

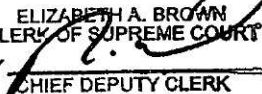
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
ENACTMENT OF LOCAL RULES FOR
THE NORTH LAS VEGAS JUSTICE
COURT RELATING TO TRAFFIC
VIOLATIONS

ADKT 0605

FILED

DEC 23 2022

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

*ORDER ADOPTING RULES FOR THE NORTH LAS VEGAS JUSTICE
COURT RELATING TO TRAFFIC OFFENSES AND CITATIONS*

WHEREAS, on November 1, 2022, the Honorable Natalie L. Tyrell, Chief Judge of North Las Vegas Justice Court, filed a petition requesting the Supreme Court to adopt rules related to traffic offenses and citations; and

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on December 22, 2022; accordingly,

IT IS HEREBY ORDERED that the proposed rules related to traffic offenses and citations are adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the amendments to the rules shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment

of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the amendment and publication of the foregoing rules.

Dated this 23rd day of December, 2022.

Hardesty, C.J.
Hardesty

Parraguirre
Parraguirre

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Pickering, J.
Pickering

Herndon, J.
Herndon

cc: Paola Armeni, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Hon. Natalie L. Tyrell, Chief Judge, North Las Vegas Justice Court
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Douglas County Bar Association
Administrative Office of the Courts

ADKT 605

**ADOPTION OF NEW RULES 56.1-56.13 OF THE LOCAL RULES
OF PRACTICE FOR THE JUSTICE COURT OF
NORTH LAS VEGAS TOWNSHIP**

Rule 56. Traffic criminal misdemeanor citations and civil infractions.

Rule 56.1. 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 where the Legislature has determined a violation of the particular charged NRS 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 NRS Chapters 483 to 484E, inclusive, 486, or 490 as a civil infraction pursuant to NRS 484A.7049.

Criminal Misdemeanor Citations (Nonregulatory)

Rule 56.2. Criminal misdemeanor random assignment. All criminal misdemeanor citations will be randomly tracked to a department assigned a general criminal docket.

Rule 56.3. 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.

(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 their 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 client's presence.

Rule 56.4. Failure to pay. For all criminal misdemeanor citations where 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.

Criminal Misdemeanor Citations Alleging ONLY Regulatory Offenses

Rule 56.5. Resolution of regulatory violations on or before arraignment date.

(a) All criminal misdemeanor citations alleging only regulatory offenses as defined by Rule 56.1(b) must be resolved 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 evidence was presented for violations eligible for dismissal, as described in subsections (b) through (d).

(b) Regulatory violations eligible for dismissal include:

(1) Violations of NRS 485.187 where 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 where 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 where 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 where 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 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 56.6. Failure to pay. For all criminal misdemeanor citations alleging regulatory offenses where 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 56.7. Prosecutorial election to treat violation as civil infraction.

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

(b) A prosecuting attorney who elects to have all violations of a specific provision of NRS Chapters 483 to 484E, inclusive, 486, or 490 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 and file the infraction in a civil case;

(2) Attempt to deliver a copy of the notice and the civil infraction 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 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 and filing proof of service with the court in the civil infraction case.

(e) Criminal traffic citations containing multiple misdemeanor offenses where the prosecuting attorney has elected to treat only a portion of the misdemeanor offenses as civil infractions cannot be accomplished 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 56.8. Two options to resolve traffic civil infraction. A defendant issued a traffic civil infraction may use the court's Online Payment System to resolve the case. No court hearings will be set before a judicial officer other than as outlined in subsection (b) below.

(a) *Uncontested violations.* A defendant who does not desire to contest the violation(s) in the civil infraction 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 is 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 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.

(2) Notice of the hearing date will be provided to the defendant at the time the bond is posted 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 assess

the monetary penalty and administrative assessments prescribed for the civil infraction.

Rule 56.9. Demerit point reduction. A defendant facing a civil infraction is eligible for a demerit point reduction through an amendment to a nonmoving violation if:

(a) The civil infraction is the first traffic violation for the defendant in the immediately preceding 36-month period;

(b) 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

(c) A course of traffic safety of at least 5 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 nonmoving violation.

Rule 56.10. 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 56.11. Community service.

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

(b) Persons may perform community service at any nonprofit organization with 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 nonprofit 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; and
- (5) Total number of hours of community service work completed.

Rule 56.12. Motions.

(a) Legal motions on all three types of traffic cases may 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.

(c) Motions will be reviewed in chambers and only be set for hearing if the reviewing judicial officer finds it necessary.

Rule 56.13. Case closure.

(a) A case that has been brought to final judgment or decision in a criminal traffic case (including regulatory offenses) or has been brought to final adjudication and entry of order in a civil infraction case will be deemed closed.

(b) All cases in which a fine, assessment, civil penalty, or collection fee remains delinquent, where the case has been sent to collections, and for which the time to appeal has passed will not be reopened.