

DEC. 28 2022

By 
DEPUTY CLERK

IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF
SPARKS JUSTICE COURT'S PROCEDURES
RELATING TO TRAFFIC CITATIONS AND
CIVIL INFRACTIONS

ADMINISTRATIVE ORDER 2022-08

Pursuant to the passage of *Assembly Bill 116* (2021), the Sparks Justice Court hereby adopts the following procedures relating to Traffic Citations.

1. Two types of cases. Sparks Justice Court will distinguish cases involving violations of traffic offenses into two types: criminal misdemeanor citations and civil infractions.

1.1 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. *See Exhibit "1"* attached hereto.

1.2 Civil infractions include all citations in which the citation is marked "civil infraction"; and 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.

2. Criminal Misdemeanor Citations.

2.1 Criminal misdemeanor arraignments. All arraignments for criminal misdemeanor citations will be held on the date and time affixed on the citation in the assigned criminal department.

2.2 Failure to appear for arraignment at the date and time affixed on the citation may result in the issuance of a bench warrant. If applicable, proof that a violation has been remedied must be submitted to the Court on or before the arraignment date. Failure to do so may result in the issuance of a bench warrant.

1 2.3 Counsel appearing on behalf of a defendant charged with a criminal
2 misdemeanor citation must have the requisite consent of their client to enter a plea and ensure
3 that their client was fully aware of the applicable constitutional rights when the defendant has
4 given consent (See NRS 178.388(3)). Without such consent, counsel must ensure their clients'
5 presence.

6 2.4 Failure to pay. For all criminal misdemeanor citations where a person was
7 sentenced to pay a fine and administrative assessments and the person has not paid in full by the
8 date set by this Court, the Court may either:

9 2.4.1 Issue a Criminal Bench Warrant; and/or

10 2.4.2 Assess a collection fee to be added to the delinquent amount and refer the
11 case to collections.

12 **3. Civil Infraction Citations.**

13 3.1 Prosecutorial election to treat violation as civil infraction. A prosecuting attorney
14 electing to treat one or all misdemeanor violations of a provision of chapters 483 to 484E,
15 inclusive, 486 or 490 of NRS as a civil infraction must prepare a civil infraction and follow the
16 procedural requirements of NRS 484A.7049.

17 3.2 This Court shall accept a Notice of Dismissal or Dismissal Memorandum from
18 the prosecuting attorney in order to dismiss any underlying criminal charge in compliance with
19 NRS 484A.7049(3).

20 3.3 Two options to resolve traffic civil infraction. A person who has been issued a
21 traffic civil infraction must respond to the citation not later than 90 calendar days after the date
22 on which the citation was issued by indicating to this Court that the person **does** or **does not**
23 contest the citation. No court hearings will be set before a judicial officer other than as outlined
24 in section (b) below.

25 3.3.1 **Uncontested Violations.** A person who does not wish to contest the
26 violation(s) in the civil infraction citation must contact the Court to pay the civil penalty in full
27 or set up a payment plan by filing a request with this Court, on or before 90 calendar days after
28 the date the civil infraction was issued. If a person requests a payment plan which extends the

1 final payment date past 90 calendar days after the date the citation was issued, this Court shall
2 prepare a civil judgment but will not enter said judgment unless a payment is missed. This
3 Court shall accept a person's payment(s) as indication of their intent not to contest pursuant to
4 NRS 484A.704(2).

5 **4. Contested Violations.** A defendant who desires to contest the violation(s) in the
6 civil infraction must request a hearing to contest the determination that the person has
7 committed the civil infraction by filing a request with this Court and post a cash bond in the
8 amount of the civil penalty and assessments. Requests may be filed in this Court at a counter
9 clerk's window or by email to sjccitations@washoecounty.gov.

