



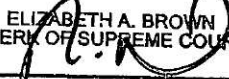
CHIEF JUDGE MELISSA A. SARAGOSA

*Justice Court, Las Vegas Township*

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FILED

NOV 16 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

November 15, 2022

Clerk of the Supreme Court  
201 South Carson Street  
Carson City NV 89701

***Re: ADKT 0604, Petition to Enact Local Rules for the Las Vegas Justice Court Relating to Traffic Citations***

Dear Ms. Brown:

After further discussions as to the proposed Local Rules for the Las Vegas Justice Court relating to Traffic Citations, the Court has determined that minor amendments to the proposed rules are necessary. Accordingly, the Court submits the attached amendments to the original Exhibit A to our petition for consideration at the November 22, 2022, hearing.

Sincerely,

  
Melissa A. Saragosa  
Chief Judge

22-36023

## **PART 7. TRAFFIC CRIMINAL MISDEMEANOR CITATIONS AND CIVIL INFRACTIONS CITATIONS**

**Rule 7.1. Three types of cases.** There are three types of cases involving violations of traffic offenses in the Nevada Revised Statutes: criminal misdemeanor citations, criminal misdemeanor citations alleging only regulatory offenses, and civil infractions.

(a) Criminal misdemeanor citations include all citations in which the citation is marked “criminal” or in which the legislature has determined a violation of the particular charged statute provision is punishable as a misdemeanor.

(b) Criminal misdemeanor citations alleging only regulatory offenses include all citations in which all charges relate to registration of a vehicle, insurance, licensing, and handicap parking violations.

(c) Civil infractions include:

(1) All citations in which the citation is marked “civil infraction”; and

(2) All cases in which the prosecuting attorney has elected to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS as a civil infraction pursuant to NRS 484A.7049.

### ***Criminal Misdemeanor Citations (non-regulatory)***

**Rule 7.2. Criminal misdemeanor random assignment.** All criminal misdemeanor citations will be tracked to a department and will not be able to be handled at the customer service windows or through the Court’s Online Dispute Resolution System.

### **Rule 7.3. Criminal misdemeanor arraignment.**

(a) All arraignments for criminal misdemeanor citations, excluding criminal misdemeanor citations alleging only regulatory violations, will be held on the date and time affixed on the citation in the assigned criminal department, unless otherwise directed by the court.

(b) Failure to appear for arraignment at the date and time affixed on the citation may result in the issuance of a bench warrant.

(c) Counsel appearing on behalf of a defendant charged with a criminal misdemeanor citation must have the requisite consent of the client to enter a plea and ensure that their client was fully aware of the applicable constitutional rights when the defendant gave consent (See NRS 178.388(3)). Without such consent, counsel must ensure their clients presence.

**Rule 7.4. Failure to pay.** For all criminal misdemeanor citations in which a person was sentenced to pay a fine and administrative assessment fee and the person has not paid in full by the date set by the Court, the Court may:

(a) Assess a collection fee to be added to the delinquent amount pursuant to NRS 176.064,

- (b) Close the criminal misdemeanor case,
- (c) Enter a civil judgment for the total amount due, including the collection fee,
- (d) Issue a writ of execution to enforce the judgment, and
- (e) Refer the case to collections.

***Criminal Misdemeanor Citations Alleging ONLY Regulatory Offenses***

**Rule 7.5. Resolution of regulatory violations on or before arraignment date.**

(a) All criminal misdemeanor citations alleging only regulatory offenses as defined by Rule 7.1(b) must be resolved using the Court's Online Traffic Dispute Resolution System on or before the arraignment/appearance date set forth on the citation. Resolution means that either a plea was entered for each violation contained on the citation or is eligible for dismissal pursuant to Rule 7.5(b).

(b) Regulatory violations eligible for dismissal include:

(1) Violations of NRS 485.187 in which the person presents evidence to the court on or before the arraignment date that the insurance required by NRS 485.185 was in effect at the time demand was made for it;

(2) Violations of licensing requirements of NRS Chapter 483 in which the person presents evidence to the court on or before the arraignment date that the person was the holder of a valid driver's license at the time demand was made for it;

(3) Violations of vehicle registration requirements of NRS Chapter 482 in which the person presents evidence to the court on or before the arraignment date that the motor vehicle registration was in effect at the time demand was made for it; and

(4) Violations of NRS 484B.467 restricting parking in spaces designated for persons who are handicapped in which the person presents evidence to the court on or before the arraignment date that the driver was eligible to park in such space as set forth in NRS 484B.467(5).

