § 1772  
Current through 2016 Regular Session Acts 1 to 50, 52 to 75, 77 and 80

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§ 20-279.1. Definitions, NC ST § 20-279.1

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West's North Carolina General Statutes Annotated

Chapter 20. Motor Vehicles (Refs & Annos)

Article 9a. Motor Vehicle Safety and Financial Responsibility Act of 1953 (Refs & Annos)

N.C.G.S.A. § 20-279.1

§ 20-279.1. Definitions

Currentness

The following words and phrases, when used in this Article, shall, for the purposes of this Article, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) Repealed by Laws 1973, c. 1330, § 39.

(2) Repealed by Laws 1991, c. 726, § 20.

(3) "Judgment": Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(4) to (6) Repealed by Laws 1973, c. 1330, § 39.

<Text of (6a) eff. July 1, 2016.>

(6a) Motor vehicle.--This term includes mopeds, as that term is defined in G.S. 20-4.01.

(7) "Nonresident's operating privilege": The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by him of a motor vehicle in this State.

§ 20-279.1. Definitions, NC ST § 20-279.1

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(8) to (10) Repealed by Laws 1973, c. 1330, § 39.

(11) "Proof of financial responsibility": Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of thirty thousand dollars (\$30,000) because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of sixty thousand dollars (\$60,000) because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident. Nothing contained herein shall prevent an insurer and an insured from entering into a contract, not affecting third parties, providing for a deductible as to property damage at a rate approved by the Commissioner of Insurance.

(12) Repealed by Laws 1973, c. 1330, § 39.

**Credits**

Added by Laws 1953, c. 1300, § 1. Amended by Laws 1955, c. 1152, § 3; Laws 1955, c. 1355; Laws 1967, c. 277, § 1; Laws 1971, c. 1205, § 1; Laws 1973, c. 745, § 1; Laws 1973, c. 1330, § 39; Laws 1979, c. 832, § 1; Laws 1991, c. 469, § 1; Laws 1991, c. 726, § 20; S.L. 1999-228, § 1, eff. July 1, 2000; S.L. 2015-125, § 2, eff. July 1, 2016.

Notes of Decisions (28)

N.C.G.S.A. § 20-279.1, NC ST § 20-279.1

The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-50 of the 2016 Extra and Regular Sessions of the General Assembly.

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§ 20-279.5. Security required unless evidence of insurance;..., NC ST § 20-279.5

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West's North Carolina General Statutes Annotated

Chapter 20. Motor Vehicles (Refs & Annos)

Article 9a. Motor Vehicle Safety and Financial Responsibility Act of 1953 (Refs & Annos)

N.C.G.S.A. § 20-279.5

§ 20-279.5. Security required unless evidence of insurance; when security determined; suspension; exceptions

Currentness

(a) When the Division receives a report of a reportable accident under G.S. 20-166.1, the Commissioner must determine whether the owner or driver of a vehicle involved in the accident must file security under this Article and, if so, the amount of security the owner or driver must file. The Commissioner must make this determination at the end of 20 days after receiving the report.

(b) The Commissioner shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and each owner of a motor vehicle in any manner involved in such accident, and if such operator or owner is a nonresident the privilege of operating a motor vehicle within this State, unless such operator or owner, or both, shall deposit security in the sum so determined by the Commissioner; provided, notice of such suspension shall be sent by the Commissioner to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security; provided further, the provisions of this Article requiring the deposit of security and the suspension of license for failure to deposit security shall not apply to an operator or owner who would otherwise be required to deposit security in an amount not in excess of one hundred dollars (\$100.00). Where erroneous information is given the Commissioner with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section or with respect to the ownership or operation of the vehicle, the extent of damage and injuries, or any other matters which would have affected the Commissioner's action had the information been previously submitted, he shall take appropriate action as hereinbefore provided, within 60 days after receipt by him of correct information with respect to said matters. The Commissioner, upon request and in his discretion, may postpone the effective date of the suspension provided in this section by 15 days if, in his opinion, such extension would aid in accomplishing settlements of claims by persons involved in accidents.

(c) This section shall not apply under the conditions stated in G.S. 20-279.6 nor:

(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident a motor vehicle liability policy or bond with respect to his operation of motor vehicles not owned by him;

§ 20-279.5. Security required unless evidence of insurance;..., NC ST § 20-279.5

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(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the Commissioner, covered by any other form of liability insurance policy or bond or sinking fund or group assumption of liability;

(4) To any person qualifying as a self-insurer, nor to any operator for a self-insurer if, in the opinion of the Commissioner from the information furnished him, the operator at the time of the accident was probably operating the vehicle in the course of the operator's employment as an employee or officer of the self-insurer; nor

(5) To any employee of the United States government while operating a vehicle in its service and while acting within the scope of his employment, such operations being fully protected by the Federal Tort Claims Act of 1946, which affords ample security to all persons sustaining personal injuries or property damage through the negligence of such federal employee.

No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this State, except that if such motor vehicle was not registered in this State, or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond, or the most recent renewal thereof, or if such operator not an owner was a nonresident of this State, such policy or bond shall not be effective under this section unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Commissioner to accept service on its behalf of notice or process in any action upon such policy, or bond arising out of such accident, and unless said insurance company or surety company, if not authorized to do business in this State, is authorized to do business in the state or other jurisdiction where the motor vehicle is registered or, if such policy or bond is filed on behalf of an operator not an owner who was a nonresident of this State, unless said insurance company or surety company, if not authorized to do business in this State, is authorized to do business in the state or other jurisdiction of residence of such operator; provided, however, every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than thirty thousand dollars (\$30,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than sixty thousand dollars (\$60,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident.

#### Credits

Added by Laws 1953, c. 1300, § 5. Amended by Laws 1955, c. 138; Laws 1955, c. 854; Laws 1955, c. 855, § 1; Laws 1955, c. 1152, §§ 4 to 8; Laws 1955, c. 1355; Laws 1967, c. 277, § 2; Laws 1971, c. 763, § 3; Laws 1973, c. 745, § 2; Laws 1979, c. 832, § 2; Laws 1983, c. 691, § 2; Laws 1991, c. 469, § 2; Laws 1995, c. 191, § 5, eff. Jan. 1, 1996; S.L. 1999-228, § 2, eff. July, 1, 2000.

Notes of Decisions (20)

Harmon, Sarah 7/25/2016  
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**§ 20-279.5. Security required unless evidence of insurance;..., NC ST § 20-279.5**

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N.C.G.S.A. § 20-279.5, NC ST § 20-279.5

The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-50 of the 2016 Extra and Regular Sessions of the General Assembly.

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§ 20-279.12. Courts to report nonpayment of judgments, NC ST § 20-279.12

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West's North Carolina General Statutes Annotated

Chapter 20. Motor Vehicles (Refs & Annos)

Article 9a. Motor Vehicle Safety and Financial Responsibility Act of 1953 (Refs & Annos)

N.C.G.S.A. § 20-279.12

§ 20-279.12. Courts to report nonpayment of judgments

Currentness

Whenever any person fails within 60 days to satisfy any judgment, upon the written request of the judgment creditor or his attorney it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this State, to forward to the Commissioner immediately after the expiration of said 60 days, a certified copy of such judgment.

If the defendant named in any certified copy of a judgment reported to the Commissioner is a nonresident, the Commissioner shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registration certificates of the state of which the defendant is a resident.

**Credits**

Added by Laws 1953, c. 1300, § 12.

N.C.G.S.A. § 20-279.12, NC ST § 20-279.12

The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-50 of the 2016 Extra and Regular Sessions of the General Assembly.

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§ 20-279.13. Suspension for nonpayment of judgment; exceptions, NC ST § 20-279.13

West's North Carolina General Statutes Annotated

Chapter 20. Motor Vehicles (Refs & Annos)

Article 9a. Motor Vehicle Safety and Financial Responsibility Act of 1953 (Refs & Annos)

N.C.G.S.A. § 20-279.13

§ 20-279.13. Suspension for nonpayment of judgment; exceptions

Currentness

(a) The Commissioner, upon the receipt of a certified copy of a judgment, which has remained unsatisfied for a period of 60 days, shall forthwith suspend the license and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this section and in G.S. 20-279.16.

(b) The Commissioner shall not, however, revoke or suspend the license of an owner or driver if the insurance carried by him was in a company which was authorized to transact business in this State and which subsequent to an accident involving the owner or operator and prior to settlement of the claim therefor went into liquidation, so that the owner or driver is thereby unable to satisfy the judgment arising out of the accident.

(c) If the judgment creditor consents in writing, in such form as the Commissioner may prescribe, that the judgment debtor be allowed license or nonresident's operating privilege, the same may be allowed by the Commissioner, in his discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in G.S. 20-279.16.

**Credits**

Added by Laws 1953, c. 1300, § 13. Amended by Laws 1965, c. 926, § 1; Laws 1969, c. 186, § 4; Laws 1979, c. 667, § 37.

Notes of Decisions (3)

N.C.G.S.A. § 20-279.13, NC ST § 20-279.13

The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-50 of the 2016 Extra and Regular Sessions of the General Assembly.

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§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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West's North Carolina General Statutes Annotated

Chapter 20. Motor Vehicles (Refs & Annos)

Article 9a. Motor Vehicle Safety and Financial Responsibility Act of 1953 (Refs & Annos)

N.C.G.S.A. § 20-279.21

§ 20-279.21. "Motor vehicle liability policy" defined

Effective: October 1, 2015

Currentness

(a) A "motor vehicle liability policy" as said term is used in this Article shall mean an owner's or an operator's policy of liability insurance, certified as provided in G.S. 20-279.19 or 20-279.20 as proof of financial responsibility, and issued, except as otherwise provided in G.S. 20-279.20, by an insurance carrier duly authorized to transact business in this State, to or for the benefit of the person named therein as insured.

(b) Except as provided in G.S. 20-309(a2), such owner's policy of liability insurance:

(1) Shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted;

(2) Shall insure the person named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, or any other persons in lawful possession, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle or motor vehicles within the United States of America or the Dominion of Canada subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows: thirty thousand dollars (\$30,000) because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, sixty thousand dollars (\$60,000) because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident; and

(3) No policy of bodily injury liability insurance, covering liability arising out of the ownership, maintenance, or use of any motor vehicle, shall be delivered or issued for delivery in this State with respect to any motor vehicle registered or principally garaged in this State unless coverage is provided therein or supplemental thereto, under provisions filed with and approved by the Commissioner of Insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. The limits of such uninsured motorist bodily injury coverage shall be equal to the highest limits of bodily injury liability

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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coverage for any one vehicle insured under the policy; provided, however, that (i) the limits shall not exceed one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per accident regardless of whether the highest limits of bodily injury liability coverage for any one vehicle insured under the policy exceed those limits and (ii) a named insured may purchase greater or lesser limits, except that the limits shall not be less than the bodily injury liability limits required pursuant to subdivision (2) of this subsection, and in no event shall an insurer be required by this subdivision to sell uninsured motorist bodily injury coverage at limits that exceed one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per accident. When the policy is issued and renewed, the insurer shall notify the named insured as provided in subsection (m) of this section. The provisions shall include coverage for the protection of persons insured under the policy who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of injury to or destruction of the property of such insured. The limits of such uninsured motorist property damage coverage shall be equal to the highest limits of property damage liability coverage for any one vehicle insured under the policy; provided, however, that (i) the limits shall not exceed one million dollars (\$1,000,000) per accident regardless of whether the highest limits of property damage liability coverage for any one vehicle insured under the policy exceed those limits and (ii) a named insured may purchase lesser limits, except that the limits shall not be less than the property damage liability limits required pursuant to subdivision (2) of this subsection. When the policy is issued and renewed, the insurer shall notify the named insured as provided in subsection (m) of this section. For uninsured motorist property damage coverage, the limits purchased by the named insured shall be subject, for each insured, to an exclusion of the first one hundred dollars (\$100.00) of such damages. The provision shall further provide that a written statement by the liability insurer, whose name appears on the certification of financial responsibility made by the owner of any vehicle involved in an accident with the insured, that the other motor vehicle was not covered by insurance at the time of the accident with the insured shall operate as a prima facie presumption that the operator of the other motor vehicle was uninsured at the time of the accident with the insured for the purposes of recovery under this provision of the insured's liability insurance policy.

If a person who is legally entitled to recover damages from the owner or operator of an uninsured motor vehicle is an insured under the uninsured motorist coverage of a policy that insures more than one motor vehicle, that person shall not be permitted to combine the uninsured motorist limit applicable to any one motor vehicle with the uninsured motorist limit applicable to any other motor vehicle to determine the total amount of uninsured motorist coverage available to that person. If a person who is legally entitled to recover damages from the owner or operator of an uninsured motor vehicle is an insured under the uninsured motorist coverage of more than one policy, that person may combine the highest applicable uninsured motorist limit available under each policy to determine the total amount of uninsured motorist coverage available to that person. The previous sentence shall apply only to insurance on nonfleet private passenger motor vehicles as described in G.S. 58-40-10(1) and (2).

In addition to the above requirements relating to uninsured motorist insurance, every policy of bodily injury liability insurance covering liability arising out of the ownership, maintenance or use of any motor vehicle, which policy is delivered or issued for delivery in this State, shall be subject to the following provisions which need not be contained therein.

- a. A provision that the insurer shall be bound by a final judgment taken by the insured against an uninsured motorist if the insurer has been served with copy of summons, complaint or other process in the action against the uninsured motorist by registered or certified mail, return receipt requested, or in any manner provided by law; provided however, that the determination of whether a motorist is uninsured may be decided only by an action against the insurer alone. The insurer, upon being served as herein provided, shall be a party to the action between the insured and the uninsured motorist though not named in the caption of the pleadings and may defend the suit in the name of the uninsured motorist or in its own name. The insurer, upon being served with copy of summons,

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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complaint or other pleading, shall have the time allowed by statute in which to answer, demur or otherwise plead (whether the pleading is verified or not) to the summons, complaint or other process served upon it. The consent of the insurer shall not be required for the initiation of suit by the insured against the uninsured motorist: Provided, however, no action shall be initiated by the insured until 60 days following the posting of notice to the insurer at the address shown on the policy or after personal delivery of the notice to the insurer or its agent setting forth the belief of the insured that the prospective defendant or defendants are uninsured motorists. No default judgment shall be entered when the insurer has timely filed an answer or other pleading as required by law. The failure to post notice to the insurer 60 days in advance of the initiation of suit shall not be grounds for dismissal of the action, but shall automatically extend the time for the filing of an answer or other pleadings to 60 days after the time of service of the summons, complaint, or other process on the insurer.

b. Where the insured, under the uninsured motorist coverage, claims that he has sustained bodily injury as the result of collision between motor vehicles and asserts that the identity of the operator or owner of a vehicle (other than a vehicle in which the insured is a passenger) cannot be ascertained, the insured may institute an action directly against the insurer: Provided, in that event, the insured, or someone in his behalf, shall report the accident within 24 hours or as soon thereafter as may be practicable, to a police officer, peace officer, other judicial officer, or to the Commissioner of Motor Vehicles. The insured shall also within a reasonable time give notice to the insurer of his injury, the extent thereof, and shall set forth in the notice the time, date and place of the injury. Thereafter, on forms to be mailed by the insurer within 15 days following receipt of the notice of the accident to the insurer, the insured shall furnish to insurer any further reasonable information concerning the accident and the injury that the insurer requests. If the forms are not furnished within 15 days, the insured is deemed to have complied with the requirements for furnishing information to the insurer. Suit may not be instituted against the insurer in less than 60 days from the posting of the first notice of the injury or accident to the insurer at the address shown on the policy or after personal delivery of the notice to the insurer or its agent. The failure to post notice to the insurer 60 days before the initiation of the suit shall not be grounds for dismissal of the action, but shall automatically extend the time for filing of an answer or other pleadings to 60 days after the time of service of the summons, complaint, or other process on the insurer.