- 10 i. An indigent person may apply for a waiver of the bond by filing a written
11 application to proceed in forma pauperis. Applications can be found on
12 Sparks Justice Court's website or by visiting Sparks Justice Court.
13 Applications may be filed in this Court at a counter clerk's window or by
14 email to sjccitations@washoecounty.gov.
- 15 ii. A hearing will be set by this Court at the time the bond is posted or upon
16 approval of a bond waiver. At that time, a notice of hearing will be filed and
17 sent to the person contesting their civil infraction citation. No further notice
18 will be provided.
- 19 iii. The person contesting their civil infraction citation may subpoena
20 witnesses, including, without limitation, the peace officer or duly
21 authorized member or volunteer of a traffic enforcement agency who issued
22 the citation or halted the person. Subpoenas can be found on Sparks Justice
23 Court's website or at Sparks Justice Court. Subpoenas must be issued in
24 person by this Court at a counter clerk's window.
- 25 iv. Failure to complete both the request for a hearing and post the bond (or
26 obtain an order approving waiver of the bond), on or before 90 calendar
27 days after the date the citation was issued, will be treated as if the defendant
28 took no action to respond to the civil infraction in the manner specified by

1 NRS 484A.704. In such case, this Court will enter an order pursuant to
2 NRS 484A.7043 finding that the person committed the civil infraction and
3 assess the monetary penalty and administrative assessments prescribed for
4 the civil infraction.

5 **5. Demerit Point Reduction.** A person facing a civil infraction is eligible to file a
6 request with this Court for a demerit point reduction to a non-moving violation, if they meet the
7 criteria outlined (a-d) below:

8 a) The civil infraction is the first traffic violation for the defendant in the
9 immediately preceding twelve-month period,

10 b) The person has contacted this Court to indicate they do not intend to contest the
11 civil infraction,

12 c) The person has paid the civil penalty in full, or has set up a payment plan with
13 the Court, on or before 90 calendar days after the date the civil infraction was issued, and

14 d) A course of traffic safety of at least five hours in length has been completed at a
15 school approved by the Nevada Department of Motor Vehicles and evidence of completion is
16 provided to this Court on or before 90 calendar days after the date the civil infraction citation
17 was issued.

18 e) In lieu of completing the traffic safety course, a person may file a request with
19 this Court to pay \$100 or complete 7 hours of community service (in addition to the civil
20 penalty) to obtain a demerit point reduction. The request must be filed and approved by the
21 Court, and the demerit point reduction fee **must be paid in full** or community service **must be**
22 **completed** on or before 90 calendar days after the date the civil infraction citation was issued in
23 order to be eligible for the amendment to a non-moving violation.

24 **6. Failure to Respond to a Civil Infraction.** If a person fails to contact the Court
25 to either contest their civil infraction or pay their civil penalty and/or administrative assessment
26 in full, or set up a payment plan, on or before 90 calendar days after the date the civil infraction
27 citation was issued, this Court shall:

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1 a) Enter an order finding that the person committed the civil infraction and
2 assessing a monetary civil penalty and administrative assessments (this order may not be
3 appealed); and

4 b) Enter a judgment against the person.

5 This Court may also:

6 a) Assess a collection fee to be added to the delinquent amount;

7 b) Issue a writ of execution to enforce the judgment;

8 c) Order the suspension of the driver's license of the defendant; and

9 d) Refer the case to collections.

10 **7. Community Service.** Persons who have been assessed a civil penalty are
11 authorized to perform community service in lieu of payment by filing a request with this Court.
12 Community service must be completed on or before 90 calendar days after the date the citation
13 was issued. Persons who elect to perform community service will be credited \$15.00 per hour
14 toward their civil penalty.

15 Persons must obtain approval to an approved non-profit organization with
16 501(c)(3) status from this Court. Proof of such community service work must contain the
17 following information in order to be accepted:

18 a) Name and address of the non-profit organization on letterhead.

19 b) Name of individual supervising the work performed.

20 c) Email address and phone number of the individual supervising the work
21 performed.

22 d) Dates community service work was performed.

23 e) Total number of hours of community service work completed.

24 **8. Motions.** This Court will accept legal motions on both types of traffic cases.
25 Motions may be filed in this Court at a counter clerk's window or by email to
26 sjccitations@washoecounty.gov.

27 a) The moving party is responsible for service of the motion on the opposing party.

28 Motions may be served via regular mail and proof of service must be attached.

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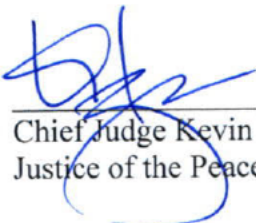
b) Motions will be reviewed in chambers and will only be set for hearing if the reviewing judicial officer finds it necessary.

