

FILED

JAN - 1 2023

By  Deputy Clerk
Reno Municipal Court

IN THE MUNICIPAL COURT OF THE CITY OF RENO
COUNTY OF WASHOE, STATE OF NEVADA

IN THE MATTER OF)
ENACTMENT OF RULES FOR)
RENO MUNICIPAL COURT)
REGARDING TRAFFIC CITATIONS)

Administrative Order: 2023-01

WHEREAS, Assembly Bill 116 of the 2021 Legislative Session established civil penalties for certain traffic violations; and,

WHEREAS, Assembly Bill 116 maintained certain traffic related offenses as misdemeanors; and,

WHEREAS, Section 80.5 of Assembly Bill 116 requires justice and municipal courts to adopt rules governing the practice and procedures governing civil infractions before January 1, 2023, accordingly,

IT IS HEREBY ORDERED that the local rules of practice for the Reno Municipal Court, relating to practice and procedure governing civil infractions, attached hereto as Exhibit A, is hereby adopted and shall become effective on January 1, 2023.

This Administrative Order will remain in effect until further notice.

DATED this 1st day of January, 2023.


HON. SHELLY T. O'NEILL
Chief Judge
Reno Municipal Court

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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCF 5(b), I certify that I am an employee of the Reno Municipal Court,
3 Reno, Nevada, and that on this date I served a true and correct copy of the foregoing document,
4 **ADMINISTRATIVE ORDER 2023-01** on the party(ies) set forth below:

5 _____ Placing said document in a sealed envelope placed for collecting and mailing in the
6 United States mail, at Reno, Nevada, postage prepaid, following ordinary business practices.

7 X Electronic mail:

- 8 rmcmanagers@reno.gov
- 9 sotoj@reno.gov
- 10 dbalaam@washoecounty.us
- 11 jtrevino@washoeschools.net
- 12 rflocchini@tmcc.edu
- 13 ejames@unr.edu
- 14 lavansino@rsic.org
- 15 rramirez@dps.state.nv.us
- 16 kfield@renoairport.com
- 17 pretrialservices@washocourts.us
- 18 pretrialservicesjail@washocourts.us
- 19 CACriminalDivision@reno.gov
- 20 LegalDefenders@reno.gov
- 21 ashley@wcbbar.org
- 22 kimberlyf@nvbar.org
- 23 frandenc@reno.gov

24 _____ Reno/Carson Messenger Service.

25 _____ Federal Express or other overnight delivery.

26 _____ Inner-office mail following ordinary business practices.

27 _____ Personal Delivery.

28 DATED this 23rd day of January , 20 23 .

Michelle D. Masi


EXHIBIT A

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EXHIBIT A

1 **RULE 14.1 Categories of citations relating to traffic offenses:** There are two categories of
2 traffic citations that may be issued by a peace officer: traffic misdemeanors and civil infractions.

3 1. Traffic misdemeanors include:

4 a. All citations which are punishable as a misdemeanor under either the Nevada
5 Revised Statutes (NRS) or the Reno Municipal Code; and

6 b. All violations in which a person commits a violation that is punishable as a civil
7 infraction while the person is under the influence of alcohol or a controlled
8 substance.

9 2. Civil infractions include:

10 a. All traffic violations punishable as a civil infraction under chapters 483 to 484E,
11 inclusive, 486 and/or 490; and

12 b. All cases in which the City Attorney has elected to treat a violation of chapters 483
13 to 484E, inclusive, 486 or 490 of NRS as a civil infraction pursuant to NRS
14 484A.7049.

15 **Rule 14.2 Resolution of traffic misdemeanors.** Each traffic misdemeanor citation contains an
16 arraignment date scheduled approximately thirty days from the date the citation is issued. Traffic
17 misdemeanor citations shall be resolved in the following manner:

18 1. All traffic misdemeanor citations are to be randomly assigned to a department for an
19 arraignment.

20 2. Except as otherwise provided, a person issued a traffic misdemeanor citation shall
21 personally appear for arraignment before a judge on the date and time contained on the
22 citation, or as otherwise ordered by the court.

23 3. A person may request a continuance of their traffic misdemeanor arraignment.

24 4. For violations that do not require a mandatory appearance, the person may waive their right
25 to appear before a judge and resolve the citation by paying the amount indicated on the
26 citation to the court prior to the arraignment date listed on the citation. This payment may
27 be made in person, by telephone or online, through the court's website payment portal.

28 5. Cases in which a person enters a plea of not guilty at their arraignment will be set for trial
in a randomly assigned department.

Failure to appear for arraignment on the date and time indicated on the citation, or as
otherwise ordered by the court, may result in the issuance of a bench warrant.

Rule 14.3 Resolution of civil infractions. Civil infraction citations contain a "response date"
that is 90 calendar days from the date the citation is issued. A person issued such a citation must
respond to the citation by exercising one of the options below prior to the expiration of the 90-day
period.