(c) Regulatory violations in which the person presents evidence to the court that the violation was cured on or prior to the arraignment date may be eligible for a reduced fine pursuant to statute or by the prosecuting attorney's plea negotiation.

(d) Evidence of eligibility for dismissal or reduced fine must be presented to the Court at any time on or before the arraignment/appearance date on the citation. Such evidence may be:

(1) Uploaded into the case via the Court's Online Traffic Dispute Resolution System by creating an account; or

(2) Presented at the Court's customer service window.

(e) Failure to resolve a regulatory violation that is identified by the legislature as a misdemeanor on or before the arraignment date may result in the issuance of a bench warrant.

(f) Cases in which a defendant has entered a not guilty plea to a criminal regulatory violation will be randomly assigned to a department ~~with a general criminal docket~~ and set for trial.

**Rule 7.6. Failure to pay.** For all criminal misdemeanor citations alleging regulatory offenses in which a person was sentenced to pay a fine and administrative assessments and the person has not paid in full by the date set by the Court, the Court may:

- (a) Assess a collection fee to be added to the delinquent amount,
- (b) Close the criminal misdemeanor case,
- (c) Enter a civil judgment for the total amount due, including the collection fee,
- (d) Issue a writ of execution to enforce the judgment, and
- (e) Refer the case to collections.

### ***Civil Infraction Citations***

**Rule 7.7. Prosecutorial election to treat violation as civil infraction.**

(a) A prosecuting attorney electing to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS as a civil infraction must prepare a civil infraction citation using a form authorized by the Court and following the procedural requirements of NRS 484A.7049.

(b) A prosecuting attorney who elects to have all violations of a specific provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS treated as civil infractions may provide written notice to the Court identifying the specific Nevada Offense Codes (NOC). Upon the filing of a criminal traffic citation containing only misdemeanor offenses the prosecuting attorney elects to treat as a civil infraction, the Court will:

(1) Electronically prepare the civil infraction citation and file the ~~infraction~~ citation in a civil case,

(2) Attempt to deliver a copy of the notice and the civil infraction citation to the defendant via an email address or via text message if such information is provided on the citation, and

(3) Dismiss the underlying criminal charge.

(c) Notices and civil infractions citation that are unable to be served by email or text message will be sent to the prosecuting attorney for service via regular mail.

(d) The prosecuting attorney is responsible for ensuring service of the notice and civil infraction citation and filing proof of service with the Court in the civil infraction citation case.

(e) Criminal traffic citations containing multiple misdemeanor offenses in which the prosecuting attorney has only elected to treat a portion of the misdemeanor offenses as civil infractions cannot be ~~accomplished~~ processed by the Court as set forth in subsection (b) above. Instead, the

prosecuting attorney must follow the procedural requirements of NRS 484A.7049 on each individual case.

**Rule 7.8. Two options to resolve traffic civil infractions citation.** A defendant who has been issued a traffic civil infraction citation must use the Court's Online Traffic Dispute Resolution System to resolve the case. No court hearings will be set before a judicial officer other than as outlined in section (b) below.

(a) ***Uncontested Violations.*** A defendant who does not desire to contest the violation(s) in the civil infraction citation must indicate the intent not to contest and pay the civil penalty in full on or before 90 calendar days after the date the citation was issued. A defendant may make several payments to pay the civil penalty as long as the civil penalty and administrative assessment fees are paid in full on or before 90 calendar days after the date the citation was issued.

(b) ***Contested Violations.*** A defendant who desires to contest the violation(s) in the civil infraction must request a hearing to contest the determination that the person has committed the civil infraction using the Court's Online Traffic Dispute Resolution System and post a bond in the amount of the civil penalty.

(1) An indigent defendant may apply for a waiver of the bond by filing a written application to proceed in forma pauperis. Such application must be filed with the Court at the Court's customer service window or may be filed online using the Court's electronic filing system.