9. Case Closure. A case that has been brought to final judgment or verdict in a criminal traffic case or has been brought to final adjudication and entry of order in a civil infraction case will be deemed closed. Of these, any cases for which a fine, assessment, civil penalty, or collection fee remains delinquent, has been sent to a collection agency, and/or for which the time to appeal has passed will remain open **for collection purposes only**. No further filings will be accepted or considered by this Court.

This Administrative Order will be in effect as of January 1, 2023.

IT IS SO ORDERED.

Dated this 28th day of December 2022.



Chief Judge Kevin Higgins
Justice of the Peace

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Exhibit “1”

AB116 Criminal Traffic Offenses

Exhibit “1”

AB116 Criminal Traffic Offenses

NRS	Offense
483.340	Misuse of temporary license for undercover officer
483.530	Unlawful use of license, false information, or fraud
483.550	Driving w/out valid license
483.560	Driving cancelled, revoked, or suspended
483.570	Non-resident driving cancelled, suspended, or revoked
483.575	Driving while epileptic
483.580	Permitting unlicensed minor to drive
483.590	Permitting unauthorized person to drive
483.600	Employing unlicensed driver
483.610	Rent only to licensed driver
New Sec. 484A	Any violation of 483 to 484E, 486, or 490 that is a civil infraction committed while under influence of alcohol or drugs can be charged as a misdemeanor
484B.100	Refusal/failure to comply with lawful order of peace officer enforcing 484A to 484E
484B.117	Driving upon sidewalk
484B.127	Following too closely
484B.130	Criminal offense in work zone is subject to double criminal penalty
484B.135	Criminal offense in pedestrian safety zone is subject to double criminal penalty
484B.150	Drinking alcohol while driving or open container
484B.157	Child restraint
484B.267	Failure to yield to emergency vehicle
484B.297	Walking along or upon highway, hitchhiking, soliciting business or a contribution along highway, or intoxicated pedestrian
484B.317	Attempt to/or alter traffic signs and signals
484B.320	Devices to interfere with traffic signals

484B.330	Refusal/failure to comply with signals of authorized flagger resulting in damage to property not less than \$1,000
484B.350	Failure to obey school crossing guard
484B.353	Overtaking or passing school bus
484B.467	Handicapped parking
484B.550	Failure to stop upon signal of a peace officer
484B.580	Failure to stop at a roadblock
484B.593	Biking or walking on restricted use highway
484B.600	Speeding 30 mph or more over limit (damage to person/property resulting from speeding carries a \$1,000 civil penalty)
484B.607	Failure to take certain actions when approaching an accident
484B.650	Aggressive driving, also driver may be prosecuted for aggressive driving whether or not a civil citation is issued or the person is found to have committed a civil infraction
484B.653	Reckless driving, speed contests, or trick driving
484B.657	Vehicular manslaughter
484B.920	Permit required for parade, sound trucks, or oversized vehicles
484C.110	Driving under the influence (DUI) (Penalties: 484C.400 to 484C.440)
484C.120	Commercial DUI (Penalties: 484C.400 to 484C.440)
484C.130	DUI vehicular homicide
484C.470	Failure to install interlock device
484C.475	Providing breath sample for another (interlock)
484D.305 to 484D.335	Odometer fraud
484D.485	Event recording devices (car "black boxes")
484D.580	Failure/refusal to stop and submit to safety inspection

484D.675	Failure/refusal to stop and submit to a weighing
484E.020	Failure to stop at scene of crash and remove traffic obstruction (vehicle)
484E.030	Failure to provide information or render aid after crash
484E.040	Failure to leave contact information after crash with unoccupied vehicle
484E.050	Failure to notify law enforcement after crash with unoccupied vehicle
484E.080	Knowingly providing false information in an accident report
485.187	Unlawful acts related to motor vehicle liability insurance
485.330	Operating motor vehicle when license or registration is suspended
485.340	Failure to return license, registration or license plate
485.350	False or forged insurance documents or misrepresentation of documents
485.360	Any other violation of provisions of Ch. 485 for which no other penalty is specified is a misdemeanor
486.171	Permitting an unlicensed person to drive a motorcycle
490.200 to 490.450	Off-highway vehicle dealer offenses