

AB248

Currently a minor traffic violation in the State of Nevada is a criminal offense and is punishable as a misdemeanor and subject to up to six months in prison and a civil fine. This bill removes the criminal offense and makes minor traffic violations subject to a civil penalty. Any statute that specifically calls for a misdemeanor, gross misdemeanor or felony penalty for a traffic violation is not affected. Examples of violations that are not affected are DUI's, operating a cell phone, failure to stop for a school bus, failure to stop for a peace officer, failure to yield to an emergency vehicle or aggressive driving.

Chapter 482 – Motor Vehicles and Trailers: Licensing, Registration, Sales and Leases

Section 1(6) changes from a misdemeanor to a civil penalty failure to register a vehicle in Nevada if you are a resident. The civil penalty is \$1,000 but may be reduced to \$200 proves they have registered their vehicle at the time of their hearing. All other language of the existing statutes remains the same except for changing the crime from a misdemeanor to a civil penalty.

Section 2(1) sets a civil penalty of up to \$1,000 if a person operates a vehicle that is not registered.

Section 3(2) all other violations of Chapter 482 remain misdemeanors unless statutes specifically has a gross misdemeanor or felony penalty.

Chapter 483 – Drivers' Licenses; Driving Schools and Driving Instructors

Section 4(1) changes from a misdemeanor to a civil penalty failure to obtain a Nevada Driver's License and sets the maximum fine for such at \$1,000

Section 5 allows for the future suspension of a Driver's License if a person drives without a Driver's License or fails to pay a judgment for any civil penalty pursuant to this bill.

Section 6(5)a allows for the suspension of a Driver's License if a person is convicted of traffic violations or for failure to pay civil penalties.

Section 7(1) mandates the suspension of a Driver's License if a person fails to pay a civil penalty or if they fail to appear pursuant to a citation issued for the violation of a traffic law or ordinance punishable as misdemeanor.

Section 7(2) requires the Courts to notify a person that their Driver's License is being suspended and gives them options to remedy the failure to pay their civil penalties.

Section 7(3) if a person pays their civil penalty after being mailed notice of possible suspension requires their Driver's License be reinstated.

Section 7(4) requires the suspension of a Driver's License 31 days after the notice is mailed.

Section 8(1) allows local governments to implement the civil penalties for minor traffic violations.

Section 8(3) allows civil violations to be used in assessment of demerit points against a licensee.

Section 9(1) allows for a misdemeanor conviction if a person fails to pay the civil penalty for driving with a suspended license. It also allows for a civil penalty if a person drives without a valid license.

Section 9(2) requires the courts to order a person who violates Section 9(1) to obtain a license.

Section 10 all other violations of Chapter 483 remain misdemeanors unless they are declared gross misdemeanors or felonies in the existing statutes.

Chapter 484A – Traffic Laws Generally, 484B – Rules of the Road, 484C – Driving Under the Influence of Alcohol or a Prohibited Substance, 484D – Equipment, Inspections and Size, Weight and Load of Vehicles and 484E – Accidents and Reports of Accidents

Sections 12 to 22 were deleted by this amendment.

Section 23 requires local authorities to enact legislation similar to these statutes as civil matters.

Section 23.5 allows for the issuance of a citation for the civil penalties instituted by this bill.

Section 24 is deleted by this amendment.

Section 25(1) makes it a misdemeanor to fail to appear when issued a traffic citation for a misdemeanor.

Section 25(3) does not allow a warrant for failure to appear for a civil penalty.

Section 26(4) makes it a misdemeanor for a public employee to dispose of a traffic citation.

Section 27(2) does not allow for the issuing of a warrant for a misdemeanor offense if a parking violation was issued for an unoccupied vehicle unless a notice was first mailed to the owner of the vehicle.

Section 28 requires immediate appearance before a magistrate if a person demands that right or if they will not sign for receipt a ticket that is punished as a misdemeanor.

Section 29 allows a peace officer to require an immediate appearance before a magistrate if the violator has no identification, refuses to stop when requested to do so, refuses to remove weight from an overloaded vehicle or drives under the influence.