1. **Accept responsibility:** A person who does not wish to contest the civil
infraction(s) set forth in the citation must indicate their intent and pay the civil penalty,
administrative assessments and any fees in full on or before the 90-day response date
contained in the citation. A person may accept responsibility and pay by appearing in
person at one of the clerks windows, mail their response and payment to the court, or
use the court's online resolution portal.

a. **Community Service:** A person who wishes to perform community service in lieu
of paying the civil penalty may make such request by using the court's online
resolution portal or by appearing in person at the clerks windows prior to the
expiration of the 90-day response date.

1 b. **Payment plans:** A person wishing to pay the civil penalty by way of making
2 payments over time may make such request by using the court’s online resolution
3 portal or by appearing in person at the clerks windows prior to the expiration of the
4 90-day response date.

5 2. **Mitigation request.** A person who has admitted a violation of a civil infraction(s)
6 charged in a citation may submit a statement of mitigating circumstances, either in
7 person at one of the clerks windows or online. A judge will review the statement of
8 mitigation to determine whether the person is entitled to any relief pursuant to NRS
9 484A.7043. By choosing not to contest the civil infraction(s) and submit a statement of
10 mitigation, the person waives any relevant constitutional rights, including, without
11 limitations, the right to a hearing, the right to right to confront any witnesses, and the
12 right to counsel, as applicable.

13 3. **Contest the citation:** A person who wishes to contest the civil infraction(s) set
14 forth in the citation must request a hearing and post a bond in the amount of the civil
15 penalty, administrative assessments and any fees as set for in NRS 484A.7041 prior to
16 the expiration of the 90-day response date.

17 c. Contested cases will be randomly assigned to a judicial department to conduct a
18 hearing pursuant to NRS 484A.7041.

19 d. Acceptable forms of bond include cash, cashier’s checks, money orders, credit/debit
20 cards and surety bonds.

21 e. An indigent person may apply for a waiver of the bond requirement by completing
22 an application *at the clerks window*. A person may establish indigency by showing
23 either that they are receiving government assistance or that they earn not more than
24 200% above poverty guidelines.

25 f. Notice of hearing will be provided to the person at the time the bond is posted with
26 the court or upon approval of a bond waiver. No further notice will be provided.

27 g. Failure to complete both the request for a hearing and post the bond (or obtain a
28 waiver) on or before the expiration of the 90-day response date will be treated as if
29 the person failed to respond to the civil infraction in the manner specified by NRS
30 484A.704. In such case, the Court will enter an order finding the person committed
31 the civil infraction(s) and assessing the civil penalty, administrative assessments,
32 and any fees prescribed for the civil infraction(s) as provided in NRS 484A.7043.
33 Additionally, the civil infraction(s) will be reported to the Nevada Department of
34 Motor Vehicles, if applicable. A person who fails to respond to a civil citation may
35 not appeal the order (NRS 484A.704).

36 h. Failure to complete both the request for a hearing and post the bond (or obtain a
37 waiver) on or before the expiration of the 90-day response date will be treated as if
38 the person failed to respond to the civil infraction in the manner specified by NRS
39 484A.704. In such case, the Court will enter an order finding the person committed
40 the civil infraction(s) and assessing the civil penalty, administrative assessments,
41 and any fees prescribed for the civil infraction(s) as provided in NRS 484A.7043.
42 Additionally, the civil infraction(s) will be reported to the Nevada Department of
43 Motor Vehicles, if applicable. A person who fails to respond to a civil citation may
44 not appeal the order (NRS 484A.704).

45 i. Pleadings presented for filing after the expiration of the 90-day response date will
46 not be accepted.

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j. If the court find the person committed the civil infraction, the bond posted will be forfeited to satisfy the civil penalty, administrative assessments and any fees prescribed for the civil infraction(s).

4. **No response.** Failure to respond to a civil infraction will result in the Court entering an order pursuant to NRS 484A.704 finding the person committed the civil infraction(s) and assessing the civil penalty, administrative assessments, and any fees prescribed for the civil infraction(s) as provided in NRS 484A.704. Additionally, the civil infraction(s) will be reported to the Nevada Department of Motor Vehicles, if applicable. A person who fails to respond to a civil citation may not appeal the order (NRS 484A.704).

Rule 14.4 Demerit point reduction. A person facing a civil infraction citation is eligible for a demerit point(s) reduction through an amendment to a non-moving violation if the following conditions are satisfied:

1. The person has not been found to have committed a traffic violation in the 36-month period immediately preceding the commission of the civil infraction(s).
2. The person accepts responsibility for the civil infraction and pays the civil penalty, administrative assessments and any applicable fees on or before the expiration of the 90-day response date.
3. The person completes a Traffic Safety School course approved by the Nevada Department of Motor Vehicles and provides evidence of successful completion to the Court.
4. Evidence of successful completion of a Traffic Safety School course must be provided to the Court on or before the expiration of the 90-day response date.