Provided under this section the term "uninsured motor vehicle" shall include, but not be limited to, an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability within the limits specified therein because of insolvency.

An insurer's insolvency protection shall be applicable only to accidents occurring during a policy period in which its insured's uninsured motorist coverage is in effect where the liability insurer of the tort-feasor becomes insolvent within three years after such an accident. Nothing herein shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to the insured than is provided herein.

In the event of payment to any person under the coverage required by this section and subject to the terms and conditions of coverage, the insurer making payment shall, to the extent thereof, be entitled to the proceeds of any settlement for judgment resulting from the exercise of any limits of recovery of that person against any person or organization legally responsible for the bodily injury for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer.

For the purpose of this section, an "uninsured motor vehicle" shall be a motor vehicle as to which there is no bodily injury liability insurance and property damage liability insurance in at least the amounts specified in subsection (c) of

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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G.S. 20-279.5, or there is that insurance but the insurance company writing the insurance denies coverage thereunder, or has become bankrupt, or there is no bond or deposit of money or securities as provided in G.S. 20-279.24 or 20-279.25 in lieu of the bodily injury and property damage liability insurance, or the owner of the motor vehicle has not qualified as a self-insurer under the provisions of G.S. 20-279.33, or a vehicle that is not subject to the provisions of the Motor Vehicle Safety and Financial Responsibility Act; but the term "uninsured motor vehicle" shall not include:

- a. A motor vehicle owned by the named insured;
- b. A motor vehicle that is owned or operated by a self-insurer within the meaning of any motor vehicle financial responsibility law, motor carrier law or any similar law;
- c. A motor vehicle that is owned by the United States of America, Canada, a state, or any agency of any of the foregoing (excluding, however, political subdivisions thereof);
- d. A land motor vehicle or trailer, if operated on rails or crawler-treads or while located for use as a residence or premises and not as a vehicle; or
- e. A farm-type tractor or equipment designed for use principally off public roads, except while actually upon public roads.

For purposes of this section "persons insured" means the named insured and, while resident of the same household, the spouse of any named insured and relatives of either, while in a motor vehicle or otherwise, and any person who uses with the consent, expressed or implied, of the named insured, the motor vehicle to which the policy applies and a guest in the motor vehicle to which the policy applies or the personal representative of any of the above or any other person or persons in lawful possession of the motor vehicle.

Notwithstanding the provisions of this subsection, no policy of motor vehicle liability insurance applicable solely to commercial motor vehicles as defined in G.S. 20-4.01(3d) or applicable solely to fleet vehicles shall be required to provide uninsured motorist coverage. When determining whether a policy is applicable solely to fleet vehicles, the insurer may rely upon the number of vehicles reported by the insured at the time of the issuance of the policy for the policy term in question. In the event of a renewal of the policy, when determining whether a policy is applicable solely to fleet vehicles, the insurer may rely upon the number of vehicles reported by the insured at the time of the renewal of the policy for the policy term in question. Any motor vehicle liability policy that insures both commercial motor vehicles as defined in G.S. 20-4.01(3d) and noncommercial motor vehicles shall provide uninsured motorist coverage in accordance with the provisions of this subsection in amounts equal to the highest limits of bodily injury and property damage liability coverage for any one noncommercial motor vehicle insured under the policy, subject to the right of the insured to purchase greater or lesser uninsured motorist bodily injury coverage limits and lesser uninsured motorist property damage coverage limits as set forth in this subsection. For the purpose of the immediately preceding sentence, noncommercial motor vehicle shall mean any motor vehicle that is not a commercial motor vehicle as defined in G.S.

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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20-4.01(3d), but that is otherwise subject to the requirements of this subsection.

(4) Shall, in addition to the coverages set forth in subdivisions (2) and (3) of this subsection, provide underinsured motorist coverage, to be used only with a policy that is written at limits that exceed those prescribed by subdivision (2) of this subsection. The limits of such underinsured motorist bodily injury coverage shall be equal to the highest limits of bodily injury liability coverage for any one vehicle insured under the policy; provided, however, that (i) the limits shall not exceed one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per accident regardless of whether the highest limits of bodily injury liability coverage for any one vehicle insured under the policy exceed those limits, (ii) a named insured may purchase greater or lesser limits, except that the limits shall exceed the bodily injury liability limits required pursuant to subdivision (2) of this subsection, and in no event shall an insurer be required by this subdivision to sell underinsured motorist bodily injury coverage at limits that exceed one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per accident, and (iii) the limits shall be equal to the limits of uninsured motorist bodily injury coverage purchased pursuant to subdivision (3) of this subsection. When the policy is issued and renewed, the insurer shall notify the named insured as provided in subsection (m) of this section. An "uninsured motor vehicle," as described in subdivision (3) of this subsection, includes an "underinsured highway vehicle," which means a highway vehicle with respect to the ownership, maintenance, or use of which, the sum of the limits of liability under all bodily injury liability bonds and insurance policies applicable at the time of the accident is less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy. For purposes of an underinsured motorist claim asserted by a person injured in an accident where more than one person is injured, a highway vehicle will also be an "underinsured highway vehicle" if the total amount actually paid to that person under all bodily injury liability bonds and insurance policies applicable at the time of the accident is less than the applicable limits of underinsured motorist coverage for the vehicle involved in the accident and insured under the owner's policy. Notwithstanding the immediately preceding sentence, a highway vehicle shall not be an "underinsured motor vehicle" for purposes of an underinsured motorist claim under an owner's policy insuring that vehicle unless the owner's policy insuring that vehicle provides underinsured motorist coverage with limits that are greater than that policy's bodily injury liability limits. For the purposes of this subdivision, the term "highway vehicle" means a land motor vehicle or trailer other than (i) a farm-type tractor or other vehicle designed for use principally off public roads and while not upon public roads, (ii) a vehicle operated on rails or crawler-treads, or (iii) a vehicle while located for use as a residence or premises. The provisions of subdivision (3) of this subsection shall apply to the coverage required by this subdivision. Underinsured motorist coverage is deemed to apply when, by reason of payment of judgment or settlement, all liability bonds or insurance policies providing coverage for bodily injury caused by the ownership, maintenance, or use of the underinsured highway vehicle have been exhausted. Exhaustion of that liability coverage for the purpose of any single liability claim presented for underinsured motorist coverage is deemed to occur when either (a) the limits of liability per claim have been paid upon the claim, or (b) by reason of multiple claims, the aggregate per occurrence limit of liability has been paid. Underinsured motorist coverage is deemed to apply to the first dollar of an underinsured motorist coverage claim beyond amounts paid to the claimant under the exhausted liability policy.

In any event, the limit of underinsured motorist coverage applicable to any claim is determined to be the difference between the amount paid to the claimant under the exhausted liability policy or policies and the limit of underinsured motorist coverage applicable to the motor vehicle involved in the accident. Furthermore, if a claimant is an insured under the underinsured motorist coverage on separate or additional policies, the limit of underinsured motorist coverage applicable to the claimant is the difference between the amount paid to the claimant under the exhausted liability policy or policies and the total limits of the claimant's underinsured motorist coverages as determined by combining the highest limit available under each policy; provided that this sentence shall apply only to insurance on nonfleet private passenger motor vehicles as described in G.S. 58-40-15(9) and (10). The underinsured motorist limits applicable to any one motor vehicle under a policy shall not be combined with or added to the limits applicable to any other motor vehicle under that policy.

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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An underinsured motorist insurer may at its option, upon a claim pursuant to underinsured motorist coverage, pay moneys without there having first been an exhaustion of the liability insurance policy covering the ownership, use, and maintenance of the underinsured highway vehicle. In the event of payment, the underinsured motorist insurer shall be either: (a) entitled to receive by assignment from the claimant any right or (b) subrogated to the claimant's right regarding any claim the claimant has or had against the owner, operator, or maintainer of the underinsured highway vehicle, provided that the amount of the insurer's right by subrogation or assignment shall not exceed payments made to the claimant by the insurer. No insurer shall exercise any right of subrogation or any right to approve settlement with the original owner, operator, or maintainer of the underinsured highway vehicle under a policy providing coverage against an underinsured motorist where the insurer has been provided with written notice before a settlement between its insured and the underinsured motorist and the insurer fails to advance a payment to the insured in an amount equal to the tentative settlement within 30 days following receipt of that notice. Further, the insurer shall have the right, at its election, to pursue its claim by assignment or subrogation in the name of the claimant, and the insurer shall not be denominated as a party in its own name except upon its own election. Assignment or subrogation as provided in this subdivision shall not, absent contrary agreement, operate to defeat the claimant's right to pursue recovery against the owner, operator, or maintainer of the underinsured highway vehicle for damages beyond those paid by the underinsured motorist insurer. The claimant and the underinsured motorist insurer may join their claims in a single suit without requiring that the insurer be named as a party. Any claimant who intends to pursue recovery against the owner, operator, or maintainer of the underinsured highway vehicle for moneys beyond those paid by the underinsured motorist insurer shall before doing so give notice to the insurer and give the insurer, at its expense, the opportunity to participate in the prosecution of the claim. Upon the entry of judgment in a suit upon any such claim in which the underinsured motorist insurer and claimant are joined, payment upon the judgment, unless otherwise agreed to, shall be applied pro rata to the claimant's claim beyond payment by the insurer of the owner, operator or maintainer of the underinsured highway vehicle and the claim of the underinsured motorist insurer.

A party injured by the operation of an underinsured highway vehicle who institutes a suit for the recovery of moneys for those injuries and in such an amount that, if recovered, would support a claim under underinsured motorist coverage shall give notice of the initiation of the suit to the underinsured motorist insurer as well as to the insurer providing primary liability coverage upon the underinsured highway vehicle. Upon receipt of notice, the underinsured motorist insurer shall have the right to appear in defense of the claim without being named as a party therein, and without being named as a party may participate in the suit as fully as if it were a party. The underinsured motorist insurer may elect, but may not be compelled, to appear in the action in its own name and present therein a claim against other parties; provided that application is made to and approved by a presiding superior court judge, in any such suit, any insurer providing primary liability insurance on the underinsured highway vehicle may upon payment of all of its applicable limits of liability be released from further liability or obligation to participate in the defense of such proceeding. However, before approving any such application, the court shall be persuaded that the owner, operator, or maintainer of the underinsured highway vehicle against whom a claim has been made has been apprised of the nature of the proceeding and given his right to select counsel of his own choice to appear in the action on his separate behalf. If an underinsured motorist insurer, following the approval of the application, pays in settlement or partial or total satisfaction of judgment moneys to the claimant, the insurer shall be subrogated to or entitled to an assignment of the claimant's rights against the owner, operator, or maintainer of the underinsured highway vehicle and, provided that adequate notice of right of independent representation was given to the owner, operator, or maintainer, a finding of liability or the award of damages shall be res judicata between the underinsured motorist insurer and the owner, operator, or maintainer of underinsured highway vehicle.

As consideration for payment of policy limits by a liability insurer on behalf of the owner, operator, or maintainer of an underinsured motor vehicle, a party injured by an underinsured motor vehicle may execute a contractual covenant not to enforce against the owner, operator, or maintainer of the vehicle any judgment that exceeds the policy limits. A covenant

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not to enforce judgment shall not preclude the injured party from pursuing available underinsured motorist benefits, unless the terms of the covenant expressly provide otherwise, and shall not preclude an insurer providing underinsured motorist coverage from pursuing any right of subrogation.

Notwithstanding the provisions of this subsection, no policy of motor vehicle liability insurance applicable solely to commercial motor vehicles as defined in G.S. 20-4.01(3d) or applicable solely to fleet vehicles shall be required to provide underinsured motorist coverage. When determining whether a policy is applicable solely to fleet vehicles, the insurer may rely upon the number of vehicles reported by the insured at the time of the issuance of the policy for the policy term in question. In the event of a renewal of the policy, when determining whether a policy is applicable solely to fleet vehicles, the insurer may rely upon the number of vehicles reported by the insured at the time of the renewal of the policy for the policy term in question. Any motor vehicle liability policy that insures both commercial motor vehicles as defined in G.S. 20-4.01(3d) and noncommercial motor vehicles shall provide underinsured motorist coverage in accordance with the provisions of this subsection in an amount equal to the highest limits of bodily injury liability coverage for any one noncommercial motor vehicle insured under the policy, subject to the right of the insured to purchase greater or lesser underinsured motorist bodily injury liability coverage limits as set forth in this subsection. For the purpose of the immediately preceding sentence, noncommercial motor vehicle shall mean any motor vehicle that is not a commercial motor vehicle as defined in G.S. 20-4.01(3d), but that is otherwise subject to the requirements of this subsection.

(c) Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, and within 30 days following the date of its delivery to him of any motor vehicle owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(d) Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this Article as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this Article.

(d1) Such motor vehicle liability policy shall provide an alternative method of determining the amount of property damage to a motor vehicle when liability for coverage for the claim is not in dispute. For a claim for property damage to a motor vehicle against an insurer, the policy shall provide that if:

(1) The claimant and the insurer fail to agree as to the difference in fair market value of the vehicle immediately before the accident and immediately after the accident; and

(2) The difference in the claimant's and the insurer's estimate of the diminution in fair market value is greater than two thousand dollars (\$2,000) or twenty-five percent (25%) of the fair market retail value of the vehicle prior to the accident as determined by the latest edition of the National Automobile Dealers Association Pricing Guide Book or other publications approved by the Commissioner of Insurance, whichever is less, then on the written demand of



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either the claimant or the insurer, each shall select a competent and disinterested appraiser and notify the other of the appraiser selected within 20 days after the demand. The appraisers shall then appraise the loss. Should the appraisers fail to agree, they shall then select a competent and disinterested appraiser to serve as an umpire. If the appraisers cannot agree upon an umpire within 15 days, either the claimant or the insurer may request that a magistrate resident in the county where the insured motor vehicle is registered or the county where the accident occurred select the umpire. The appraisers shall then submit their differences to the umpire. The umpire then shall prepare a report determining the amount of the loss and shall file the report with the insurer and the claimant. The agreement of the two appraisers or the report of the umpire, when filed with the insurer and the claimant, shall determine the amount of the damages. In preparing the report, the umpire shall not award damages that are higher or lower than the determinations of the appraisers. In no event shall appraisers or the umpire make any determination as to liability for damages or as to whether the policy provides coverage for claims asserted. The claimant or the insurer shall have 15 days from the filing of the report to reject the report and notify the other party of such rejection. If the report is not rejected within 15 days from the filing of the report, the report shall be binding upon both the claimant and the insurer. Each appraiser shall be paid by the party selecting the appraiser, and the expenses of appraisal and umpire shall be paid by the parties equally. For purposes of this section, "appraiser" and "umpire" shall mean a person who as a part of his or her regular employment is in the business of advising relative to the nature and amount of motor vehicle damage and the fair market value of damaged and undamaged motor vehicles.

