
LAS VEGAS JUSTICE COURT LOCAL RULES OF PRACTICE

LVJCLRP

UPDATED AS OF FEBURARY 23, 2023
CLARK COUNTY NEVADA

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PART 1. USE AND CONSTRUCTION OF RULES

Rule 1.1 Title. These rules may be known and cited as the Las Vegas Justice Court Local Rules of Practice, or may be abbreviated LVJCLRP.

Rule 1.2 Definitions. As used in these Rules, unless the context otherwise requires, the words and terms below have the following meanings:

- (a) “Cash” means U.S. currency, approved credit or debit cards, money orders, cashier’s checks, and checks drawn on a business account, trust account, or legal aid account.
- (b) “Clerk” means the clerk of the Justice Court.
- (c) “Court” means the Justice Court.
- (d) “Day(s)” means calendar days.
- (e) “Electronic service” or “electronically served” means the electronic transmission of a document to a party at the e-mail address on file with the Court via the Court’s electronic filing system or by mail if no e-mail address exists.
- (f) “Inmate” means anyone who is currently being held in any detention facility, jail or prison.
- (g) “Party,” “petitioner,” “applicant,” “claimant,” “plaintiff,” “defendant” or any other designation of a party to any action or proceeding, case or other court matter must include and apply to such party’s attorney of record.
- (h) “Person” must include and apply to corporations, firms, associates and all other entities, as well as natural persons.
- (i) “Shall” and “must” are mandatory and “may” is permissive.
- (j) The past, present and future tenses must each include the others; the masculine, feminine and neuter genders will include the others; and the singular and plural numbers will each include the other.

PART 2. ADMINISTRATION OF THE COURT

Reserved

PART 3. GENERAL PROVISIONS

Reserved

Part 4. CIVIL PRACTICE

Reserved

PART 5. SMALL CLAIMS

Rule 5.1. Scope and Application of Rules.

These rules are intended to simplify procedures for small claims litigants as small claims cases are intended to be litigated by individuals appearing in proper person without specialized training.

Rule 5.2. Small Claims Complaint.

- (a) The Small Claims Complaint must be electronically filed unless the exception in subsection (d) below applies. Plaintiffs who electronically file a Small Claims Complaint should maintain a current e-mail address with the Court through the electronic filing system. All litigants who electronically file documents automatically consent to receive all notices and documents from the Court through electronic service.
- (b) The Small Claims Complaint must include a statement detailed enough to provide notice to the defendant of the basis for the cause of action and debt claimed. Formal adherence to rules applicable to general civil actions is not required.

(c) A Small Claims Complaint that alleges a cause of action not authorized for small claims cases pursuant to Rule 5.3 must be dismissed by the Court with prejudice to refile as a small claims case, but without prejudice to refile as a civil action in the appropriate court.

(d) Inmates are exempt from the electronic filing requirement and may mail the Small Claims Complaint to the Court for filing. All inmates must exhaust the administrative process set forth in NRS 41.0322 and 209.243, where applicable, prior to filing a Small Claims Complaint. Proof of the exhaustion of administrative remedies available under NRS 209.243 must be attached to the Small Claims Complaint.

Rule 5.3. Types of Actions Not Authorized in Small Claims Court.

(a) The following actions are not authorized for small claims court and are subject to dismissal, with prejudice to refile as a small claims case, but without prejudice to refile as a civil action in the appropriate court:

- (1) Actions arising under NRS Chapter 40 alleging constructional defect;
- (2) Actions for professional negligence arising under NRS Chapter 41A;
- (3) Actions arising under NRS 41.635-41.670;
- (4) Actions arising under NRS Chapter 97A;
- (5) Actions arising under NRS Chapter 604A;
- (6) Actions for defamation, whether libel or slander;
- (7) Actions against a homeowners' association;
- (8) Actions contingent upon the resolution of a probate or estate action; and
- (9) Actions seeking exemplary and punitive damages.

(b) In order to promote the policy set forth in Rule 5.1, causes of action needing evidentiary support by an expert witness or expert witness report are not authorized in a small claims action.

(c) Parties may not stipulate to the admissibility of documents or witnesses not authorized under subsection (b) of this rule, but parties may stipulate to agreed-upon facts.

Rule 5.4. Small Claims Trial Setting.

(a) Upon filing of the Small Claims Complaint, the deputy clerk will endorse the Small Claims Complaint with the date, time, and place of trial. This endorsed Small Claims Complaint will be returned to the plaintiff via electronic service.

(b) An endorsed Small Claims Complaint filed by an inmate will be returned by mail.

Rule 5.5. Service of Small Claims Complaint and Notice of Trial Date.

(a) A plaintiff must serve the defendant with a copy of the Small Claims Complaint with the endorsed Notice of Trial Date at least 10 days prior to the trial date.

(b) Personal service in accordance with JCRCP 4 or service under NRS Chapter 14 is required unless an alternate method of service is requested by written motion and authorized by the Court.

(c) Service by certified mail may be authorized if, in the Court's discretion, all available means of personal service have been exhausted and the plaintiff can establish that a valid address exists where the defendant can receive mail.

(d) If the Small Claims Complaint with endorsed Notice of Trial Date is not served within the time frame set forth in JCRCP 91, a plaintiff may file a motion to continue the trial date in order to effectuate service.

(e) Proof of service must be filed with the Court as soon as possible after service is completed.

Rule 5.6. Counterclaim.

(a) Although no Answer is required, any Small Claims Counterclaim must be filed at least 5 days prior to the date set for trial.