Section 30 removes the misdemeanor violation clause for all traffic violations and allows for civil penalties of up to \$1,000. It also allows a court to demand traffic school if a driver has had two or more civil penalties. Finally it requires the fines collected for civil penalties shall be paid to the city or county treasuries.

Section 31 makes it a misdemeanor to fail to comply with any lawful order given by a police officer.

Section 32 allows for additional civil penalties in “work zones.”

Section 33 requires a misdemeanor for DUI or open container.

Section 34(2) requires a misdemeanor for destroying a traffic control sign.

Section 35(1) requires a misdemeanor for failure to obey a flagger.

Section 36(2)b requires a misdemeanor for not installing a breathalyzer device if ordered to do so.

Section 37(3) makes it a civil penalty for failure to have insurance.

Section 38(1) allows for suspension of a license for failure to carry insurance.

Section 39 enacts civil penalties for motorcycle violations.

Section 39.5 allows Municipal Courts jurisdiction for civil penalties for traffic violations.

Section 40 defines “Minor Traffic Offense” as including violations that are penalized as civil penalties.

Section 41 gives the juvenile court jurisdiction over minors that receive civil penalties.

Section 42 allows an additional \$10 fee for violations by juvenile offenses.

Section 43 adds existing fines as civil penalties.

Section 44 allows an additional \$10 fee for violations covered by civil penalties.

Section 45 allows an additional \$7 fee for special courts for violations covered by civil penalties.

Section 45.5 allows for fines and assessments for failure to pay civil penalties covered by this bill. It also specifies civil penalties collected for minor traffic violations shall be paid to the entity that issued the ticket.

Section 45.5 (miss-numbered?) amends the Las Vegas City Charter to allow for collection of fines collected under this bill.

Section 46 makes these changes effective July 1, 2015.

Current Misdemeanors that will Not Change:

NRS 482.2703(6)

A person may not affix a “sample license plate” to any vehicle.

NRS 482.308

A person may not discriminate against a member of the Armed Forces in a short term rental.

NRS 482.315

Short term lessors must keep certain records.

NRS 482.31776

Fail to give certain notifications to a consignee of a vehicle.

NRS 482.322

Sell new or used vehicles as a business without the proper licenses.

NRS 482.333

Act as a Broker for vehicles without first obtaining proper licenses.

NRS 482.362

Be employed as a vehicle salesperson without obtaining proper licenses.

NRS 482.384

Use a handicapped sticker on a vehicle when it is not allowed by law.

NRS 482.385

Use an unregistered permit when it is not allowed by law.

NRS 482.456

Drives, or allows to be driven, a vehicle that has a suspended registration or fails to return the license plates of a vehicle that has a suspended registration.

NRS 482.547

Sell, or offer to sell, a vehicle for less than \$650 if you are not entitled to sell the vehicle.

NRS 482.548

Use right of way or a vacant lot without permission to sell a vehicle.

NRS 482.550

Sell a vehicle in Nevada that is registered in another State.

NRS 482.5533

Certain businesses that do not report knowledge of false VINs to the State are guilty of a misdemeanor.

NRS 483.360

Drive a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

NRS 483.490

Drive a vehicle unlawfully using a restricted driver's license.

NRS 483.530

To permit any unlawful use of a driver's license.

NRS 483.560

Drive with a suspended driver's license.

NRS 483.800

An employee of the DMV who releases confidential information.

NRS 483.890

Forge or use a false Nevada ID or lend a Nevada ID to another person.

NRS 483.940

Falsify any information on an application for a Commercial Driver's License.

NRS 484A.900

Failure to attend traffic school if ordered to do so by a Court.

NRS 484B.165

Use of a handheld wireless communication device while operating a vehicle.

NRS 484B.297

Walk in a roadway where sidewalks are provided, walk on the wrong side of a roadway where sidewalks are not provided, solicit contributions, hitchhike or ride an animal in a roadway.

NRS 484B.320

Sell or use a transmitter that controls or interferes with traffic control signals.

NRS 484B.323

Improper use of a carpool lane.