(e) Uninsured or underinsured motorist coverage that is provided as part of a motor vehicle liability policy shall insure that portion of a loss uncompensated by any workers' compensation law and the amount of an employer's lien determined pursuant to G.S. 97-10.2(h) or (j). In no event shall this subsection be construed to require that coverage exceed the applicable uninsured or underinsured coverage limits of the motor vehicle policy or allow a recovery for damages already paid by workers' compensation. The policy need not insure a loss from any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(f) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(1) Except as hereinafter provided, the liability of the insurance carrier with respect to the insurance required by this Article shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy. As to policies issued to insureds in this State under the assigned risk plan or through the North Carolina Motor Vehicle Reinsurance Facility, a default judgment taken against such an insured shall not be used as a basis for obtaining judgment against the insurer unless counsel for the plaintiff has forwarded to the insurer, or to one of its agents, by registered or certified mail with return receipt requested, or served by any other method of service provided by law, a copy of summons, complaint, or other pleadings, filed in the action. The return receipt shall, upon its return to plaintiff's counsel, be filed with the clerk of court wherein the action is pending against the insured and shall be admissible in evidence as proof of notice to the insurer. The refusal of insurer or its agent to accept delivery of the registered mail, as provided in this section, shall not affect the validity of such notice and any insurer or agent of an insurer refusing to accept such registered mail shall be charged with the knowledge of the contents of such notice. When notice has been sent to an agent of the insurer such notice shall be notice to the insurer. The word "agent" as used in this subsection shall include, but shall not be limited to, any person designated by the insurer as its agent for the service of process, any person duly licensed by the insurer in the State as insurance agent, any general agent of the company in the State of North Carolina, and any employee of the company in a managerial or other responsible position, or the North Carolina Commissioner of

**§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21**

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Insurance; provided, where the return receipt is signed by an employee of the insurer or an employee of an agent for the insurer, shall be deemed for the purposes of this subsection to have been received. The term "agent" as used in this subsection shall not include a producer of record or broker, who forwards an application for insurance to the North Carolina Motor Vehicle Reinsurance Facility.

The insurer, upon receipt of summons, complaint or other process, shall be entitled, upon its motion, to intervene in the suit against its insured as a party defendant and to defend the same in the name of its insured. In the event of such intervention by an insurer it shall become a named party defendant. The insurer shall have 30 days from the signing of the return receipt acknowledging receipt of the summons, complaint or other pleading in which to file a motion to intervene, along with any responsive pleading, whether verified or not, which it may deem necessary to protect its interest: Provided, the court having jurisdiction over the matter may, upon motion duly made, extend the time for the filing of responsive pleading or continue the trial of the matter for the purpose of affording the insurer a reasonable time in which to file responsive pleading or defend the action. If, after receiving copy of the summons, complaint or other pleading, the insurer elects not to defend the action, if coverage is in fact provided by the policy, the insurer shall be bound to the extent of its policy limits to the judgment taken by default against the insured, and noncooperation of the insured shall not be a defense.

If the plaintiff initiating an action against the insured has complied with the provisions of this subsection, then, in such event, the insurer may not cancel or annul the policy as to such liability and the defense of noncooperation shall not be available to the insurer: Provided, however, nothing in this section shall be construed as depriving an insurer of its defenses that the policy was not in force at the time in question, that the operator was not an "insured" under policy provisions, or that the policy had been lawfully canceled at the time of the accident giving rise to the cause of action.

Provided further that the provisions of this subdivision shall not apply when the insured has delivered a copy of the summons, complaint or other pleadings served on him to his insurance carrier within the time provided by law for filing answer, demurrer or other pleadings.

(2) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage;

(3) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (2) of subsection (b) of this section;

(4) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of the Article shall constitute the entire contract between the parties.

(g) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this Article. With respect to a policy which grants such excess or additional coverage

**§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21**

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the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(h) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this Article.

(i) Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(j) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers which policies together meet such requirements.

(k) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

(l) A party injured by an uninsured motor vehicle covered under a policy in amounts less than those set forth in G.S. 20-279.5, may execute a contractual covenant not to enforce against the owner, operator, or maintainer of the uninsured vehicle any judgment that exceeds the liability policy limits, as consideration for payment of any applicable policy limits by the insurer where judgment exceeds the policy limits. A covenant not to enforce judgment shall not preclude the injured party from pursuing available uninsured motorist benefits, unless the terms of the covenant expressly provide otherwise, and shall not preclude an insurer providing uninsured motorist coverage from pursuing any right of subrogation.

(m) Every insurer that sells motor vehicle liability policies subject to the requirements of subdivisions (b)(3) and (b)(4) of this section shall, when issuing and renewing a policy, give reasonable notice to the named insured of all of the following:

(1) The named insured is required to purchase uninsured motorist bodily injury coverage, uninsured motorist property damage coverage, and, if applicable, underinsured motorist bodily injury coverage.

(2) The named insured's uninsured motorist bodily injury coverage limits shall be equal to the highest limits of bodily injury liability coverage for any one vehicle insured under the policy unless the insured elects to purchase greater or lesser limits for uninsured motorist bodily injury coverage.

(3) The named insured's uninsured motorist property damage coverage limits shall be equal to the highest limits of property damage liability coverage for any one vehicle insured under the policy unless the insured elects to purchase

§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21

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lesser limits for uninsured motorist property damage coverage.

(4) The named insured's underinsured motorist bodily injury coverage limits, if applicable, shall be equal to the highest limits of bodily injury liability coverage for any one vehicle insured under the policy unless the insured elects to purchase greater or lesser limits for underinsured motorist bodily injury coverage.

(5) The named insured may purchase uninsured motorist bodily injury coverage and, if applicable, underinsured motorist coverage with limits up to one million dollars (\$1,000,000) per person and one million dollars (\$1,000,000) per accident.

An insurer shall be deemed to have given reasonable notice if it includes the following or substantially similar language on the policy's original and renewal declarations pages or in a separate notice accompanying the original and renewal declarations pages in at least 12 point type:

NOTICE: YOU ARE REQUIRED TO PURCHASE UNINSURED MOTORIST BODILY INJURY COVERAGE, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AND, IN SOME CASES, UNDERINSURED MOTORIST BODILY INJURY COVERAGE. THIS INSURANCE PROTECTS YOU AND YOUR FAMILY AGAINST INJURIES AND PROPERTY DAMAGE CAUSED BY THE NEGLIGENCE OF OTHER DRIVERS WHO MAY HAVE LIMITED OR ONLY MINIMUM COVERAGE OR EVEN NO LIABILITY INSURANCE. YOU MAY PURCHASE UNINSURED MOTORIST BODILY INJURY COVERAGE AND, IF APPLICABLE, UNDERINSURED MOTORIST COVERAGE WITH LIMITS UP TO ONE MILLION DOLLARS (\$1,000,000) PER PERSON AND ONE MILLION DOLLARS (\$1,000,000) PER ACCIDENT OR AT SUCH LESSER LIMITS YOU CHOOSE. YOU CANNOT PURCHASE COVERAGE FOR LESS THAN THE MINIMUM LIMITS FOR THE BODILY INJURY AND PROPERTY DAMAGE COVERAGE THAT ARE REQUIRED FOR YOUR OWN VEHICLE. IF YOU DO NOT CHOOSE A GREATER OR LESSER LIMIT FOR UNINSURED MOTORIST BODILY INJURY COVERAGE, A LESSER LIMIT FOR UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE, AND/OR A GREATER OR LESSER LIMIT FOR UNDERINSURED MOTORIST BODILY INJURY COVERAGE, THEN THE LIMITS FOR THE UNINSURED MOTORIST BODILY INJURY COVERAGE AND, IF APPLICABLE, THE UNDERINSURED MOTORIST BODILY INJURY COVERAGE WILL BE THE SAME AS THE HIGHEST LIMITS FOR BODILY INJURY LIABILITY COVERAGE FOR ANY ONE OF YOUR OWN VEHICLES INSURED UNDER THE POLICY AND THE LIMITS FOR THE UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE WILL BE THE SAME AS THE HIGHEST LIMITS FOR PROPERTY DAMAGE LIABILITY COVERAGE FOR ANY ONE OF YOUR OWN VEHICLES INSURED UNDER THE POLICY. IF YOU WISH TO PURCHASE UNINSURED MOTORIST AND, IF APPLICABLE, UNDERINSURED MOTORIST COVERAGE AT DIFFERENT LIMITS THAN THE LIMITS FOR YOUR OWN VEHICLE INSURED UNDER THE POLICY, THEN YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT TO DISCUSS YOUR OPTIONS FOR OBTAINING DIFFERENT COVERAGE LIMITS. YOU SHOULD ALSO READ YOUR ENTIRE POLICY TO UNDERSTAND WHAT IS COVERED UNDER UNINSURED AND UNDERINSURED MOTORIST COVERAGES.

(n) Nothing in this section shall be construed to provide greater amounts of uninsured or underinsured motorist coverage in a liability policy than the insured has purchased from the insurer under this section.

**§ 20-279.21. "Motor vehicle liability policy" defined, NC ST § 20-279.21**

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(o) An insurer that fails to comply with subsection (m) of this section is subject to a civil penalty under G.S. 58-2-70.

**Credits**

Added by Laws 1953, c. 1300, § 21. Amended by Laws 1955, c. 1355; Laws 1961, c. 640; Laws 1965, c. 156; Laws 1965, c. 674, § 1; Laws 1965, c. 898; Laws 1967, c. 277, § 4; Laws 1967, c. 854; Laws 1967, c. 1159, § 1; Laws 1967, c. 1162, § 1; Laws 1967, c. 1186, § 1; Laws 1967, c. 1246, § 1; Laws 1971, c. 1205, § 2; Laws 1973, c. 745, § 4; Laws 1975, c. 326, §§ 1, 2; Laws 1975, c. 716, § 5; Laws 1975, c. 866, §§ 1 to 4; Laws 1979, c. 190; Laws 1979, c. 675; Laws 1979, c. 832, §§ 6, 7; Laws 1983, c. 777, §§ 1, 2; Laws 1985, c. 666, § 74; Laws 1985 (Reg. Sess., 1986), c. 1027, §§ 41, 42; Laws 1987, c. 529; Laws 1987 (Reg. Sess., 1988), c. 975, § 33; Laws 1991, c. 469, § 4; Laws 1991, c. 636, § 3; Laws 1991, c. 646, §§ 1, 2; Laws 1991, c. 761, § 12.3; Laws 1991 (Reg. Sess., 1992), c. 837, § 9; S.L. 1997-396, §§ 2, 3, eff. Aug. 14, 1997; S.L. 1999-195, § 1, eff. Oct. 1, 1999; S.L. 1999-228, § 4, eff. July 1, 2000; S.L. 2003-311, §§ 1, 2, eff. Jan. 1, 2004; S.L. 2008-124, §§ 1.1, 1.2, eff. Jan. 1, 2009; S.L. 2009-440, § 1, eff. Jan. 1, 2010; S.L. 2009-561, § 1, eff. Feb. 1, 2010; S.L. 2015-135, § 4.4, eff. Oct. 1, 2015.

Notes of Decisions (1158)

N.C.G.S.A. § 20-279.21, NC ST § 20-279.21

The statutes and Constitution are current through the end of the 2015 Regular Session and through 2016-50 of the 2016 Extra and Regular Sessions of the General Assembly.

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§ 332. Proof required in the event of certain judgments, NY VEH & TRAF § 332

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McKinney's Consolidated Laws of New York Annotated

Vehicle and Traffic Law (Refs & Annos)

Chapter Seventy-One. Of the Consolidated Laws (Refs & Annos)

Title III. Safety Responsibility; Financial Security; Equipment; Inspection; Size and Weight; and Other Provisions

Article 7. Motor Vehicle Safety Responsibility Act (Refs & Annos)

McKinney's Vehicle and Traffic Law § 332

§ 332. Proof required in the event of certain judgments

Currentness

(a) The commissioner shall also suspend the operator's or chauffeur's license and any and all of the registration certificates and registration plates issued to any person upon receiving authenticated report as hereinafter provided that such person has failed for a period of fifteen days to satisfy any judgment in amounts and upon a cause of action as hereinafter stated.

(b) The judgment herein referred to shall mean any judgment in excess of one thousand dollars for damages because of injury to or destruction of property, including loss of use thereof, or any judgment for damages, including damages for care and loss of services, because of bodily injury to or death of any person arising out of the ownership, maintenance, use or operation of any motor vehicle.

(c) The commissioner shall take action as required in this section upon receiving proper evidence that any person in another state, the District of Columbia, any district court of the United States, or any province of Canada, has failed for a period of fifteen days to satisfy any judgment in amount as stated in section three hundred thirty-three and upon a cause of action as stated in this section.

(d) Any person whose license, registration or non-resident's driving privilege is subject to suspension hereunder, may be relieved from the effect of failure to satisfy such judgment, if such person files with the commissioner proper evidence that a bond or insurance policy as provided for in this article was in force and effect at the time of the accident resulting in the judgment, and was available for the satisfaction of the judgment to the extent provided for in section three hundred thirty-three and that such judgment was so satisfied.

**Credits**

(L.1959, c. 775. Amended L.1965, c. 158, § 1; L.1969, c. 84, § 1; L.1978, c. 537, § 1; L.1985, c. 144, § 2; L.1991, c.166, § 219.)

Harmon, Sarah 7/25/2016  
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**§ 332. Proof required in the event of certain judgments, NY VEH & TRAF § 332**

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Notes of Decisions (14)

McKinney's Vehicle and Traffic Law § 332, NY VEH & TRAF § 332  
Current through L.2016, chapters 1 to 94.

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CERTIFICATE

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Legally Binding Document

By the Authority Vested By Part 5 of the United States Code § 552(a) and Part 1 of the Code of Regulations § 51 the attached document has been duly INCORPORATED BY REFERENCE and shall be considered legally binding upon all citizens and residents of the United States of America. HEED THIS NOTICE: Criminal penalties may apply for noncompliance.



**Document Name:** NCUTLO: Uniform Vehicle Code and Model Ordinance

**CFR Section(s):** 41 CFR 50-204.75

**Standards Body:** National Committee on Uniform Traffic Laws and Ordinances



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UNIFORM VEHICLE CODE  
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Revised—1968

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UNIFORM TRAFFIC LAWS AND ORDINANCES

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Price: \$5.00.

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1968

## UNIFORM VEHICLE CODE

Revised—1968

## § 7-302—Meaning of “proof of financial responsibility for the future”

The term “proof of financial responsibility for the future” as used in this chapter shall mean: Proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this State, in the amount of \$10,000 because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of \$20,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms “proof of financial responsibility” or “proof” shall be synonymous with the term “proof of financial responsibility for the future.” (AMOUNTS INCREASED, 1956.)

## § 7-303—Meaning of “judgment” and “state”

The following words and phrases when used in this chapter shall, for the purpose of this article, have the meanings respectively ascribed to them in this section.

(a) The term “judgment” shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this State, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(b) The term “state” shall mean: Any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any province of Canada. (REVISED, 1968.)

# ALTERNATIVE DISPUTE RESOLUTION RULES

Adopted Effective March 1, 2005

Including Amendments Received Through February 1, 2016

Adopting Rules Governing Alternative Dispute Resolution and Nevada Mediation Rules and Amending the Nevada Arbitration Rules and Nevada Short Trial Rules.

## A. GENERAL PROVISIONS

Definitions.

Forms of Court Annexed Alternative Dispute Resolution.

## B. NEVADA ARBITRATION RULES

The Court Annexed Arbitration Program.

Intent of Program and Application of Rules.

Matters Subject to Arbitration.

Relationship to District Court Jurisdiction and Rules.

Exemptions from Arbitration.

Assignment to Arbitrator.

Qualifications of Arbitrators.

Authority of Arbitrators.

Stipulations and Other Documents.

Restrictions on Communications.

Discovery.

Scheduling of Hearings; Pre-Hearing Conferences.

Pre-Hearing Statement.

