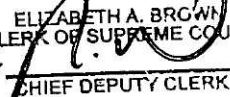


FILED

JUL 01 2024

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE: ESTABLISHING THE NEVADA  
RULES FOR CIVIL TRAFFIC  
INFRACTIONS IN THE JUSTICE  
AND MUNICIPAL COURTS

ADKT NO: 620

*PETITION*

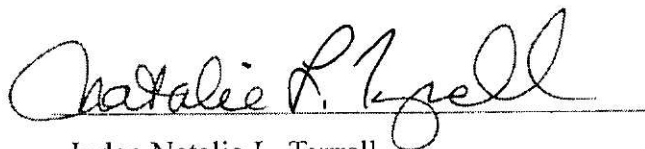
COMES NOW the Honorable Natalie Tyrrell, Judge, North Las Vegas Justice Court, Department 2, and President of the Nevada Judges of Limited Jurisdiction, hereby petitions the Nevada Supreme Court on its administrative docket to consider the establishment of the Nevada Rules for Civil Traffic Infractions in the justice and municipal courts of Nevada.

The proposed rules are set forth in **Exhibit A**; in support of the petition the petitioner asserts that:

1. The proffered rules are to establish court rules for the treatment of civil traffic infractions pursuant to the passage of Assembly Bill 116 (2021).
2. The proffered rules establish the treatment of civil infractions as created and defined in AB 116 as a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is not punishable as a misdemeanor, gross misdemeanor or felony.
3. Finally, the proffered rules will clarify the procedures to be followed in Nevada justice and municipal courts for those that receive a civil infraction and/or those who appear in court on a civil infraction.

Accordingly, the petitioner request that the Nevada Supreme Court place this matter on it administrative docket, hold such hearings as it deems necessary, and consider the establishment of the Nevada Rules for Civil Traffic Infractions as set forth in **Exhibit A**.

Respectfully submitted

  
Judge Natalie L. Tyrrell

24-22702

### Rule 1.1: Scope and Purpose

These rules govern the practice and procedures for the handling of civil traffic infractions, which are defined in AB 116 (2021). Civil infraction means a violation of any provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is not punishable as a misdemeanor, gross misdemeanor or felony. The purpose of these rules is to provide for the fair, orderly and efficient disposition of this class of traffic offenses. These rules establish informal hearing procedures in the justice and municipal courts.

### Rule 1.2: Application

These rules govern civil traffic infraction actions.

### Rule 1.3: Definitions

- (a) "Complaint" means the document commencing or initiating the civil infraction matter, whether designated as a complaint, summons and complaint, citation, or other document charging the person with the commission of a civil infraction or infractions.
- (b) "Judgment" means the finding of responsibility for any civil infraction, the entry of judgment of responsibility, or the entry of a default judgment pursuant to Rule 3.7 against any person for the commission of a civil infraction.
- (c) "Officer" means a law enforcement agent who tenders or serves a charging document under these rules.
- (d) "Judicial officer" means any person appointed or elected to hear civil infractions.

### Rule 1.4: Computing time

In computing time limits, when the last day of any period of time is used in these rules fall on a Saturday, Sunday, holiday, or non-judicial day, the "last day" is the next day the court is open. The day of the act or event from which the designated time period begins is not to be included. Filing deadlines are not enlarged when sent by mail.

### Rule 1.5: Civil Penalty Schedule

Each court may adopt a uniform penalty schedule.

### Rule 1.6: Local Rules

Each court may supplement these rules by local rules.

### Rule 1.7: Venue

Venue shall be as provided by statute.

#### Rule 2.1: Commencement of Action

An action under these rules is initiated by a law enforcement officer serving a written citation on the person and filing of the citation with the justice or municipal court. The citation shall be deemed to be a lawful complaint for the purpose of initiating a civil traffic infraction case. If the civil infraction citation includes information whose truthfulness is attested as required for a complaint in a civil case or is prepared electronically the citation must be signed by the officer in accordance with NRS 484A. If a citation is prepared electronically and filed with a court as data, the name of the officer associated with the issuance of the citation satisfies this requirement. The citation serves as a summons to command (a) the initial appearance of the person; and (b) a response from the person as to their responsibility for the alleged violation.

#### Rule 2.2: Subpoena

The procedure for issuing a subpoena for a contested hearing shall be established by the court that has jurisdiction of the matter.

#### Rule 2.3: Payment Before Appearance

- (a) The clerk of the court must accept payment of an assessment by a person without an appearance in court.
- (b) At the time of payment, the court may require the person to sign a waiver of rights and acknowledgment of responsibility.
- (c) This procedure constitutes an entry and satisfaction of judgment.

#### Rule 2.4: Amending the Complaint

- (a) A court may amend a complaint at any time before judgment if no additional or different violation is charged and if no substantial right of the person is prejudiced.
- (b) A court may amend a complaint to conform to the evidence adduced at a hearing if no additional or different violation is charged and if no substantial right of the person is prejudiced.
- (c) A court may amend a complaint at the request of a party.
- (d) All amendments to a complaint relate back to the date the complaint was issued.

#### Rule 2.5: Consolidation; Applicable rules

- (a) Civil and criminal complaints based upon the same conduct or event, may be consolidated at any point in the proceedings on motion of a party or on the court's own motion.
- (b) At the trial of any consolidated case, the rules governing the criminal complaint apply, except that the civil complaint must be tried to the court, and the standard of proof in the civil case is a preponderance of the evidence.

#### Rule 2.6: Representation by the State

The State need not be represented by counsel at the hearing of a complaint or the appeal of the final order or judgment.

