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SENATE BILL NO. 479—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE NEVADA SUPREME COURT)

MARCH 24, 2003

Referred to Committee on Transportation

SUMMARY—Authorizes Department of Motor Vehicles to require payment of certain outstanding criminal fines and fees before registering motor vehicles. (BDR 43-618)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to motor vehicles; authorizing the Department of Motor Vehicles to require the payment of certain outstanding criminal fines and fees before registering a motor vehicle; authorizing a court to file a notice of such outstanding fines and fees with the Department of Motor Vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** Chapter 482 of NRS is hereby amended by adding  
2     thereto a new section to read as follows:  
3     1. *The Department shall not renew the registration of a motor*  
4     *vehicle if a court has filed with the Department a notice of*  
5     *nonpayment pursuant to NRS 176.064 unless, at the time for*  
6     *renewal of the registration, the registered owner of the motor*  
7     *vehicle provides the Department with a receipt issued by the court*  
8     *pursuant to subsection 4.*  
9     2. *If the registered owner provides a receipt to the*  
10    *Department pursuant to subsection 1 and complies with the other*



1 *requirements of this chapter, the Department shall renew the*  
2 *registration of the motor vehicle.*

3 *3. Upon request of the registered owner of a motor vehicle,*  
4 *the Department shall provide a copy of the notice of nonpayment*  
5 *filed with the Department by the court pursuant to NRS 176.064.*

6 *4. If a court files with the Department a notice of*  
7 *nonpayment pursuant to NRS 176.064 and the registered owner of*  
8 *the motor vehicle for which the Department received the notice*  
9 *pays the court the entire amount of the fine, fee, assessment or*  
10 *restitution imposed by the court against the registered owner, the*  
11 *court shall issue to the registered owner a receipt which indicates*  
12 *that the fine, fee, assessment or restitution has been paid.*

13 **Sec. 2.** NRS 176.064 is hereby amended to read as follows:

14 176.064 1. If a fine, administrative assessment, fee or  
15 restitution is imposed upon a defendant pursuant to this chapter,  
16 whether or not the fine, administrative assessment, fee or restitution  
17 is in addition to any other punishment, and the fine, administrative  
18 assessment, fee or restitution or any part of it remains unpaid after  
19 the time established by the court for its payment, the defendant is  
20 liable for a collection fee, to be imposed by the court at the time it  
21 finds that the fine, administrative assessment, fee or restitution is  
22 delinquent, of:

23 (a) Not more than \$100, if the amount of the delinquency is less  
24 than \$2,000.

25 (b) Not more than \$500, if the amount of the delinquency is  
26 \$2,000 or greater, but is less than \$5,000.

27 (c) Ten percent of the amount of the delinquency, if the amount  
28 of the delinquency is \$5,000 or greater.

29 2. A state or local entity that is responsible for collecting a  
30 delinquent fine, administrative assessment, fee or restitution may, in  
31 addition to attempting to collect the fine, administrative assessment,  
32 fee or restitution through any other lawful means, take any or all of  
33 the following actions:

34 (a) Report the delinquency to reporting agencies that assemble  
35 or evaluate information concerning credit.

36 (b) Request that the court take appropriate action pursuant to  
37 subsection 3.

38 (c) Contract with a collection agency licensed pursuant to NRS  
39 649.075 to collect the delinquent amount and the collection fee. The  
40 collection agency must be paid as compensation for its services an  
41 amount not greater than the amount of the collection fee imposed  
42 pursuant to subsection 1, in accordance with the provisions of the  
43 contract.

44 3. The court may, on its own motion or at the request of a state  
45 or local entity that is responsible for collecting the delinquent fine,



1 administrative assessment, fee or restitution, take any or all of the  
2 following actions, in the following order of priority if practicable:

3 (a) Request that a prosecuting attorney undertake collection of  
4 the delinquency, including, without limitation, the original amount  
5 and the collection fee, by attachment or garnishment of the  
6 defendant's property, wages or other money receivable.

7 (b) Order the suspension of the driver's license of the defendant.  
8 If the defendant does not possess a driver's license, the court may  
9 prohibit the defendant from applying for a driver's license for a  
10 specified period. If the defendant is already the subject of a court  
11 order suspending or delaying the issuance of his driver's license, the  
12 court may order the additional suspension or delay, as appropriate,  
13 to apply consecutively with the previous order. At the time the court  
14 issues an order suspending the driver's license of a defendant  
15 pursuant to this paragraph, the court shall require the defendant to  
16 surrender to the court all driver's licenses then held by the  
17 defendant. The court shall, within 5 days after issuing the order,  
18 forward to the Department of Motor Vehicles the licenses, together  
19 with a copy of the order. At the time the court issues an order  
20 pursuant to this paragraph delaying the ability of a defendant to  
21 apply for a driver's license, the court shall, within 5 days after  
22 issuing the order, forward to the Department of Motor Vehicles a  
23 copy of the order. The Department of Motor Vehicles shall report a  
24 suspension pursuant to this paragraph to an insurance company or  
25 its agent inquiring about the defendant's driving record, but such a  
26 suspension must not be considered for the purpose of rating or  
27 underwriting.

28 (c) *If the defendant is the registered owner of a motor vehicle,*  
29 *file a notice of nonpayment of the fine, fee, assessment or*  
30 *restitution with the Department of Motor Vehicles. The notice*  
31 *must include:*

32 (1) *The number of the license plate and the make and*  
33 *model year of each vehicle registered in the name of the*  
34 *defendant;*

35 (2) *The amount of any fine, fee, assessment or restitution*  
36 *owing, including the collection fee imposed pursuant to subsection*  
37 *1; and*

38 (3) *Any other information the Department of Motor*  
39 *Vehicles may require.*

40 *The Department of Motor Vehicles shall adopt regulations which*  
41 *prescribe the form for the notice of nonpayment and any*  
42 *information which must be included in that notice.*

43 (d) For a delinquent fine or administrative assessment, order the  
44 confinement of the person in the appropriate prison, jail or detention  
45 facility, as provided in NRS 176.065 and 176.075.



1 4. Money collected from a collection fee imposed pursuant to  
2 subsection 1 must be distributed in the following manner:

3 (a) Except as otherwise provided in paragraph (d), if the money  
4 is collected by or on behalf of a municipal court, the money must be  
5 deposited in a special fund in the appropriate city treasury. The city  
6 may use the money in the fund only to develop and implement a  
7 program for the collection of fines, administrative assessments, fees  
8 and restitution.

9 (b) Except as otherwise provided in paragraph (d), if the money  
10 is collected by or on behalf of a justice's court or district court, the  
11 money must be deposited in a special fund in the appropriate county  
12 treasury. The county may use the money in the special fund only to  
13 develop and implement a program for the collection of fines,  
14 administrative assessments, fees and restitution.

15 (c) Except as otherwise provided in paragraph (d), if the money  
16 is collected by a state entity, the money must be deposited in an  
17 account, which is hereby created in the State Treasury. The Court  
18 Administrator may use the money in the account only to develop  
19 and implement a program for the collection of fines, administrative  
20 assessments, fees and restitution in this state.

21 (d) If the money is collected by a collection agency, after the  
22 collection agency has been paid its fee pursuant to the terms of the  
23 contract, any remaining money must be deposited in the state, city  
24 or county treasury, whichever is appropriate, to be used only for the  
25 purposes set forth in paragraph (a), (b) or (c) of this subsection.

26 **Sec. 3.** This act becomes effective on July 1, 2003.