14. Conduct of the Hearing.

15. Arbitration in the Absence of a Party.

16. Form and Content of Award.

17. Filing of Award.

18. Request for Trial De Novo.

19. Judgment on Award.

20. Procedures at Trial De Novo.

21. Scheduling of Trial De Novo.

22. Sanctions.

23. Costs.

24. Fees for Arbitrators.

## C. NEVADA MEDIATION RULES

1. The Court Annexed Mediation Program.

2. Matters Entering the Mediation Program.

3. Assignment to Mediator.

4. Qualifications of Mediators.

5. Stipulations and Other Documents.

6. Scheduling of Mediation Proceedings.

7. Conduct of the Mediation Proceeding.

8. Report to the Commissioner.

9. Matters Not Resolved in Mediation.

10. Fees and Costs for Mediators.

11. Confidentiality; Immunity of Mediators.

## ORDER ADOPTING RULES GOVERNING ALTERNATIVE DISPUTE RESOLUTION AND NEVADA MEDIATION RULES AND AMENDING THE NEVADA ARBITRATION RULES AND NEVADA SHORT TRIAL RULES

WHEREAS, on June 7, 2000, this court adopted the Nevada Short Trial Rules implementing the short trial program and allowing parties to participate in the program by mutual consent; and

WHEREAS, the Supreme Court Advisory Committee on the Short Trial Rules filed a report with this court on September 17, 2003, proposing amendments to the Nevada Short Trial Rules that would mandate a short trial in certain cases; and

WHEREAS, the Advisory Committee also recommended amendments to the Nevada Arbitration Rules and the adoption of two new sets of rules: Rules Governing Alternative Dispute Resolution and Nevada Mediation Rules; and

WHEREAS, the Judges of the Eighth Judicial District Court have also petitioned this court to amend the Nevada Arbitration Rules; and

WHEREAS, this court held a public hearing on these matters and accepted public comment on the proposed amendments to this court's rules; and

WHEREAS, this court subsequently referred draft rule amendments to the Short Trial Review Committee to analyze and critique a modified short trial program; and

WHEREAS, the Review Committee submitted its report to this court on October 25, 2004, assessing the draft rules and prospective mandatory program; and

WHEREAS, it appears to this court that amendment of the Nevada Arbitration Rules and Nevada Short Trial Rules and adoption of Rules Governing Alternative Dispute Resolution and Nevada Mediation Rules is warranted; and

WHEREAS, it further appears to this court that reorganization of the existing court rules is necessary to effect the expansion of the short trial program and the implementation of the court annexed mediation program; accordingly,

IT IS HEREBY ORDERED that Part V of the Supreme Court Rules shall be amended by removing Subpart A

conference for the purpose of facilitating settlement of the case.

*As added eff. Mar. 1, 2005.*

**Rule 2. Forms of court annexed alternative dispute resolution.**

(A) For certain civil cases commenced in judicial districts that include a county whose population is 100,000 or more, there shall be made available the following forms of court annexed alternative dispute resolution:

- (1) Arbitration, pursuant to Subpart B of these rules;
- (2) Mediation, pursuant to Subpart C of these rules;
- (3) Settlement conference, as provided herein; and

(4) Such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated.

(B) Judicial districts having a lesser population may adopt local rules implementing all or part of these forms of alternative dispute resolution.

(C) Each district may appoint an alternative dispute resolution commissioner to serve at the pleasure of the court. The alternative dispute resolution commissioner (hereafter the commissioner) may be an arbitration commissioner, discovery commissioner, short trial commissioner, other special master, or any qualified and licensed Nevada attorney appointed by the court. The appointment shall be made in accordance with local rules. The commissioner so appointed shall have the responsibilities and powers conferred by these Alternative Dispute Resolution Rules and any local rules.

*As added eff. Mar. 1, 2005.*

**B**

**NEVADA ARBITRATION RULES**

**Rule 1. The court annexed arbitration program.**

The Court Annexed Arbitration Program (the program) is a mandatory, non-binding arbitration program, as hereinafter described, for certain civil cases commenced in judicial districts that include a county whose population is 100,000 or more. Judicial districts having a lesser population may adopt local rules implementing all or part of the program.

*Added as Rule 1 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. May 7, 1992. Amended and reassigned as Rule 1 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005.*

**Rule 2. Intent of program and application of rules.**

(A) The purpose of the program is to provide a simplified procedure for obtaining a prompt and equitable resolution of certain civil matters.

(B) These rules shall apply to all arbitration proceedings commenced in the program.

(C) These arbitration rules are not intended, nor should they be construed, to address every issue which may arise during the arbitration process. The intent of these rules is to give considerable discretion to the arbitrator, the commissioner and the district judge. Arbitration hearings are intended to be informal, expeditious and consistent with the purposes and intent of these rules.

(D) These rules may be known and cited as the Nevada Arbitration Rules, or abbreviated N.A.R.

*Added as Rule 2 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. Dec. 24, 1997. Amended and reassigned as Rule 2 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005.*

**Rule 3. Matters subject to arbitration.**

(A) All civil cases commenced in the district courts that have a probable jury award value not in excess of \$50,000 per plaintiff, exclusive of interest and costs, and regardless of comparative liability, are subject to the program, except class actions, appeals from courts of limited jurisdiction, probate actions, divorce and other domestic relations actions, actions seeking judicial review of administrative decisions, actions concerning title to real estate, actions for declaratory relief, actions governed by the provisions of NRS 41A.003 to 41A.069, inclusive, actions presenting significant issues of public policy, actions in which the parties have agreed in writing to submit the controversy to arbitration or other alternative dispute resolution method prior to the accrual of the cause of action, actions seeking equitable or extraordinary relief, actions that present unusual circumstances that constitute good cause for removal from the program, actions in which any of the parties is incarcerated and actions utilizing mediation pursuant to Subpart C of these rules.

(B) Any civil case, regardless of the monetary value, the amount in controversy, or the relief sought, may be submitted to the program upon the agreement of all parties and the approval of the district judge to whom the case is assigned.

(C) While a case is in the program, the parties may, with the approval of the district judge to whom the case is assigned, stipulate, or the court may order that a settlement conference, mediation proceeding, or other appropriate settlement technique be conducted by another district judge, a senior judge, or a special master. The settlement procedure conducted pursu-

**Rule 18. Request for trial de novo.**

(A) Within 30 days after the arbitration award is served upon the parties, any party may file with the clerk of the court and serve on the other parties and the commissioner a written request for trial de novo of the action. Any party requesting a trial de novo must certify that all arbitrator fees and costs for such party have been paid or shall be paid within 30 days, or that an objection is pending and any balance of fees or costs shall be paid in accordance with subsection (C) of this rule.

(B) The 30-day filing requirement is jurisdictional; an untimely request for trial de novo shall not be considered by the district court.

(C) Any party who has failed to pay the arbitrator's bill in accordance with this rule shall be deemed to have waived the right to a trial de novo; if a timely objection to the arbitrator's bill has been filed with the commissioner pursuant to Nevada Arbitration Rules 23 and/or 24, a party shall have 10 days from the date of service of the commissioner's decision in which to pay any remaining balance owing on said bill. No such objection shall toll the 30-day filing requirement of subsection (B) of this rule.

(D) Any party to the action is entitled to the benefit of a timely filed request for trial de novo. Subject to Rule 22, the case shall proceed in the district court as to all parties in the action unless otherwise stipulated by all appearing parties in the arbitration. In judicial districts that are required to provide a short trial program under the Nevada Short Trial Rules, the trial de novo shall proceed in accordance with the Nevada Short Trial Rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5.

(E) After the filing and service of the written request for trial de novo, the case shall be set for trial upon compliance with applicable court rules. In judicial districts that are required to provide a short trial program under the Nevada Short Trial Rules, the case shall be set for trial as provided in those rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5.

(F) If the district court strikes, denies, or dismisses a request for trial de novo for any reason, the court shall explain its reasons in writing and shall enter a final judgment in accordance with the arbitration award. A judgment entered pursuant to this rule shall have the same force and effect as a final judgment of the court in a civil action, and may be appealed in the same manner. Review on appeal, however, is limited to the order striking, denying, or dismissing the trial de novo request and/or a written interlocutory order disposing of a portion of the action.

(G) A motion to strike a request for trial de novo may not be filed more than 30 days after service of the request for trial de novo.

*Added as Rule 18 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. Dec. 24, 1997. Amended and reassigned as Rule 18 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005. Amended eff. Mar. 25, 2005, governing all proceedings commenced after Jan. 1, 2005.*

**Rule 19. Judgment on award.**

(A) Upon notification to the prevailing party by the commissioner that no party has filed a written request for trial de novo within 30 days after service of the award on the parties, the prevailing party shall submit to the commissioner a form of final judgment in accordance with the arbitration award, including any grant of fees, costs and/or interest, which judgment shall then be submitted for signature to the district judge to whom the case was assigned; the judgment must then be filed with the clerk.

(B) A judgment entered pursuant to this rule shall have the same force and effect as a final judgment of the court in a civil action, but may not be appealed. Except that an appeal may be taken from the judgment if the district court entered a written interlocutory order disposing of a portion of the action. Review on appeal, however, is limited to the interlocutory order and no issues determined by the arbitration will be considered.

(C) Although clerical mistakes in judgments and errors therein arising from oversight or omission may be corrected by the court at any time on its own initiative or on the motion of any party, no other amendment of or relief from a judgment entered pursuant to this rule shall be allowed.

*Added as Rule 19 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. Dec. 24, 1997. Amended and reassigned as Rule 19 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005.*

**Rule 20. Procedures at trial de novo.**

(A) **Evidence.** If a trial de novo is requested, the arbitration award shall be admitted as evidence in the trial de novo, and all discovery obtained during the course of the arbitration proceedings shall be admissible in the trial de novo, subject to all applicable rules of civil procedure and evidence.

**(B) Attorney fees; costs; interest.**

(1) The prevailing party at the trial de novo is entitled to all recoverable fees, costs, and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subsection (1), a party is entitled to a separate award of attorney's fees and costs as set forth in (a) and (b) below.

(a) Awards of \$20,000 or less. Where the arbitration award is \$20,000 or less, and the party

requesting the trial de novo fails to obtain a judgment that exceeds the arbitration award by at least 20 percent of the award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo. Conversely, if the requesting party fails to obtain a judgment that reduces by at least 20 percent the amount for which that party is liable under the arbitration award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo.

(b) Awards over \$20,000. Where the arbitration award is more than \$20,000, and the party requesting the trial de novo fails to obtain a judgment that exceeds the arbitration award by at least 10 percent of the award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo. Conversely, if the requesting party fails to obtain a judgment that reduces by at least 10 percent the amount for which that party is liable under the arbitration award, the non-requesting party is entitled to its attorney's fees and costs associated with the proceedings following the request for trial de novo.

(3) In comparing the arbitration award and the judgment, the court shall not include costs, attorney's fees, and interest with respect to the amount of the award or judgment. If multiple parties are involved in the action, the court shall consider each party's respective award and judgment in making its comparison between the award and judgment.

*Added as Rule 20 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. May 7, 1992; eff. April 27, 2000; eff. June 27, 2003. Amended and reassigned as Rule 20 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005.*

**Rule 21. Scheduling of trial de novo.**

(A) In judicial districts required to provide a short trial program under the Nevada Short Trial Rules, a trial de novo shall be processed as provided in those rules, unless a party timely filed a demand for removal from the short trial program as provided in N.S.T.R. 5. Cases that are removed from the short trial program will not be given preference on the trial calendar of the district court simply because those cases were subject to arbitration proceedings pursuant to these rules. Trials de novo in cases removed from the short trial program will be processed in the ordinary course of the district court's business.

(B) In judicial districts that do not provide a short trial program, cases requiring a trial de novo will not be given preference on the trial calendar of the district court simply because those cases were subject to arbitration proceedings pursuant to these rules. Tri-

als de novo will be processed in the ordinary course of the district court's business.

*Added as Rule 21 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. Amended and reassigned as Rule 21 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005. Amended eff. May 7, 2005, governing all proceedings commenced after January 1, 2005.*

**Rule 22. Sanctions.**

(A) The failure of a party or an attorney to either prosecute or defend a case in good faith during the arbitration proceedings shall constitute a waiver of the right to a trial de novo.

(B) If, during the proceedings in the trial de novo, the district court determines that a party or attorney engaged in conduct designed to obstruct, delay or otherwise adversely affect the arbitration proceedings, it may impose, in its discretion, any sanction authorized by N.R.C.P. 11 or N.R.C.P. 37.

*Added as Rule 22 in Subpart A of Part V of the Supreme Court Rules, eff. July 1, 1992. As amended, eff. Dec. 2, 1997. Amended and reassigned as Rule 22 in Part B of the Rules Governing Alternative Dispute Resolution, eff. Jan. 1, 2005.*

**Rule 23. Costs.**

(A) The arbitrator is entitled to recover the costs not to exceed \$250, that the arbitrator reasonably incurs in processing and deciding an action. Costs recoverable by the arbitrator are limited to:

1. Reasonable costs for telecopies;
2. Reasonable costs for photocopies;
3. Reasonable costs for long distance telephone calls;
4. Reasonable costs for postage;
5. Reasonable costs for travel and lodging; and
6. Reasonable costs for secretarial services.

(B) To recover such costs, the arbitrator must submit to the parties an itemized bill of costs within 10 days of the date that the arbitrator serves the award in an action; within 15 days of notice of removal of the case from the program by resolution or exemption; or within 15 days of notice of change of arbitrator, whichever date is earliest.