NRS 484B.350

Failure to obey traffic control devices or crossing guards in a school zone.

NRS 484B.353

Overtaking or passing a school bus that is discharging passengers.

NRS 484B.467

Illegally using a handicapped parking space.

NRS 484B.550

Failure to stop when signaled to by a peace officer.

NRS 484B.593

Use of the highway by pedestrians, bicycles or other nonmotorized traffic where it is not permitted.

NRS 484B.607

Failure to use caution when approaching an emergency vehicle with its lights on or a vehicle with its flashers on.

NRS 484B.630

Failure to pull over when five vehicles are behind you if you are in a slow moving vehicle.

NRS 484B.650

Aggressive driving.

NRS 484B.653

Drive a vehicle in willful or wanton disregard of the safety of persons or property or participate in or organize a speed contest. If a drive of a vehicle is the proximate cause of an accident with a bicycle.

NRS 484B.657

Vehicular manslaughter.

NRS 484B.760

While operating a bicycle make unsafe abrupt turns into traffic, not use signals under most conditions, ride a bicycle in an unsafe manner, ride a bicycle attached to a moving vehicle, ride in any but the right lane, ride more than two abreast, carry a package or not have appropriate safety lights.

NRS 484B.920

Operate a parade/procession without a permit.

NRS 484C.400

1st or 2nd convictions for DUI or for failure to complete a treatment program.

NRS 484D.285

The use of engine braking under certain conditions.

NRS 484D.335

Tampering with a vehicle's odometer.

NRS 484D.485

Releasing information from an "event recording device" without the permission of the vehicle's owner.

NRS 484D.540

Tampering with a "pollution control device" on a vehicle.

NRS 484D.580

Failure to stop for a mechanical inspection by an authorized person.

NRS 484D.620

Operating a vehicle that exceeds maximum allowable length.

NRS 484D.675

Failure to have a vehicle weighed under certain conditions.

NRS 484D.745

Failure to operate an overweight or oversized vehicle without a permit.

NRS 484E.080

Giving false information or testimony in a police report for an accident.

Current Gross Misdemeanors that will Not Change:

NRS 482.290

Altering a Vehicle Identification number is a gross misdemeanor

NRS 482.322

Sell new or used vehicles as a business with the proper licenses.

NRS 482.3665

Act as a "Monopolistic Financer."

NRS 482.436

Submit a false Certificate of Title.

NRS 482.545

To use a false name or make a false statement on an application for a vehicle registration.

NRS 482.551

Sell a vehicle with a false VIN.

NRS 482.555

Falsify a dealer's report of sale.

NRS 484B.580

Failure to stop at a roadblock.

Current Felonies that will Not Change:

NRS 482.322

Third conviction for selling a new or used vehicles as a business without the proper licenses.

NRS 482.547

Sell, or offer to sell, a vehicle for \$650 or more if you are not entitled to sell the vehicle.

NRS 482.5505

Knowingly taking possession of a vehicle or part with a false VIN.

NRS 482.551

Unlawful purchase, dispose of, sale or transfer a motor vehicle or parts with falsely attached, removed, defaced, altered or obliterated identification number or mark.

NRS 482.553

A person shall not intentionally remove, deface, alter or obliterate the identification number or mark of a vehicle or part from a motor vehicle.

NRS 483.530

Knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application for a driver's license.

NRS 484B.550

If a driver is the cause of damage, injury or death in an accident and they fail to stop when signaled to by a peace officer.

NRS 484B.580

For failure to stop at a roadblock and death or substantial bodily harm occurs or if damage to property exceeds \$1,000.

NRS 484B.653

Reckless driving that results in death, substantial bodily harm or if the driver drives with willful or wanton disregard of the safety of persons or property.

NRS 484C.400

3rd DUI offense.

NRS 484C.410

Any DUI if there is a prior felony DUI.

NRS 484C.430

Any DUI where a death is involved.

NRS 484C.440

Vehicular manslaughter.

NRS 484D.335

Knowingly selling a vehicle with a tampered odometer.

NRS 484E.010

Leaving the scene of an accident where there is bodily injury or death.