#### Rule 3.1: Hearing

The hearing of all cases are informal, in order to dispense justice promptly and efficiently. The judicial officer must ensure that evidence is offered and questioning is conducted in an orderly and expeditious manner and according to basic notions of fairness.

#### Rule 3.2: Continuances

Continuances may be granted on a showing of good cause by any party.

#### Rule 3.3: Appearance by Virtual Means

Pursuant to Supreme Court Order Adopting Recommendations of The Commission To Study Best Practices For Virtual Advocacy in Nevada's Court (ADKT 0581), Civil Infractions are presumptively virtual.

A court may allow parties, their attorneys, and witnesses to appear by audiovisual interactive means that follow the rules promulgated pursuant to ADKT 581.

#### Rule 3.4: Entry of Plea; Failure to Appear

(a) The person may admit responsibility by:

- (1) Appearing in person and making an admission on the record; or
- (2) Submitting a Civil Infraction Response Form or a statement signed by the person admitting the allegations of the complaint.

The person must, at the same time, pay the civil penalty listed in the court's schedule for the violation.

(b) The person may contest the infraction by:

- (1) Appearing in person, making a denial on the record, and posting a bond for the full amount of the civil penalty listed in the court's schedule for the violation; or
- (2) Notifying the court in writing via the Civil Infraction Response Form and posting a bond for the full amount of the civil penalty listed in the court's schedule for the violation.

The person must notify the court of the election to contest the infraction and post the bond within 90 days of the date of the infraction.

(c) Upon receipt of said notice and the bond, the court must set the matter for hearing and notify the person, citing agency/officer, and any counsel of record for any party of the date, time, and place of the hearing.

(d) A person's failure to admit or deny responsibility or to personally appear by the date specified on the citation, or at the date and time specified in a summons, or to appear at any subsequently scheduled court proceeding, will result in a default judgment.

#### Rule 3.5: Oath and Questioning of Witnesses

All testimony must be given under oath or affirmation.

#### Rule 3.6: Judgment After Hearing

- (a) If all of the elements of a civil infraction are proven by a preponderance of the evidence, the judicial officer must find the person responsible and enter the appropriate judgment.
- (b) If any element of a civil infraction is not proven by a preponderance of the evidence, the judicial officer must dismiss the charge and enter the appropriate judgment and return any deposit. The judicial officer may also find the person responsible for a lesser included civil infraction if supported by the evidence offered, and enter the appropriate judgment.
- (c) If the person is found responsible, the judicial officer must assess the appropriate penalty according to the penalty schedule established by the court having jurisdiction and order the completion of any other requirements the court deems appropriate.
- (d) The court may waive fines, costs and fees, pursuant to statute or court rule, or to correct clerical error.
- (e) The judgment is deemed satisfied upon payment to the clerk of the total amount assessed and completion of any other court ordered requirements.
- (f) If the person fails to pay the judgment and complete any other court ordered requirements within the time prescribed, such failure shall be treated as a default.

#### Rule 3.7: Default

- (a) If the person fails to appear for any hearing, the allegations of the complaint are deemed admitted, and the court must enter judgment against the person.
- (b) The amount of the judgment must be the penalty assessed after a finding of responsibility, and any additional costs assessable under these rules.
- (c) A judicial officer may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the person. A motion to set aside the judgment must be made to the court not more than fourteen calendar days after entry of judgment. The motion must be accompanied by a cash bond equal to the fine and costs due at the time the motion is filed.
- (d) The person may satisfy a judgment entered under this rule by paying the clerk and providing proof of compliance with any other court ordered requirements.
- (e) No warrant shall issue for the arrest of a person who fails to appear at a hearing or fails to satisfy a judgment.
- (f) An unpaid judgment may be referred to collections.

Rule 3.8: Post hearing Motions and Appeal

- (a) There shall be no post hearing motions except for a motion to set aside a default judgment as provided in Rule 3.7.
- (b) A notice of appeal must be filed no later than 7 calendar days after the court enters an order.

Rule 4.1: Effective Date

These rules take effect on \_\_\_\_\_, and shall apply to civil infractions alleged to have been committed on or after that date.

Rule 4.2: Title

These rules shall be known and cited as the Nevada Rules for Civil Traffic Infractions or N.R.C.T.I.

N.R.C.T.I. Form A – Civil Infraction Response

NAME OF COURT  
NAME OF COUNTY, NEVADA

STATE OF NEVADA,		CASE NO:
Plaintiff,		
		CITATION NO:
vs.		
NAME OF PERSON		

CIVIL INFRACTION RESPONSE

A peace officer has determined that you have committed one or more civil infractions. A civil infraction is a non-criminal violation that can lead to monetary penalties. This determination will be final UNLESS you contest it.

If you fail to pay or contest your civil infraction within 90 calendar days, the (Name of Court) will enter an order finding that you committed the civil infraction and enter a judgment for the total penalty prescribed for the civil infraction. In addition, you will be liable for a collection fee and the outstanding balance will be referred to collections. You may not appeal this order. A record of the court's order will be forwarded to the Department of Motor Vehicles (or the state where you received your license to drive) if you are found to have committed a civil infraction.

Please indicate below whether you wish to **CONTEST** or **NOT CONTEST** your civil infraction citation.

\_\_\_\_\_ I, or my attorney on my behalf, wish to CONTEST my civil infraction citation. By signing below, I am requesting a Contested Hearing and will post cash bond in an amount equal to the total penalty amount.

\_\_\_\_\_ I, or my attorney on my behalf, DO NOT CONTEST my civil infraction citation. By signing below, I acknowledge that I am not contesting my civil infraction citation and agree to pay the total penalty amount.

\_\_\_\_\_  
Print Name or Name of Attorney

\_\_\_\_\_  
Bar Number (if attorney)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date