(C) Costs must be borne equally by the parties to the arbitration, and must be paid to the arbitrator within 10 days of the date that the arbitrator serves the bill reflecting the arbitrator's costs. If any party fails to pay that party's portion of the arbitrator's costs within the time prescribed in this subsection, the district court shall, after giving appropriate notice and opportunity to be heard, enter a judgment and writ of execution against the delinquent party for the amount owed by that party to the arbitrator, plus the costs and attorney's fees incurred by the arbitrator in the collection of the costs. If one of the parties to the arbitration is an indigent person who was exempted



# NEVADA RULES OF COURT

## RULES OF CIVIL PROCEDURE FOR THE NEVADA DISTRICT COURTS

Effective January 1, 1953

Including Amendments Received Through February 1, 2016

Rule		Rule	
<b>I. SCOPE OF RULES—ONE FORM OF ACTION</b>			
1.	Scope of Rules. One Form of Action.	23.2.	Actions Relating to Unincorporated Associations.
<b>II. COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS, AND ORDERS</b>			
3.	Commencement of Action.	24.	Intervention.
4.	Process.	25.	Substitution of Parties.
5.	Service and Filing of Pleadings and Other Papers.	<b>V. DEPOSITIONS AND DISCOVERY</b>	
6.	Time.	26.	General Provisions Governing Discovery.
<b>III. PLEADINGS AND MOTIONS</b>			
7.	Pleadings Allowed; Form of Motions.	27.	Depositions Before Action or Pending Appeal.
7.1.	Disclosure Statement.	28.	Persons Before Whom Depositions May Be Taken.
8.	General Rules of Pleading.	29.	Stipulations Regarding Discovery Procedure.
9.	Pleading Special Matters.	30.	Depositions by Oral Examination.
10.	Form of Pleadings.	31.	Depositions Upon Written Questions.
11.	Signing of Pleadings.	32.	Use of Depositions in Court Proceedings.
12.	Defenses and Objections—When and How Presented—by Pleading or Motion—Motion for Judgment on Pleadings.	33.	Interrogatories to Parties.
13.	Counterclaim and Cross-Claim.	34.	Producing Documents, Electronically Stored Information, and Tangible Things, or Entering Onto Land, for Inspection and Other Purposes.
14.	Third-Party Practice.	35.	Physical and Mental Examination of Persons.
15.	Amended and Supplemental Pleadings.	36.	Requests for Admission.
16.	Pretrial Conferences; Scheduling; Management.	37.	Failure to Make Disclosure or Cooperate in Discovery; Sanctions.
16.1.	Mandatory Pre-Trial Discovery Requirements.	<b>VI. TRIALS</b>	
16.1.	Mandatory Pre-Trial Discovery Requirements.	38.	Jury Trial of Right.
16.2.	Mandatory Prejudgment Discovery Requirements in Divorce, Annulment, Separate Maintenance, or Dissolution of Domestic Partnership Matters.	39.	Trial by Jury or by the Court.
16.205.	Mandatory Prejudgment Discovery Requirements in Paternity or Custody Matters.	40.	Assignment of Cases for Trial.
16.21.	Postjudgment Discovery in Domestic Relations Matters.	41.	Dismissal of Actions.
16.215.	Child Witnesses.	42.	Consolidation; Separate Trials.
16.3.	Discovery Commissioners.	43.	Evidence.
<b>IV. PARTIES</b>			
17.	Parties Plaintiff and Defendant; Capacity.	44.	Proof of Official Record.
18.	Joinder of Claims and Remedies.	44.1.	Determination of Foreign Law.
19.	Joinder of Persons Needed for Just Adjudication.	45.	Subpoena.
20.	Permissive Joinder of Parties.	46.	Exceptions Unnecessary.
21.	Misjoinder and Non-Joinder of Parties.	47.	Jurors.
22.	Interpleader.	48.	Juries of Less Than Eight.
23.	Class Actions.	49.	Special Verdicts and Interrogatories.
23.1.	Derivative Actions by Shareholders.	50.	Judgment as a Matter of Law in Jury Trials; Alternative Motion for New Trial; Conditional Rulings.
		51.	Instructions to Jury; Objections; Preserving a Claim of Error.
		52.	Findings by the Court; Judgment on Partial Findings.
		53.	Masters.
		<b>VII. JUDGMENT</b>	
		54.	Judgments; Attorney Fees.
		55.	Default.
		56.	Summary Judgment.
		57.	Declaratory Judgments.

disposition of a sum of money or the disposition of any other thing capable of delivery, a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such sum or thing to be held by the clerk of the court, or upon court order to be deposited in an interest-bearing account or invested in an interest-bearing instrument, subject to withdrawal, in whole or in part, at any time thereafter upon order of the court.

**ADVISORY COMMITTEE'S NOTE**

The federal rule is revised to provide for withdrawal, in lieu of the reference to federal statute.

(b) When it is admitted by the pleading or examination of a party, that the party has possession or control of any money or other thing capable of delivery, which, being the subject of litigation, is held by the party as trustee for another party, or which belongs or is due to another party, the court may order the same, upon motion, to be deposited in court, or deposited in an interest-bearing account or invested in an interest-bearing instrument, or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.

**ADVISORY COMMITTEE'S NOTE**

A new subdivision is inserted to set forth the provisions of NCL § 8748.

*As amended, eff. Jan. 1, 2005.*

**RULE 68. OFFERS OF JUDGMENT**

(a) **The Offer.** At any time more than 10 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with its terms and conditions.

(b) **Apportioned Conditional Offers.** An apportioned offer of judgment to more than one party may be conditioned upon the acceptance by all parties to whom the offer is directed.

(c) **Joint Unapportioned Offers.**

(1) **Multiple Offerors.** A joint offer may be made by multiple offerors.

(2) **Offers to Multiple Defendants.** An offer made to multiple defendants will invoke the penalties of this rule only if (A) there is a single common theory of liability against all the offeree defendants, such as where the liability of some is entirely derivative of the others or where the liability of all is derivative of common acts by another, and (B) the same entity, person or group is authorized to decide whether to settle the claims against the offerees.

(3) **Offers to Multiple Plaintiffs.** An offer made to multiple plaintiffs will invoke the penalties of this rule only if (A) the damages claimed by all the offeree plaintiffs are solely derivative, such as that the damages claimed by some offerees are entirely derivative of an injury to the others or that the damages claimed by all offerees are derivative

of an injury to another, and (B) the same entity, person or group is authorized to decide whether to settle the claims of the offerees.

(d) **Judgment Entered Upon Acceptance.** If within 10 days after the service of the offer, the offeree serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service. The clerk shall enter judgment accordingly. The court shall allow costs in accordance with NRS 18.110 unless the terms of the offer preclude a separate award of costs. Any judgment entered pursuant to this section shall be expressly designated a compromise settlement. At his option, a defendant may within a reasonable time pay the amount of the offer and obtain a dismissal of the claim, rather than a judgment.

(e) **Failure to Accept Offer.** If the offer is not accepted within 10 days after service, it shall be considered rejected by the offeree and deemed withdrawn by the offeror. Evidence of the offer is not admissible except in a proceeding to determine costs and fees. The fact that an offer is made but not accepted does not preclude a subsequent offer. With offers to multiple offerees, each offeree may serve a separate acceptance of the apportioned offer, but if the offer is not accepted by all offerees, the action shall proceed as to all. Any offeree who fails to accept the offer may be subject to the penalties of this rule.

(f) **Penalties for Rejection of Offer.** If the offeree rejects an offer and fails to obtain a more favorable judgment,

(1) the offeree cannot recover any costs or attorney's fees and shall not recover interest for the period after the service of the offer and before the judgment; and

(2) the offeree shall pay the offeror's post-offer costs, applicable interest on the judgment from the time of the offer to the time of entry of the judgment and reasonable attorney's fees, if any be allowed, actually incurred by the offeror from the time of the offer. If the offeror's attorney is collecting a contingent fee, the amount of any attorney's fees awarded to the party for whom the offer is made must be deducted from that contingent fee.

(g) **How Costs Are Considered.** To invoke the penalties of this rule, the court must determine if the offeree failed to obtain a more favorable judgment. Where the offer provided that costs would be added by the court, the court must compare the amount of the offer with the principal amount of the judgment, without inclusion of costs. Where a defendant made an offer in a set amount which precluded a separate award of costs, the court must compare the amount of the offer together with the offeree's pre-offer taxable costs with the principal amount of the judgment.

(h) **Offers After Determination of Liability.** When the liability of one party to another has been determined by verdict, order or judgment, but the

amount or extent of the liability may make an offer served within a reasonable time prior to the commencement of the amount or extent of the liability. *Replaced, eff. Oct. 27, 1998. eff. Jan. 1, 2005.*

**RULE 69. EXECUTION**

(a) **In General.** Prior to the payment of money unless the court directs otherwise, execution, in proceeding of a judgment, and in execution shall be in accordance with the procedure of the State of Nevada. The judgment interest when that in obtaining discovery from the debtor, in the nature of a judgment debtor, in the nature of a judgment debtor, in the nature of a judgment debtor.

(b) **Service of Notice of Execution.** Prior to the service of written notice of execution, the judgment must be made in accordance with the rules of procedure. *As amended, eff. Sept. 27, 1998.*

**RULE 70. JUDGMENT VESTING TITLE**

If a judgment directs the sale of land or to deliver

**RULES 72 TO 76 PLACED BY NEW LATE PROCEEDINGS ACT 1973.**

*Readopted without amendment.*

**RULE 77. DISTRICT COURTS**

(a) District Courts shall be deemed to have jurisdiction to file any pleading and returning mesne and directing all in accordance with the rules.

(b) **Trials and Judgment.** All trials upon the merits shall be held in court and so far as concerns the trial of a civil action except private trial

amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which shall have the same effect as an offer made before trial if it is served within a reasonable time not less than 10 days prior to the commencement of hearings to determine the amount or extent of liability.

*Replaced, eff. Oct. 27, 1998. Readopted without amendment, eff. Jan. 1, 2005.*

#### **RULE 69. EXECUTION**

(a) **In General.** Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the State. In aid of the judgment or execution, the judgment creditor or a successor in interest when that interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner provided in these rules.

(b) **Service of Notice of Entry Required Prior to Execution.** Prior to execution upon a judgment, service of written notice of entry of the judgment must be made in accordance with Rule 58(e).

*As amended, eff. Sept. 27, 1971; Jan. 1, 2005.*

#### **RULE 70. JUDGMENT FOR SPECIFIC ACTS; VESTING TITLE**

If a judgment directs a party to execute a conveyance of land or to deliver deeds or other documents or

to perform any other specific act and the party fails to comply within the time specified, the court may direct the act to be done at the cost of the disobedient party by some other person appointed by the court and the act when so done has like effect as if done by the party. On application of the party entitled to performance, the clerk shall issue a writ of attachment or sequestration against the property of the disobedient party to compel obedience to the judgment. The court may also in proper cases adjudge the party in contempt. If real or personal property is within the State, the court in lieu of directing a conveyance thereof may enter a judgment divesting the title of any party and vesting it in others and such judgment has the effect of a conveyance executed in due form of law. When any order or judgment is for the delivery of possession, the party in whose favor it is entered is entitled to a writ of execution or assistance upon application to the clerk.

*Readopted without amendment, eff. Jan. 1, 2005.*

#### **RULE 71. PROCESS IN BEHALF OF AND AGAINST PERSONS NOT PARTIES**

When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if the person were a party; and, when obedience to an order may be lawfully enforced against a person who is not a party, that person is liable to the same process for enforcing obedience to the order as if a party.

*As amended, eff. Jan. 1, 2005.*

### IX

## APPEALS

#### **RULES 72 TO 76A. ABROGATED AND REPLACED BY NEVADA RULES OF APPELLATE PROCEDURE, EFFECTIVE JULY 1, 1973.**

*Readopted without amendment, eff. Jan. 1, 2005.*

### X

## DISTRICT COURTS AND CLERKS

#### **RULE 77. DISTRICT COURTS AND CLERKS**

(a) **District Courts Always Open.** The district courts shall be deemed always open for the purpose of filing any pleading or other proper paper, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, and rules.

(b) **Trials and Hearings; Orders in Chambers.** All trials upon the merits shall be conducted in open court and so far as convenient in a regular court room, except private trial may be had as provided by statute.

All other acts or proceedings may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials and at any place either within or without the district; but no hearing, other than one ex parte, shall be conducted outside the district without the consent of all parties affected thereby.

#### **ADVISORY COMMITTEE'S NOTE**

The federal rule is revised to permit private trial as provided by statute.

# NEVADA SHORT TRIAL RULES

Effective July 6, 2000

Including Amendments Received Through February 1, 2016

Order Adopting Rules Governing Alternative Dispute Resolution and Nevada Mediation Rules and Amending the Nevada Arbitration Rules and Nevada Short Trial Rules.

## I. SCOPE OF RULES

### Rule

1. The Short Trial Program.
2. Short Trial Commissioner.
3. Presiding Judge.

## II. PARTICIPATION IN AND REMOVAL FROM THE SHORT TRIAL PROGRAM

4. Matters Subject to the Short Trial Program.
5. Removal of Cases Subject to Mandatory Participation in the Short Trial Program.

## III. PLEADINGS AND MOTIONS; DISCOVERY AND PRETRIAL PROCEDURE

6. Filing and Service of Documents.
7. Motions; Rulings to Be Written and Filed.
8. Mandatory Discovery and Settlement Conference.
9. Pretrial Memorandum.
10. Pretrial Conference.
11. Settlement Before Trial.

## IV. TRIALS

12. Calendaring.
13. Continuances.
14. Location of Trial.
15. Depositions, Interrogatories and Admissions.

### Rule

16. Documentary Evidence.
17. Evidentiary Objections.
18. Evidentiary Booklets.
19. Expert Witnesses.
20. Reporting of Testimony.
21. Time Limits for Conduct of Trial.
22. Size of Jury.
23. Juror Selection and Voir Dire.
24. Opening Charge to Jury.
25. Jury Instructions.

## V. JUDGMENT

26. Entry of Judgment.
27. Attorney's Fees, Presiding Judge's Fees and Costs.
28. Fees for Presiding Judge.
29. Costs for Presiding Judge.
30. Deposits; Failure to Pay.
31. Allocation of Fees and Costs.
32. Binding Short Trial.

## VI. APPEALS

33. Direct Appeal of Final Judgment.

## VII. GENERAL PROVISIONS

34. Support Personnel.
35. Citations to Rules.

## VIII. FORMS

1. Judgment on Short Trial Jury Verdict.

### ORDER ADOPTING RULES GOVERNING ALTERNATIVE DISPUTE RESOLUTION AND NEVADA MEDIATION RULES AND AMENDING THE NEVADA ARBITRATION RULES AND NEVADA SHORT TRIAL RULES

WHEREAS, on June 7, 2000, this court adopted the Nevada Short Trial Rules implementing the short trial program and allowing parties to participate in the program by mutual consent; and

WHEREAS, the Supreme Court Advisory Committee on the Short Trial Rules filed a report with this court on September 17, 2003, proposing amendments to the Nevada Short Trial Rules that would mandate a short trial in certain cases; and

WHEREAS, the Advisory Committee also recommended amendments to the Nevada Arbitration Rules

and the adoption of two new sets of rules: Rules Governing Alternative Dispute Resolution and Nevada Mediation Rules; and

WHEREAS, the Judges of the Eighth Judicial District Court have also petitioned this court to amend the Nevada Arbitration Rules; and

WHEREAS, this court held a public hearing on these matters and accepted public comment on the proposed amendments to this court's rules; and

WHEREAS, this court subsequently referred draft rule amendments to the Short Trial Review Committee to analyze and critique a modified short trial program; and

WHEREAS, the Review Committee submitted its report to this court on October 25, 2004, assessing the draft rules and prospective mandatory program; and

WHEREAS, it appears to this court that amendment of the Nevada Arbitration Rules and Nevada Short

simply not allowed under the Nevada Rules of Evidence and must be disregarded. Added, eff. Jan. 1, 2005.

Rule 25. Jury instructions.

Standard jury instructions should be taken from the Nevada Pattern Civil Jury Instruction Booklet unless a particular instruction has been disapproved by the Nevada Supreme Court. Any proposed or agreed to additions to the jury instructions shall be included in

the pretrial memorandum and ruled on by the presiding judge at the pretrial conference. All stipulated and proposed instructions must be presented to the presiding judge prior to trial under Rule 10. The presiding judge shall encourage limited jury instructions.

Added as Rule 12 in Subpart B of Part V of the Supreme Court Rules, eff. July 7, 2000. Readopted as amended and renumbered Rule 25 of the Nevada Short Trial Rules, eff. Jan. 1, 2005.

V JUDGMENT

Rule 26. Entry of judgment.

Judgment shall be entered upon the short trial jury verdict form in a jury trial or upon a decision by the presiding judge in a trial to the bench, and the judgment, including any costs or attorney's fees, shall be filed with the clerk. A decision of at least 3 of the 4 jurors is necessary to render a verdict for a 4-member jury, at least 5 of the 6 jurors for a 6-member jury, and at least 6 of the 8 jurors for an 8-member jury. A judgment arising out of the short trial program may not exceed \$50,000 per plaintiff exclusive of attorney's fees, costs and prejudgment interest, unless otherwise stipulated to by the parties. Jurors shall not be notified of this limitation. Where cases not subject to mandatory arbitration were brought into the short trial program, the parties may establish a different ceiling of recovery by stipulation.

Added as Rule 9 in Subpart B of Part V of the Supreme Court Rules, eff. July 7, 2000. Readopted as amended and renumbered Rule 26 of the Nevada Short Trial Rules, eff. Jan. 1, 2005. As amended, eff. Mar. 14, 2007.

