

MAY 01 2023

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

**ADMINISTRATIVE ORDER 2023-03**

Pursuant to the passage of *Assembly Bill 116* (2021), the Sparks Justice Court hereby amends its procedures relating to Traffic Citations as follows:

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

1.1 Criminal misdemeanor citations include all citations that are 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 that are marked "civil infraction" and 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.

**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.

2.3 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 a defendant has given consent. *See* NRS 178.388(3). Without such consent, counsel must ensure their client is present.

1           2.4 For all criminal misdemeanor citations where a person was sentenced to pay a  
2 fine and administrative assessments and the person has not paid in full by the date set by this  
3 Court, the Court may:

4           2.4.1 Issue a Criminal Bench Warrant; and/or

5           2.4.2 Assess a collection fee to be added to the delinquent amount and refer the  
6 case to collections.

7           **3. Civil Infraction Citations.**

8           3.1 If a prosecuting attorney elects to treat one or all violations of a provision of  
9 chapters 483 to 484E, inclusive, 486 or 490 of NRS as a civil infraction they must prepare a  
10 civil infraction citation and follow the procedural requirements of NRS 484A.7049.

11           3.2 This Court shall accept a Notice of Dismissal or Dismissal Memorandum from  
12 the prosecuting attorney in order to dismiss any underlying criminal charge in compliance with  
13 NRS 484A.7049(3).

14           3.3 A person who has been issued a civil infraction citation must respond to the  
15 citation not later than 90 calendar days after the date on which the citation was issued by  
16 indicating to this Court that the person **does** or **does not** contest the citation.

17           3.3.1 **Uncontested Violations.** A person who does not wish to contest the  
18 violation(s) in the civil infraction citation must contact the Court to pay the civil penalty in full  
19 or set up a payment plan by filing a request with this Court, on or before 90 calendar days after  
20 the date the civil infraction citation was issued. This Court shall accept a person's payment(s) or  
21 a signed payment plan as an indication they do not wish to contest their citation pursuant to  
22 NRS 484A.704(2). In the event a person fails to make any payment pursuant to their payment  
23 plan agreement, a default judgment will automatically be entered against them for the amount  
24 remaining as well as any corresponding administrative and/or collection fees.

25           3.3.2 **Contested Violations.** A person who desires to contest the violation(s) in  
26 the civil infraction citation must file a request for a hearing with this Court to contest the  
27 determination that the person has committed the civil infraction and post a cash bond in the  
28 amount of the civil penalty.

- 1           i. An indigent person may apply for a waiver of the bond by filing a written  
2 application to proceed in forma pauperis. Applications can be found on  
3 Sparks Justice Court’s website or at Sparks Justice Court. Applications must  
4 be filed in person with this Court at a counter clerk’s window.
- 5           ii. A hearing will be set by this Court at the time the bond is posted or upon  
6 approval of a bond waiver. At that time, a notice of hearing will be filed and  
7 sent to the person contesting their civil infraction citation. No further notice  
8 will be provided.
- 9           iii. A person contesting their civil infraction citation may subpoena witnesses,  
10 including, without limitation, the peace officer or duly authorized member  
11 or volunteer of a traffic enforcement agency who issued the citation or  
12 halted the person. Subpoenas can be found on the Sparks Justice Court’s  
13 website “Forms” page under Citations or by visiting Sparks Justice Court.  
14 Subpoenas must be issued in person by this Court at a counter clerk’s  
15 window.
- 16           iv. A peace officer may submit a Written Statement in Lieu of Personal  
17 Appearance and is not required to appear in person at this hearing unless  
18 subpoenaed. The Written Statement in Lieu of Personal Appearance can be  
19 found on the Sparks Justice Court website “Forms” page under Citations or  
20 by visiting Sparks Justice Court.
- 21           v. Failure to complete both the request for a hearing and post the bond (or  
22 obtain an order approving waiver of the bond) on or before 90 calendar days  
23 after the date the civil infraction citation was issued, will be treated as if the  
24 person took no action to respond in the manner specified by NRS 484A.704.  
25 In this instance, the Court will enter an order finding that the person  
26 committed the civil infraction pursuant to NRS 484A.7043 and assess the  
27 monetary penalty with corresponding administrative and/or collection fees,  
28 prescribed for in the civil infraction citation.

1           **4. Demerit Point Reduction.** A person facing a civil infraction with a demerit  
2 point value of four points or less as assessed by NAC 483.510 is eligible to file a request to  
3 complete a traffic safety course for a demerit point reduction to a non-moving violation with  
4 this Court, if they meet the criteria outlined below:

- 5           i. The person has not completed a traffic safety course in the immediately  
6           preceding 12-month period; and
- 7           ii. The person has contacted this Court to indicate they do not intend to contest  
8           the civil infraction.

9           4.1 A request to complete a traffic safety course for a demerit point reduction must  
10 be filed on or before 90 calendar days after the date the civil infraction citation was issued. The  
11 request must also be filed prior to the case being closed and will not be accepted after the case  
12 has been closed.

13           4.2 In lieu of completing the traffic safety course, a person may file a request with  
14 this Court to pay \$100 or complete seven hours of community service (in addition to the civil  
15 penalty) to obtain a demerit point reduction. The request must be filed and approved by the  
16 Court on or before 90 calendar days after the date the civil infraction citation was issued in  
17 order to be eligible for the amendment to a non-moving violation. See NRS 484A.790.

18           **5. Community Service.** Persons having been assessed a civil penalty are  
19 authorized to perform community service in lieu of payment by filing a request with this Court.  
20 The Court shall accept a person’s signed “community service in lieu of payment” form as an  
21 indication they do not wish to contest their citation pursuant to NRS 484A.704(2). Persons who  
22 elect to perform community service will be credited \$15.00 per hour toward their civil penalty.

23           The non-profit organization with 501(c)(3) status for which a person would like to  
24 perform community service must be approved by this Court. Proof of community service work  
25 must contain the following information in order to be accepted:

- 26           i. Name and address of the non-profit organization on letterhead.
- 27           ii. Name of individual supervising the work performed.

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- 1           iii.    Email address and phone number of the individual supervising the work
- 2                   performed.
- 3           iv.    Dates community service work was performed.
- 4           v.    Total number of hours of community service work completed.

5           In the event a person fails to complete their community service, this Court shall give  
6 credit for any community service hours completed, and a default judgment will automatically be  
7 entered against them for the amount remaining as well as any corresponding administrative  
8 and/or collection fees.

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

- 13           a) Enter an order finding that the person committed the civil infraction and  
14 assessing a monetary civil penalty and administrative assessments (this order may not be  
15 appealed); and
- 16           b) Enter judgment against the person.

17           This Court may also:

- 18           i.    Assess a collection fee to be added to the delinquent amount;
- 19           ii.   Issue a writ of execution to enforce the judgment;
- 20           iii.   Order the suspension of the driver's license of the defendant; and
- 21           iv.   Refer the case to collections.

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

- 25           i.    The moving party is responsible for the service of a motion on the opposing  
26 party. Motions may be served via regular mail and proof of service must be  
27 attached.

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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 <b>can</b> 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