(2) Notice of the hearing date will be provided to the defendant at the time the bond is posted with the Court's Online Traffic Dispute Resolution System or upon approval of a bond waiver. No further notice will be provided.

(3) Failure to ~~complete both the request for a hearing and post the bond~~ (or obtain an order approving waiver of the bond) on or before 90 calendar days after the date the citation was issued will be treated as if the defendant took no action to respond to the civil infraction in the manner specified by NRS 484A.704. In such case, the Court will enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction.

(c) Pleadings filed into a civil infraction case through the Court's case management system that amount to either an election to contest the violation(s) and request a hearing, or not contest the violation(s), ~~that~~ therefore by bypassing the use of the Court's Online Traffic Dispute Resolution System will be stricken as nonconforming.

**Rule 7.9. Demerit Point Reduction.** A defendant facing a civil infraction citation is eligible for a demerit point(s) reduction through an amendment to a non-moving violation ~~as follow~~ if the following conditions are satisfied:

(1) The civil infraction citation is the first traffic violation for the defendant in the immediately preceding thirty-six month period;

(2) The defendant has utilized the Court's Online Traffic Dispute Resolution System to indicate an intent not to contest the civil infraction;

(3) The defendant has paid the civil penalty in full on or before 90 calendar days after the date the civil infraction citation was issued; and

(4) A course of traffic safety of at least five hours in length has been completed at a school approved by the Nevada Department of Motor Vehicles and evidence of completion is provided to the Court on or before 90 calendar days after the date the civil infraction citation was issued. In lieu of completing the traffic safety course, a defendant may elect to pay a demerit point reduction fee (in addition to the civil penalty). The demerit point reduction fee must be paid in full on or before 90 calendar days after the date the civil infraction citation was issued in order to be eligible for the amendment to a non-moving violation.

**Rule 7.10. Failure to Pay Civil Penalty.** If a civil penalty or administrative assessment is not paid in full by a date 90 days after the issuance of the civil infraction citation, the Court may:

- (a) Enter an order finding that the person committed the civil infraction and assessing a monetary civil penalty and administrative assessments,
- (b) Assess a collection fee to be added to the delinquent amount,
- (c) Issue a writ of execution to enforce the judgment,
- (d) Order the suspension of the driver's license of the defendant, and
- (e) Refer the case to collections.

**Rule 7.11. Community Service**

(a) ~~Persons~~ Defendants assessed a civil penalty are authorized to perform community service in lieu of payment without the need for a Court order. ~~an order allowing such from the Court.~~

(b) A referral to an organization at which to perform community service must be obtained at the Court's customer service window.

(c) ~~Persons~~ Defendants residing outside of the jurisdiction of the Las Vegas Justice Court may perform community service at any non-profit organization with current 501(c)(3) status. Proof of such community service work must contain the following information in order to be accepted:

- (1) Name and address of the non-profit organization on letterhead.
- (2) Name of individual supervising the work performed.
- (3) Email address and phone number of the individual supervising the work performed.
- (4) Dates community service work was performed.
- (5) Total number of hours of community service work completed.

**Rule 7.12. Motions**

- (a) Legal Motions on all three types of traffic cases must be electronically filed into the Court case using the Court's electronic filing system.
- (b) The moving party is responsible for service of the motion on the opposing party. Motions may be served via regular mail or through the Court's electronic filing system.
- (c) Motions may ~~will~~ be reviewed in chambers and ~~only~~ be set for hearing if the reviewing judicial officer finds in necessary.

**Rule 7.13. Case Closure.**

- (a) A case that has been brought to final judgment or ~~verdict decision~~ in a criminal traffic case (including regulatory offenses) or that has been brought to final adjudication and entry of order in a civil infraction citation case will be deemed closed.
- (b) A case will not be reopened if:
  - (1) The case has been sent to collections,
  - (2) The fine, administrative assessment fee, civil penalty, or collection fee remains delinquent,
  - (3) The time to appeal has passed.

~~All cases in which a fine, assessment, civil penalty, or collection fee remains delinquent, has been sent to collections, and for which the time to appeal has passed will not be re-opened.~~