Rule 27. Attorney's fees, presiding judge's fees and costs.

(a) Attorney's fees, costs and interest for cases removed from the short trial program. In cases removed from the short trial program pursuant to Rule 5, attorney's fees, costs and interest shall be allowed as follows:

(1) The prevailing party at the trial following removal from the short trial program is entitled to all recoverable fees, costs, and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subdivision (a)(1), a party is entitled to a separate award of reasonable attorney's fees and costs as set forth in paragraphs (A) and (B) below. If both parties demanded removal from the short trial program, the provisions of N.A.R. 20(B)(2) apply in lieu of (A) and (B) below.

(A) Where the party who demanded removal from the short trial program fails to obtain a judgment that exceeds the arbitration award by at least

20 percent of the award, the nondemanding party is entitled to its reasonable attorney's fees and costs associated with the proceedings following removal from the short trial program.

(B) Where the party who demanded removal from the short trial program fails to obtain a judgment that reduces by at least 20 percent the amount for which that party is liable under the arbitration award, the nondemanding party is entitled to its attorney's fees and costs associated with the proceedings following removal from the short trial program.

(b) Attorney's fees, presiding judge's fees, costs and interest following short trial. Attorney's fees, presiding judge's fees and costs shall be allowed following a short trial as follows:

(1) The prevailing party at the short trial is entitled to all recoverable fees, costs and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subdivision (b)(1), a party is entitled to a separate award of fees and costs as set forth in N.A.R. 20(B)(2) in cases that enter the short trial program upon a request for trial de novo.

(3) The prevailing party at the short trial is also entitled to recover any fees and costs the party paid to the presiding judge.

(4) An award of fees under subsections (1) or (2) of this rule may not exceed a total of \$3,000, unless the parties otherwise stipulate or the attorney's compensation is governed by a written agreement between the parties allowing a greater award.

(5) Recovery of expert witness fees is limited to \$500 per expert unless the parties stipulate to a higher amount.

Added as Rule 15 in Subpart B of Part V of the Supreme Court Rules, eff. July 7, 2000. Readopted as amended and renumbered Rule 27 of the Nevada Short Trial Rules, eff. Jan. 1, 2005. Amended eff. Mar. 25, 2005, governing proceedings commenced after Jan. 1, 2005. Amended eff. April 7, 2008; Aug. 17, 2009.

Rule 28. Fee

(a) Allowab entitled to re maximum per lated.

(b) Itemizec judge pro ten itemized bill wi in a bench trial of the case fro wise, whicew shall indicate th and adjust the :

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(d) Exceptio parties to the s was exempted u fee, no fees for from any party t Added as Rule 18 Court Rules, eff. J renumbered Rule Jan. 1, 2005. An April 7, 2008. Am

Rule 29. Costs

(a) Allowable to recover t pro tempore judg an action within rable by the pro

- (1) Reasonable
(2) Reasonable
(3) Reasonable
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(7) Reasonable
(8) Reasonable

(b) Itemized b the presiding ju itemized bill of c judgment in a be of removal of the

Case No. 69060

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IN THE  
SUPREME COURT OF NEVADA

Electronically Filed  
Jul 26 2016 10:48 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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GENEVA M. SIMMONS, an individual,  
Appellant,

vs.

JESUS MANUEL BRIONES, an individual,  
Respondent.

---

Appeal from the Eighth Judicial District Court, Clark County, Nevada  
Honorable Judge Rob Bare, Case No. A-14-706955-J

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**APPELLANT GENEVA M. SIMMONS' REPLY BRIEF**

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**July 26, 2016**

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## I. INTRODUCTION

Appellant Geneva M. Simmons (“Ms. Simmons”) and Respondent

Jesus Manuel Briones (“Mr. Briones”) were involved in a minor car accident.

(1 Appellant’s App 1, at AA0001-AA0006.) As a result, Mr. Briones

commenced a negligence action against Ms. Simmons seeking personal injury

and property damages. (*Id.* at 2, at AA0009-AA0010, at ¶¶ 4-11.) Ms.

Simmons made Mr. Briones an Offer of Judgment in the amount of \$2,750.00,

which he rejected. (*Id.* at 5, at AA0020:21-26; Tab 14, at AA0046:19-21.)

Ms. Simmons was then forced to defend against the claims in both an

arbitration proceeding and a trial de novo. (*Id.* at 6, at AA0023-AA0024; Tab

8, at AA0028-AA0030.) The jury found in favor of Mr. Briones, but the jury

also determined that Mr. Briones was 50-percent liable for the car accident.

(*Id.* at 13, at AA0044:14-20, AA0045:1-3.)

After Mr. Briones’ award was reduced to account for his comparative

negligence, his award was less than Ms. Simmons’ Offer of Judgment and the

arbitration award. (*Id.* at 5, at AA0020-AA0022; Tab 6, at AA0023-AA0024;

1 Tab 13, at AA0045:1-3; Tab 19, at AA0086:11-14.) Therefore, the District  
2 Court awarded Ms. Simmons costs and attorney’s fees incurred in defending  
3 against Mr. Briones claims. (*Id.* at 21, at AA0104:4-11.) The District Court  
4 then offset the two awards and entered a judgment in favor of Ms. Simmons  
5 (the “Simmons Judgment”). (*Id.* at 23, at AA0111-AA0112; Tab 24, at  
6 AA0113-AA0116.) Despite the fact that Mr. Briones was insured at the time  
7 of the accident, the Simmons Judgment remains unpaid. (Answering Br. at 6  
8 n.2.)

9 Because the Simmons Judgment is a final judgment rendered in a tort  
10 action arising from a car accident, Ms. Simmons forwarded a copy of the  
11 Simmons Judgment to the Nevada Department of Motor Vehicles (“DMV”)  
12 and requested that Mr. Briones’ license and registration be suspended for  
13 nonpayment of the judgment. (*Id.* at 25, at AA0117.) But for the car accident  
14 and Mr. Briones’ negligence action, Ms. Simmons would not have incurred  
15 the costs and fees which form the basis of the Simmons Judgment.

16 ///

1 Both parties agree that NRS 485.035, NRS 485.301(1), and NRS  
2 485.302(1) (collectively, the “Unsatisfied Judgment Statutes”) are  
3 unambiguous. (Opening Br. at 17:15-24:13; Answering Br. at 3:1.) As set  
4 forth in her Opening Brief, Ms. Simmons contends that under the plain and  
5 ordinary meaning of the terms of the Unsatisfied Judgment Statutes, the DMV  
6 must suspend the license and registration of any judgment debtor who has  
7 failed to pay any judgment in a tort action which *originates from, grows out*  
8 *of, or is otherwise causally connected to* a motor vehicle accident. (Opening  
9 Br. at 19:22-21:24.)

10 It is well recognized that when a statute is unambiguous, there is no  
11 need to look beyond the plain language to determine legislative intent.  
12 *Cramer v. State, Dep’t of Motor Vehicles*, 126 Nev. 388, 392, 240 P.3d 8, 10  
13 (2010). Despite the fact that Mr. Briones agrees that the Unsatisfied Judgment  
14 Statutes are unambiguous, he has engaged in an improper analysis of  
15 legislative intent in an attempt to establish that: (1) the District Court correctly  
16 held that the purpose of the Unsatisfied Judgment Statutes is to “require

1 liability insurance to compensate people who are injured or whose property  
2 has been damaged by someone negligently operating a motor vehicle . . . ,”  
3 (Answering Br. at 5:8-6:14, 7:8-17; *see also* 2 Appellant’s App. 42, at  
4 AA00278:17-19); and (2) the Administrative Law Judge for the DMV  
5 correctly limited the scope of the Unsatisfied Judgment Statutes to judgments  
6 for personal injury or property damages entered in favor of the injured  
7 plaintiff, (Answering Br. at 8:1-9; *see also* 1 Appellant’s App. 28, at  
8 AA0125:22-27).

9       However, Mr. Briones’ statutory analysis violates the well-recognized  
10 rules of statutory interpretation. (Answering Br. at 3:1-3, 5:11-19, 6:11-14,  
11 9:2-10, 9:18-11:7.) He conflates the purpose of one section of NRS Chapter  
12 485 — compulsory liability insurance for all motor vehicle owners — as the  
13 purpose of the chapter as a whole, despite the fact that this interpretation  
14 renders the Unsatisfied Judgment Statutes superfluous. Specifically, NRS  
15 Chapter 485 already includes provisions which require suspension of a motor

16 ///

1 vehicle owner’s license and registration for failing to maintain liability  
2 insurance. NRS 485.317(3); NRS 485.326.

3 A review of the plain language of Chapter 485 demonstrates that the  
4 chapter is broken into multiple sections, each with a specific purpose aimed at  
5 promoting the financial responsibility of motor vehicle owners and operators.

6 One section requires maintenance of liability insurance. NRS 485.185. One  
7 section requires the deposit of security from uninsured drivers after an  
8 accident has occurred but before liability has been determined. NRS 485.190-  
9 485.300. One section requires proof of financial responsibility for future  
10 accidents before driving privileges can be restored. NRS 485.307-485.3099.

11 Finally, one section, comprised of the Unsatisfied Judgment Statutes, provides  
12 leverage for the collection of any judgments rendered in tort actions arising  
13 out of motor vehicle accidents. NRS 485.301-485.305. In order to give effect  
14 to every statute included within Chapter 485, Mr. Briones’ proffered  
15 interpretation of the Unsatisfied Judgment Statutes must be rejected.

16 ///



1           If this Court determines that the Unsatisfied Judgment Statutes are  
2 ambiguous and legislative intent must be examined, then Ms. Simmons  
3 contends that legislative intent can only be determined by examining how  
4 other jurisdictions have interpreted and applied similar statutory schemes.  
5 Because Nevada has no committee meeting minutes or other relevant  
6 legislative history for the Unsatisfied Judgment Statutes, analysis of other  
7 states' unsatisfied judgment statutes is instructive. Although neither Nevada  
8 nor any other jurisdiction has expressly determined whether unsatisfied  
9 judgment statutes apply to judgments for costs and fees, some states have  
10 applied the statutes to judgments in subrogation actions and judgments where  
11 the judgment debtor was insured. This suggests that the purpose of the  
12 statutes is not solely to incentivize the maintenance of liability insurance or  
13 the compensation of injured plaintiffs. Rather, these jurisdictions have  
14 determined that the purpose of the statutes is to aid in the collection of  
15 judgments from financially irresponsible owners and operators of motor  
16 ///

1 vehicles. *Commw., Dep't of Transp., Bureau of Traffic Safety v. Rodgers*, 341  
2 A.2d 917, 920 (Pa. Commw. Ct. 1975).

3 There is no reasonable basis for excluding from the scope of the  
4 Unsatisfied Judgment Statutes all judgments for costs and fees awarded in tort  
5 actions arising from a motor vehicle accident. Therefore, Ms. Simmons  
6 respectfully requests that this Court reverse the District Court's order denying  
7 the Petition for Judicial Review and remand the matter to the District Court  
8 with instructions to, in turn, remand the matter to the Administrative Law  
9 Judge for the DMV with instructions to suspend Mr. Briones' license and  
10 registration pursuant to the terms of NRS 485.302(1).

## 11 II. ARGUMENT

### 12 A. Ms. Simmons Is the Only Appellant in This Action.

13 Mr. Briones asserts that "GEICO Insurance [{"GEICO"}] is the real  
14 party in interest" in this appeal — and repeatedly refers to GEICO Insurance  
15 as an appellant in this action — because GEICO wrote the letter to the DMV  
16 requesting suspension of Mr. Briones' license for nonpayment of the

1 Simmons Judgment. (Answering Br. at 1:16-25.) However, as Mr. Briones  
2 acknowledges in his Answering Brief, Ms. Simmons was insured by GEICO  
3 and was defended by GEICO Staff Counsel in Mr. Briones’ personal injury  
4 action. (*Id.* at 1:13-15.)

5 After Ms. Simmons obtained a judgment against Mr. Briones in the  
6 personal injury action, GEICO Staff Counsel continued to represent Ms.  
7 Simmons in her attempt to collect the Simmons Judgment by sending the  
8 letter to the DMV requesting suspension of driving privileges pursuant to the  
9 Unsatisfied Judgment Statutes. (1 Appellant’s App. 25, at AA0117.) GEICO  
10 Staff Counsel also filed the Petition for Judicial Review on behalf of Ms.  
11 Simmons. (*Id.* at 33, at AA0204-AA0210.) In fact, GEICO Staff Counsel is  
12 still representing Ms. Simmons as co-counsel in this appeal. Therefore,  
13 GEICO is not an appellant or real party in interest in this case — it is merely  
14 Ms. Simmons’ insurer as well as her counsel for any and all disputes relating  
15 to her car accident with Mr. Briones.

16 ///

1           Finally, even if the Court were to consider GEICO to be an interested  
2 party in this action and the driving force behind the pursuit to collect the  
3 Simmons judgment — as Mr. Briones suggests — this would have no impact  
4 on the issues on appeal. Based on the application of similar unsatisfied  
5 judgment statutes in other jurisdictions, insurers are readily permitted to  
6 utilize unsatisfied judgment statutes to assist in the collection of unpaid  
7 judgments rendered in subrogation actions which concern claims arising out  
8 of the ownership, maintenance, or use of a motor vehicle. *Tomai-Minogue v.*  
9 *State Farm Mut. Auto. Ins. Co.*, 770 F.2d 1228, 1231, 1238 (4th Cir. 1985)  
10 (suspending driving privileges for nonpayment of a judgment in a subrogation  
11 action, despite insured agreeing that the judgment debtor could pay him \$100  
12 in full satisfaction of his property damages); *Smith v. Commw., Dep't of*  
13 *Transp., Bureau of Driver Licensing*, 892 A.2d 36, 37-38, 40-41 (Pa.  
14 Commw. Ct. 2006) (suspending driving privileges for nonpayment of a  
15 judgment in a subrogation action).

16 ///

1           Thus, this Court should reject Mr. Briones’ attempt to inject GEICO as  
2 a party to this appeal.

3           **B.     Mr. Briones Mischaracterizes the Purpose and Intent of the**  
4           **Unsatisfied Judgment Statutes and NRS Chapter 485.**

5           NRS Chapter 485 (known as the Motor Vehicle Insurance and Financial  
6 Responsibility Act) serves many purposes. NRS 485.010. Mr. Briones  
7 conflates these purposes in order to apply the purpose of one section of the  
8 chapter to the chapter as a whole. In fact, Mr. Briones chastises Ms. Simmons  
9 for referring to NRS 485.035, NRS 485.301(1), and NRS 485.302(1) as the  
10 “Unsatisfied Judgment Statutes” — despite the fact that this is the express  
11 purpose of the statutes — and insists on referring to these statutes and/or  
12 Chapter 485 as a whole as the “Compulsory Insurance Law.” (Answering Br.  
13 at 5:11-22 & n.1, 7:20-23 (contending that the term “judgment” is defined in  
14 the “Compulsory Insurance law”.) Mr. Briones claims this Court used this  
15 “short name” for the relevant statutes and/or chapter in *State, Department of*  
16 *Motor Vehicles v. Lawlor*, 101 Nev. 616, 707 P.2d 1140 (1985). (*Id.* at 5 n.1.)

1           However, in *Lawlor*, this Court actually only referred to one specific  
2 statute — NRS 485.185 — as a “compulsory insurance law.” 101 Nev. at  
3 618, 707 P.2d at 1141. Specifically, this Court held that:

4           *NRS 485.185 is a compulsory insurance law.* It requires  
5 owners of motor vehicles which are or should be registered in  
6 Nevada to continuously maintain insurance, self-insurance or  
7 security sufficient to satisfy tort liabilities from the  
8 maintenance or use of motor vehicles. The purpose of this  
9 law, as far as possible, is to assure that motor vehicles have  
10 continuous liability insurance. *Nationwide Mut. Ins. Co. v.*  
11 *Liberty Mut. Ins. Co.*, 92 Misc.2d 273, 401 N.Y.S.2d 675  
(N.Y. Sup. Ct. 1976). Anyone who drives an uninsured  
vehicle which is or should be registered in Nevada violates  
NRS 485.185.

12 *Id.* (Emphasis added). Based on this analysis of NRS 485.185, Mr. Briones  
13 erroneously contends that the “[t]he plain language of *Chapter 485* is to  
14 require liability insurance to compensate people who are injured or whose  
15 property has been damaged by someone negligently operating a motor  
16 vehicle.” (Answering Br. at 6:21-7:11.)

1           Because *Lawlor* expressly refers to only NRS 485.185 as a  
2 “compulsory insurance law,” there is no legal basis to support Mr. Briones’  
3 contention that the legislative purpose of Chapter 485 is to require  
4 maintenance of liability insurance. Thus, there is also no legal basis to  
5 support his assertion that the Unsatisfied Judgment Statutes are intended only  
6 to punish uninsured motor vehicle owners and operators who fail to pay  
7 judgments arising from car accidents.

8           Mr. Briones next contends that NRS 485.035 (the statute defining the  
9 term “judgment”) is actually a “financial responsibility law.” (*Id.* at 10:12.)  
10 He bases this assertion upon *Lawlor*’s discussion of the two types of financial  
11 responsibility statutes. (*Id.* at 10:12-18.) Specifically, *Lawlor* defines  
12 “security suspension” statutes which “impose financial responsibility for past  
13 accidents” and “certification” statutes which “insure financial responsibility in  
14 the event of future accidents.” 101 Nev. at 619, 707 P.2d at 1142. *Lawlor*  
15 also explains that some financial responsibility laws can “provide[] leverage  
16 for the collection of damages from financially irresponsible persons.” *Id.*

1 (quoting *Chase v. State Farm Mut. Auto Ins.*, 641 P.2d 1305, 1307, (Ariz. Ct.  
2 App. 1982) (discussing statutes which “require[e] parties involved in  
3 accidents to post a bond, certificate of deposit[,], or certificate of insurance  
4 sufficient to satisfy any potential judgment . . .”).

5 Mr. Briones’ reliance on *Lawlor’s* discussion of financial responsibility  
6 statutes is misplaced. *Lawlor* clearly defines which statutes comprise  
7 Nevada’s financial responsibility law, and the Unsatisfied Judgment Statutes  
8 are not included in this classification. First, this Court identified NRS  
9 485.190 through NRS 485.300 as Nevada’s financial responsibility law.

10 *Lawlor*, 101 Nev. at 619, 707 P.2d at 1142.<sup>1</sup> This Court further explained that  
11 “Nevada’s financial responsibility law *does not* attempt to insure that drivers  
12 are continuously covered by liability insurance, but rather, attempts to insure  
13 that damages from accidents are satisfied before driving and registration  
14 privileges are *restored*.” *Id.* (Emphasis added). This Court also held that

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15  
16 <sup>1</sup> NRS 485.200 also identifies NRS 485.190 to NRS 485.300 as the  
“security and suspension statutes” referenced in Mr. Briones brief.

(Answering Br. at 10:12-16.)



1 “NRS 485.185 and NRS 485.190 through NRS 485.300 impose separate  
2 obligations. The former insures that vehicles have insurance at all times[,]  
3 and the latter creates leverage when uninsured drivers are involved in  
4 accidents.” *Id.* at 620, 707 P.2d at 1142. Finally, this Court recognized that  
5 while the compulsory insurance law and the financial responsibility law have  
6 *separate purposes*, they have *similar penalties* for violation, “in that they  
7 result in revocation of [the] operator’s license and/or vehicle registration.” *Id.*  
8 at 619, 707 P.2d at 1142 (internal quotation and citation omitted). NRS  
9 485.326 is the “enforcement companion” to NRS 485.185, and NRS 485.200  
10 provides the penalties for violation of the financial responsibility law. *Id.* at  
11 617-618 & n.3, 707 P.2d at 1141 & n.3.

12       As *Lawlor* makes expressly clear, there are multiple components and  
13 multiple purposes of the various sections of the Motor Vehicle Insurance and  
14 Financial Responsibility Act. Based on this Court’s unambiguous  
15 identification of Nevada’s compulsory insurance law (NRS 485.185) and  
16 ///

1 financial responsibility law (NRS 485.190 to NRS 485.300), it is clear that  
2 NRS 485.301(1) and NRS 485.302(1) must serve a different purpose.

3 “When interpreting a statute, this court must give its terms their plain  
4 meaning, considering its provisions as a whole so as to read them ‘in a way  
5 that would not render words or phrases superfluous or make a provision  
6 nugatory.’” *S. Nev. Homebuilders Ass’n v. Clark Cnty.*, 121 Nev. 446, 449,  
7 117 P.3d 171, 173 (2005) (quoting *Charlie Brown Constr. Co. v. Boulder*  
8 *City*, 106 Nev. 497, 502, 797 P.2d 946, 949 (1990), *overruled on other*  
9 *grounds by Calloway v. City of Reno*, 116 Nev. 250, 993 P.2d 1259 (2000)).

10 Moreover, “it is the duty of this court, when possible, to interpret provisions  
11 within a common statutory scheme ‘harmoniously with one another in  
12 accordance with the general purpose of those statutes’ and to avoid  
13 unreasonable or absurd results, thereby giving effect to the Legislature’s  
14 intent.” *Id.* (quoting *Washington v. State*, 117 Nev. 735, 739, 30 P.3d 1134,  
15 1136 (2001)).

16 ///

1           Given that NRS Chapter 485 already includes a compulsory insurance  
2 law, a financial responsibility law, and enforcement provisions requiring  
3 suspension of driving privileges for the violation of either of these provisions,  
4 NRS 485.301(1) and NRS 485.302(1) must serve a different purpose. *See*  
5 *Banegas v. State Indus. Ins. Sys.*, 117 Nev. 222, 228, 19 P.3d 245, 249 (2001)  
6 (rejecting a party’s construction of a statute because the suggested legislative  
7 intent was already covered by other sections or subsections of the chapter).

8           The purpose of the Unsatisfied Judgment Statutes is to “protect the  
9 public from the financial irresponsibility of those who, regardless of their  
10 competency to drive, have had judgments entered against them as a result of  
11 motor vehicle accidents.”<sup>2</sup> *Commw., Dep’t of Transp., Bureau of Traffic*  
12 *Safety v. Rodgers*, 341 A.2d 917, 920 (Pa. Commw. Ct. 1975) (analyzing a  
13

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14 <sup>2</sup>           While Mr. Briones contends that he maintained liability insurance at the  
15 time of the accident, (Answering Br. at 6 n.2), he is still a “financially  
16 irresponsible” owner and operator of a motor vehicle for the purpose of the  
Unsatisfied Judgment Statutes. He has failed to pay the Simmons Judgment,  
despite the fact that it is final and valid.

1 statutory scheme similar to Nevada’s Unsatisfied Judgment Statutes); *see also*  
2 *Nulter v. State Road Comm’n of W. Va.*, 193 S.E. 549, 552-53 (W. Va. 1937)  
3 (“Those who do not pay their debts arising from their fault in the operation of  
4 a motor vehicle on the public way may be classified by the Legislature as not  
5 worthy of a license to operate again.”) (citation and internal quotation  
6 omitted)).<sup>3</sup> This is why the Unsatisfied Judgment Statutes are included in a  
7 section of NRS Chapter 485 titled “Nonpayment of Judgment.” The purpose  
8 of the Unsatisfied Judgment Statutes is not to require maintenance of liability  
9 insurance, to punish uninsured drivers by requiring security deposits after an  
10 accident, or to require proof of financial responsibility for future accidents.  
11 (*See* Answering Br. 6:1-14 (claiming that NRS 485.302 and NRS 485.035

12 \_\_\_\_\_  
13 <sup>3</sup> In *Nulter*, the court examined a now-repealed statute which, unlike  
14 Nevada’s Unsatisfied Judgment Statutes, provided for the suspension of  
15 driving privileges for the nonpayment of judgments “for damages *on account*  
16 *of* personal or property injury resulting from the operation of a motor  
vehicle.” 193 S.E. at 549 (emphasis added). As will be discussed in Section  
C, *infra*, this explains why the *Nulter* court refers to the punishment of at-fault  
drivers as well as drivers who fail to pay their debts.

1 “are part of a broader statutory plan to create incentives for people to have  
2 insurance and disincentives for those who do not”).<sup>4</sup> Therefore, the District  
3 Court erred when it determined — without reference to any legal authorities  
4 or explanation of the basis for its interpretation — that the purpose of “NRS  
5 Chapter 485 is to require liability insurance to compensate people who are  
6 injured or whose property has been damaged by someone negligently  
7 operating a motor vehicle . . . .” (2 Appellant’s App. 42, at AA0278:17-19.)

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8  
9 <sup>4</sup> Some states’ unsatisfied judgment statutes could be construed as a  
10 means of providing an incentive to maintain liability insurance. For instance,  
11 Pennsylvania’s current statutory scheme allows a judgment debtor to avoid  
12 suspension of driving privileges for the nonpayment of a judgment if he or she  
13 can demonstrate evidence of financial responsibility (i.e., liability insurance)  
14 at the time of the accident and evidence that the insurance is or should be  
15 available for satisfaction of the judgment. 75 Pa. Cons. Stat. § 1772(c).  
16 However, Nevada’s Unsatisfied Judgment Statutes *do not* include this  
exception to the suspension of driving privileges for the nonpayment of a  
judgment arising out of a motor vehicle accident. Therefore, it is clear that  
the Nevada Legislature did not intend for the Unsatisfied Judgment Statutes to  
be merely a means of providing drivers with an incentive to obtain and  
maintain insurance.

1 Such an interpretation is not supported by the well-accepted rules of statutory  
2 construction and must be rejected.

3 **C. Mr. Briones’ and the Nevada Justice Association’s**  
4 **Interpretation of NRS 485.035 and the Term “Judgment”**  
5 **Violates the Plain Language of the Statute and Is Not**  
6 **Supported by Any Legal Authorities.**

7 Without any analysis or citation to legal authorities, Mr. Briones and  
8 *Amicus Curiae* Nevada Justice Association repeatedly contend that a  
9 judgment for costs and fees — particularly a judgment awarded because of a  
10 failure to exceed an offer of judgment or a prior arbitration award — does not  
11 qualify as a “judgment” under NRS 485.035. (Answering Br. at 2:11-16 &  
12 19-24, 7:11-14, 8:1-17 & 21-23, 12:1-6, 13:11-17; Amicus Br. at 2:23-27,  
13 6:26-7:13, 8:2-11.) However, the plain language of NRS 485.035  
14 demonstrates that the relevant factor for determining the applicability of the  
15 Unsatisfied Judgment Statutes is the type of action in which the judgment was  
16 rendered, not the type of damages awarded.

16 ///

1 NRS 485.035 expressly applies to “*any* judgment . . . *upon a cause of*  
2 *action arising out of* the ownership, maintenance or use of any motor vehicle  
3 for damages . . . .” (Emphasis added). Similarly, NRS 485.301(1) expressly  
4 applies to “*any* person” who has failed to satisfy “*any* judgment” which is  
5 “entered *as a result of* a crash<sup>5</sup> involving a motor vehicle.” Nothing in this  
6 plain language suggests that the Unsatisfied Judgment Statutes are limited to  
7 judgments in favor of tort plaintiffs or judgments solely for personal injury  
8 and property damages. Rather, it applies to any judgment awarded to any  
9 party in an *action* which arises from a car accident (i.e., the operation or use  
10 of a motor vehicle).

11 Here, Mr. Briones filed a negligence action for personal injury and  
12 property damages arising out of his car accident with Ms. Simmons, and the  
13 jury entered a verdict in favor of Mr. Briones for \$3,293.00. (1 Appellant’s  
14 App. 2, at AA0009-AA0010, at ¶¶ 4-11; Tab 13, at AA0044:14-20.)

15 However, the jury also found Mr. Briones to be 50-percent liable for the car

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16 <sup>5</sup> As of January 1, 2016, NRS 485.301(1) was amended to refer to motor  
vehicle “crashes” versus “accidents.”

1 accident; therefore, his award was reduced to \$1,646.50. (*Id.* at AA0045:1-3;  
2 Tab 19, at AA0086:11-14.) Because this award was less than Ms. Simmons’  
3 \$2,750.00 Offer of Judgment and the prior \$4,207.50 arbitration award, the  
4 District Court awarded Ms. Simmons \$5,146.55 for the costs and fees she had  
5 incurred in defending against Mr. Briones’ negligence action. (*Id.* at 5, at  
6 AA0020:21-25; Tab 6, at AA0023:13-18; Tab 13, at AA0044-AA0045; Tab  
7 21, at AA0104:4-8.) The District Court then offset the two awards and  
8 entered judgment in favor of Ms. Simmons for \$3,500.05. (*Id.* at 23, at  
9 AA0111-AA0112; Tab 24, at AA0113-AA0116.)

10 Therefore, the Simmons Judgment was entered in a negligence action  
11 arising out of the Parties’ car accident. The costs and fees awarded to Ms.  
12 Simmons were incurred in defending against Mr. Briones’ claim for  
13 negligence relating to the car accident. Thus, the Simmons Judgment clearly  
14 falls within the scope of NRS 485.035.

15 Despite the clear and unambiguous language applying NRS 485.035  
16 and NRS 485.301(1) to *any* judgment rendered in an *action* for personal



1 injury or property damages arising from a car accident, Mr. Briones  
2 erroneously asserts that NRS 485.035 only applies to judgments for personal  
3 injury or property damages arising from a car accident. (Answering Br. 3:11-  
4 12, 9:1-2, 10:24-11:3.) Some states have explicitly limited the scope of their  
5 unsatisfied judgment statutes as Mr. Briones proposes. For instance, under  
6 New York law, “judgment” is defined as “any judgment in excess of one  
7 thousand dollars for damages *because of* injury to or destruction of property,  
8 including the loss of use thereof, or any judgment for damages, including  
9 damages for care and loss of services, *because of* bodily injury to or death of  
10 any person arising out of the ownership, maintenance, use or operation of any  
11 motor vehicle.” N.Y. Veh. & Traf. Law § 332(b) (emphasis added); *see also*  
12 *Nulter v. State Road Comm’n of W. Va.*, 193 S.E. 549, 549 (W. Va. 1937)  
13 (discussing an unsatisfied judgment statute which only applies to judgments  
14 “for damages *on account of* personal injury or property injury resulting from  
15 the operation of a motor vehicle”) (emphasis added)). However, Nevada has  
16 rejected that language and adopted the terms of the 1964 Uniform Vehicle

1 Code, which defined judgment based on the *type of action filed* not the *type of*  
2 *damages awarded*. Uniform Vehicle Code § 7-303(a) (1968); NRS 485.035.

3 Therefore, the Administrative Law Judge for the DMV erred when he  
4 determined that the Unsatisfied Judgment Statutes only apply to judgments  
5 against tortfeasors for personal injury or property damages caused by motor  
6 vehicle accidents. (1 Appellant’s App. 28, at AA0125:22-27.)

7 **D. The Unsatisfied Judgment Statutes Do Not Deter Injured**  
8 **Persons From Bringing Valid Tort Claims by Suspending**  
9 **Driving Privileges if the Tort Judgment Fails to Exceed an**  
10 **Offer of Judgment.**

11 The Nevada Justice Association claims that the Unsatisfied Judgment  
12 Statutes cannot apply to judgments for costs and fees awarded under the  
13 “offer of judgment rules” because Nevada Rule of Civil Procedure 68, Nevada  
14 Arbitration Rule 20, and Nevada Short Trial Rule 27 only provide for  
15 monetary sanctions, not the suspension of drivers’ licenses or vehicle  
16 registrations. (Amicus Br. at 3:7-12, 8:17-9:1.) Similarly, Mr. Briones and  
the Nevada Justice Association contend that Ms. Simmons’ interpretation of

1 the scope of the Unsatisfied Judgment Statutes would allow parties to use the  
2 “power of the State” to deter others from bringing claims for injuries suffered  
3 as a result of motor vehicle accidents. (Answering Br. at 7:14-17; Amicus Br.  
4 at 9:20-24, 10:4-9.) These arguments are absurd.

5 No party is at risk of suspension of his or her driving privileges merely  
6 because he or she also refused an offer of judgment, rejected an arbitration  
7 award and sought trial de novo, or was subject to judgment for costs and fees  
8 under NRCP 68, NAR 20, or NSTR 27. The risk of an award of costs and  
9 fees is inherent any time a party rejects an offer of judgment or elects trial de  
10 novo after an arbitration. NRCP 68; NAR 20; NSTR 27. However, the risk of  
11 suspension of driving privileges only arises when a party *fails to pay* a final  
12 judgment for such costs and fees which was rendered in a tort action arising  
13 from a motor vehicle accident. NRS 485.035; NRS 485.301(1); NRS  
14 485.302(1). Therefore, no party will be deterred from bringing lawful claims  
15 merely because the Unsatisfied Judgment Statutes apply to *unpaid* judgments

16 ///

1 for costs and fees awarded to the alleged tortfeasor in an action arising from a  
2 motor vehicle accident.

3 **E. The Application of Unsatisfied Judgment Statutes in Other**  
4 **Jurisdictions Also Demonstrates That the Purpose of the**  
5 **Statutes Is Broader Than Merely the Maintenance of**  
6 **Liability Insurance and the Compensation of Injured**  
7 **Plaintiffs.**

7 The Unsatisfied Judgment Statutes are based on the Uniform Vehicle  
8 Code. *Nev., Dep't of Motor Vehicles v. Turner*, 89 Nev. 514, 516-17, 515  
9 P.2d 1265, 1266 (1973). Mr. Briones does not dispute that many other  
10 jurisdictions have adopted the Uniform Vehicle Code, in whole or in part, and  
11 have enacted unsatisfied judgment statutes which are substantially similar or  
12 virtually identical to Nevada's Unsatisfied Judgment Statutes. (Opening Br.  
13 at 35:22-37:5; Answering Br. at 11:15-17.) However, Mr. Briones contends  
14 that because no other jurisdiction has expressly applied unsatisfied judgment  
15 statutes to judgments for costs and fees under circumstances analogous to this

16 ///

1 action, Ms. Simmons' interpretation of the Unsatisfied Judgment Statutes  
2 must be rejected. (Answering Br. at 11:17-23.)

3 Mr. Briones fails to recognize that the application of unsatisfied  
4 judgment statutes to judgments for costs and fees entered in tort actions  
5 arising out of motor vehicle accidents is not only an issue of first impression  
6 in Nevada, but also an issue of first impression in other jurisdictions with  
7 similar statutory schemes. This is likely due to the unique factual  
8 circumstances giving rise to such judgments. An analogous case would  
9 require: (1) a motor vehicle accident in which the plaintiff is found to be  
10 equally liable with or more liable than the defendant; (2) a plaintiff that has  
11 rejected an offer of judgment and/or an arbitration award and chosen to  
12 proceed with a trial de novo; (3) a jury award that is less than the offer of  
13 judgment and/or arbitration award; (4) a defendant incurring costs and fees in  
14 excess of the award to the plaintiff, such that a final judgment is entered in  
15 favor of the defendant; and (5) a plaintiff who refuses to pay a valid judgment  
16 entered against him.

1           Regardless of the fact that no jurisdiction has directly addressed these  
2 factual circumstances, the application of similar statutory schemes in other  
3 jurisdictions is still instructive and persuasive. In her Opening Brief, Ms.  
4 Simmons cites to five cases in which unsatisfied judgment statutes were  
5 applied to judgments that fall outside the narrow limitations sought to be  
6 imposed on the scope of the Unsatisfied Judgment Statutes by the  
7 Administrative Law Judge for the DMV, the District Court, the Nevada  
8 Justice Association, and Mr. Briones. (Opening Br. at 38:14-43:15.)

9           Mr. Briones contends that *MacQuarrie v. McLaughlin*, 294 F. Supp.  
10 176 (D. Mass 1968), is not instructive because it concerns a statute which was  
11 intended to punish uninsured drivers who are unable to satisfy judgments  
12 entered against them. (Answering Br. 12:7-13:17.) However, Ms. Simmons  
13 never contended that this case was based on analogous facts or an identical  
14 statutory scheme. Ms. Simmons believes this case is relevant because it  
15 demonstrates that courts are willing to apply unsatisfied judgment statutes to  
16 judgments entered against completely innocent motor vehicle owners

1 uninjured in the underlying motor vehicle accident who merely lent their car  
2 to the negligent driver. *MacQuarrie*, 294 F. Supp. at 178. If courts are  
3 willing to suspend the driving privileges of no-fault owners and operators who  
4 fail to satisfy judgments arising out of car accidents, then there is no rational  
5 basis for the Administrative Law Judge’s refusal to suspend Mr. Briones’  
6 driving privileges — a driver found to be 50-percent liable for the car accident  
7 — merely because he is the plaintiff in the action. (1 Appellant’s App. 28, at  
8 AA0125:22-27 (finding that the Unsatisfied Judgment Statutes only apply to  
9 judgments *against tortfeasors* for personal injuries or property damages  
10 caused by motor vehicle accidents).

11 Mr. Briones also contends that another case cited by Ms. Simmons,  
12 *Wilfong v. Wilkins*, 318 S.E.2d 540 (N.C. Ct. App. 1984), is inapplicable and  
13 unpersuasive, because this case only involves property damages caused to the  
14 negligent driver’s own cars (he owned both cars involved in the accident).  
15 (Answering Br. at 13:18-14:14.) However, Mr. Briones misconstrues  
16 *Wilfong*. First, the court determined that North Carolina’s financial

1 responsibility law was inapplicable to the unsatisfied judgment because the  
2 judgment debtor had not caused any injury or damage to anyone other than the  
3 owner and operator of the vehicle he was driving. *Id.* at 541-42 (discussing  
4 N.C. Gen. Stat. § 20-279.5, which requires proof of security after an accident  
5 has occurred and before liability has been determined). The court also  
6 determined that compulsory insurance laws were inapplicable to the  
7 unsatisfied judgment, because the judgment debtor was actually insured at the  
8 time of the accident and North Carolina law does not require maintenance of  
9 insurance against loss to property owned by the insured. *Id.* at 542  
10 (discussing N.C. Gen. Stat. § 20-279.21(b)(4)(e)). However, the court held:

11           Nevertheless, these statutes, *which have nothing to do with*  
12           *unsatisfied judgments in automobile cases*, do not justify us  
13           concluding that the General Assembly did not intend that  
14           which is *plainly stated* in G.S. 20-279.13. A statute as *free*  
15           *from ambiguity* as G.S. 20-279.13 is *requires no*  
16           *construction, only adherence*. Under the record presented,  
          the statute required defendant to automatically suspend  
          Carpenter’s license to operate a motor vehicle upon receiving



1 certification that the judgment against him was unsatisfied,  
2 and the order of mandamus was correctly entered.

3 *Id.* at 542 (emphasis added).<sup>6</sup> Therefore, like *Lawlor*, *Wilfong* demonstrates

4  
5 \_\_\_\_\_  
6 <sup>6</sup> North Carolina’s unsatisfied judgment statutes are virtually identical to  
7 Nevada’s. N.C. Gen. Stat. § 20-279.12 states: “[w]henver any person fails  
8 within 60 days to satisfy any judgment, upon the written request of the  
9 judgment creditor or his attorney[,] it shall be the duty of the clerk of the court  
10 . . . to forward to the Commissioner immediately after the expiration of said  
11 60 days, a certified copy of such judgment.” N.C. Gen. Stat. § 20-279.13(a)  
12 states: “The Commissioner, upon the receipt of a certified copy of a judgment,  
13 which has remained unsatisfied for a period of 60 days, shall forthwith  
14 suspend the license and any nonresident’s operating privilege of any person  
15 against whom such judgment was rendered . . . .” N.C. Gen. Stat. §20-  
16 279.1(3) defines “judgment” as “[a]ny judgment which shall have become  
final . . . , rendered by a court of competent jurisdiction of any state or of the  
United States, upon a cause of action arising out of the ownership,  
maintenance or use of any motor vehicle, for damages, including damages for  
care and loss of services, because of bodily injury to or death of any person, or  
for damages because of injury to or destruction of property, including the loss  
of use thereof, or upon a cause of action on an agreement of settlement for  
such damages.”

1 that there is a difference in purpose between compulsory insurance statutes,  
2 financial responsibility statutes, and nonpayment of judgment statutes.

3 Moreover, because the North Carolina unsatisfied judgment statutes are  
4 virtually identical to Nevada's, *Wilfong* also demonstrates that Nevada's  
5 Unsatisfied Judgment Statutes are unambiguous. Finally, because the  
6 judgment debtor in *Wilfong* was insured at the time of the car accident,  
7 *Wilfong* demonstrates that Mr. Briones and the District Court incorrectly  
8 interpreted the Unsatisfied Judgment Statutes as laws designed to punish  
9 uninsured drivers.

10 Mr. Briones failed to even address the remaining three cases discussed  
11 in detail in Ms. Simmons' Opening Brief — likely because these cases  
12 concern the application of unsatisfied judgment statutes to judgments rendered  
13 in subrogation actions and awards of costs. In brief, *Smith v. Commw. Dep't*  
14 *of Transp., Bureau of Driver Licensing*, 892 A.2d 36 (Pa. Commw. Ct. 2005)  
15 and *Tomai-Minogue v. State Farm Mut. Auto. Ins. Co.*, 770 F.2d 1228 (4th  
16 Cir. 1985), both held that unsatisfied judgment statutes were applicable to

1 judgments rendered in subrogation actions. *Smith*, 892 A.2d at 37, 40-41;  
2 *Tomai-Minogue*, 770 F.2d at 1231, 1238. Based on these cases, it is clear that  
3 unsatisfied judgment statutes are not limited to judgments rendered solely in  
4 favor of the party suffering personal injury or property damages — they also  
5 apply to judgments rendered to make insurers whole.

6       Moreover, in *Steinberg v. Mealey*, 33 N.Y.S.2d 650 (N.Y. App. Div.  
7 1942) — another case not addressed by Mr. Briones — a plaintiff received an  
8 award of \$100 in personal injury and/or property damages, as well as an  
9 award of \$15 for costs. *Id.* at 654 (J. Schenk, dissenting). At that time, New  
10 York’s unsatisfied judgment statutes only applied to judgments in excess of  
11 \$100.00 awarded for personal injury or property damages. *Id.* at 652. Despite  
12 these limitations, the court determined that the judgment debtor’s driving  
13 privileges could be suspended, because “liability for costs generally is a legal  
14 consequence to the entry of a judgment.” *Id.* at 653.

15       While the award for costs in *Steinberg* was in addition to an award for  
16 personal injury and/or property damages, this fact should not be

1 determinative. Many jurisdictions, like New York, have a monetary floor  
2 requirement which must be satisfied in order for a judgment to fall within the  
3 scope of the unsatisfied judgment statutes. *See also Tomai-Minogue v. State*  
4 *Farm Mut. Auto. Ins. Co.*, 770 F.2d 1228, 1230-31 (4<sup>th</sup> Cir. 1985) (discussing  
5 an unsatisfied judgment statute with a monetary floor of \$50.00); *Nulter v.*  
6 *State Road Comm'n of W. Va.*, 193 S.E. 549, 549 (W.Va. 1937) (discussing a  
7 now-repealed version of an unsatisfied judgment statute which included a  
8 monetary floor requirement of \$50.00). There is no rational basis for  
9 considering awards of costs and fees when the judgment is entered in favor of  
10 plaintiff but refusing to consider such judgments when entered in the favor of  
11 the defendant in the very same action. If unsatisfied judgment statutes were  
12 intended to be inapplicable to awards of costs and fees, then such awards  
13 could not be added to judgments for personal injury and property damages in  
14 order to satisfy the monetary floors included within these unsatisfied judgment  
15 statutes. To apply unsatisfied judgment statutes to awards of costs and fees to  
16 plaintiffs but not defendants would lead to absurd results and violate the rules

1 of statutory interpretation. *Orion Portfolio Servs. 2, LLC v. Cnty. of Clark ex*  
2 *rel. Univ. Med. Ctr. of S. Nev.*, 126 Nev. 397, 403, 245 P.3d 527, 531 (2010)  
3 (holding that a statute’s interpretation must “not render any part of the statute  
4 meaningless” or “produce absurd or unreasonable results”).

5 Based on the above-referenced cases, it is clear that the Unsatisfied  
6 Judgment Statutes are intended to assist in the collection of judgments from  
7 financially irresponsible owners and operators of motor vehicles. The Statutes  
8 apply to any judgment rendered in a tort action which arises from a motor  
9 vehicle accident, regardless of the nature of the monetary damages awarded or  
10 the fact that the judgment creditor was a defendant in the action. As such, the  
11 District Court and the Administrative Law Judge erred in refusing to suspend  
12 Mr. Briones’ license and registration for nonpayment of the Simmons  
13 Judgment.

### 14 III. CONCLUSION

15 For the foregoing reasons, Ms. Simmons respectfully requests that this  
16 Court reverse the District Court’s Order Denying Petition for Judicial Review

1 and remand the matter to the District Court with instructions to, in turn,  
2 remand the matter to the Nevada Department of Motor Vehicles  
3 Administrative Law Judge with instructions to suspend Mr. Briones' license  
4 and registration pursuant to the terms of NRS 485.302(1). *Cramer v. State,*  
5 *Dep't of Motor Vehicles*, 126 Nev. 388, 397, 240 P.3d 8, 13 (2010)  
6 (demonstrating that this Court can reverse a denial of a petition for judicial  
7 review and remand with instructions for the district court to, in turn, instruct  
8 the administrative agency to take specific action).

9 DATED this 26th day of July, 2016.

10 BAILEY ❖ KENNEDY

11 By: /s/ Sarah E. Harmon

12 DENNIS L. KENNEDY

13 SARAH E. HARMON

14 AMANDA L. STEVENS

15 -And-

16 ERIC A. DALY

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**CERTIFICATE OF COMPLIANCE**

1. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5), and the type-style requirements of NRAP 32(a)(6) because:

[x] This brief has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in Times New Roman font 14.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is:

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3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP

1 28(e)(1), which requires every assertion in the brief regarding matters in the  
2 record to be supported by a reference to the page and volume number, if any,  
3 of the transcript or appendix where the matter relied on is to be found.

4 I understand that I may be subject to sanctions in the event that the  
5 accompanying brief is not in conformity with the requirements of the Nevada  
6 Rules of Appellate Procedure.

7 DATED this 26th day of July, 2016.

8 BAILEY ❖ KENNEDY

9 By: /s/ Sarah E. Harmon

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