(b) A defendant filing a Small Claims Counterclaim must pay the filing fee in the amount set forth in NRS Chapter 4 for the answer or appearance of any party.

(c) A Small Claims Counterclaim must be electronically filed. Every counterclaimant who electronically files a Small Claims Counterclaim must maintain a current e-mail address with the Court through the electronic filing system and automatically consents to receive all notices and documents from the Court through electronic service.

(d) Upon filing of the Small Claims Counterclaim, the deputy clerk will endorse the Small Claims Counterclaim with the same date, time, and place of the trial as the original Complaint. The endorsed Small Claims Counterclaim will be returned to the defendant via electronic service.-

(e) Service of the Small Claims Counterclaim must be completed by electronic service prior to the date of trial.

(f) If service of the endorsed Small Claims Counterclaim is not completed before trial, the Court may allow service in open court or may continue the trial to afford time to effectuate service, if requested.

(g) Any Small Claims Counterclaim that alleges a cause of action not authorized for small claims cases pursuant to Rule 5.3 may be dismissed by the Court without prejudice, or the Court may reclassify the action as a civil action in Justice Court.

(h) A Small Claims Counterclaim that prays for damages in an amount above the jurisdictional limit for a small claims case will be treated as follows:

(1) If the amount claimed exceeds the jurisdictional limit for a civil action in the Las Vegas Justice Court, JCRCP 13 governs.

(2) If the amount claimed exceeds the jurisdictional limit for a small claims case but does not exceed the jurisdictional limit for a civil action in the Las Vegas Justice Court, the Court may separate the claims and adjudicate those over which the small claims court has jurisdiction and require the other claims to be transferred and reclassified as a civil action. The new civil action will be heard in the same judicial department as the original small claims action. The Court may require the parties to file pleadings complying with JCRCP 7-12, or the Court may transfer and reclassify the entire case as a civil action.

Rule 5.7. Discovery.

The provisions of JCRCP 16.1 and JCRCP 25A-37 regarding discovery and exchange of documents or witness lists are not applicable in a small claims case pursuant to JCRCP 2.

Rule 5.8. Motions.

(a) Pursuant to JCRCP 2, motions based on JCRCP 3-87 may be summarily denied.

(b) All motions must be electronically filed. All motions must be served on the opposing party by regular mail or electronic service. A certificate of mailing must be filed with the Court.

(c) The Justice will review all motions in chambers and may issue a written order without hearing. The order will be electronically served on all parties.-

(d) Motions requiring additional argument or evidence will be scheduled for hearing. Notice of the hearing will be electronically served on all parties.

(e) Motions to continue a trial date should be filed at least 5 days prior to the date of trial. Continuance of the trial will only be granted upon a showing of good cause.

(f) Motions to appear by telephone or video must comply with Part IX-B of the Supreme Court Rules.

Rule 5.9. Small Claims Subpoenas.

(a) All subpoenas submitted to the Court must comply with JCRCP 45.

(1) Every subpoena must be presented on a form provided by the Court. This form is available at the Civil Law Self-Help Center.

(2) Every subpoena must command each person to whom it is directed to attend and give testimony, or to produce documents or tangible things in the possession, custody, or control of that person, at the time of trial.

(b) The clerk will issue a subpoena, signed but otherwise in blank, to a party requesting it, who must complete it before service.

(c) A subpoena may be served by any person who is not a party and is not less than 18 years of age. Service of a subpoena upon a person named therein must be made by delivering a copy thereof to such person and, if the person's attendance is commanded, by tendering to that person the fees for one day's attendance and the mileage allowed by law as required by NRS 50.225. When the subpoena is issued on behalf of the State or an officer or agency thereof, fees and mileage need not be tendered.

(d) Any person who fails to obey a subpoena properly served upon that person, without adequate excuse, may be held in contempt.

Rule 5.10. Trial.

(a) A complaint or a counterclaim may be dismissed for failure to prosecute if the plaintiff or counterclaimant fails to appear for trial.

(b) A judgment may be entered against a defendant or counterdefendant who fails to appear for trial.

(c) Prior to the entry of a judgment, the plaintiff(s) or counterclaimant(s) are required to present evidence proving the basis for the cause of action and the damages sought. This may be done by way of written affidavit or sworn testimony of the plaintiff, counterclaimant, or witness.

(d) Parties intending to introduce exhibits at the small claims trial must bring the original and two copies of each exhibit to the trial.

(e) Attorneys are not prohibited from representing small claims litigants; however, appearance of counsel must not interfere with the informal nature and simplified procedures of a small claims trial.

(f) Each party to the small claims trial may present sworn testimony or documentary evidence supporting or defending the cause(s) of action. Attorneys representing litigants may make legal arguments on their client's behalf but are not authorized to conduct formal direct and cross-examination of witnesses unless the Court deems it appropriate. The Court may pose questions to any party or witness in order to clarify facts or legal issues.

(g) Evidence must be marked and a ruling on admissibility must be made by the Court at the time of trial.

Rule 5.11. Mediation.

(a) Mediation of small claims cases is encouraged and is available to all parties who are interested in resolving their disputes without the need for a trial. Mediation services are available through the Neighborhood Justice Center at 702-455-3898 or mediation.works@clarkcountynv.gov. Parties should provide a case number, if available, and contact information when contacting the Neighborhood Justice Center.

(b) All mediation proceedings are settlement conferences. Evidence that any mediation effort or offer of settlement has occurred is inadmissible at the trial. Admissions of any party during a mediation proceeding are also inadmissible at the trial.

(c) Unless otherwise ordered by the Court, all cases in which a settlement is reached must have a written settlement or mediation agreement signed by both parties and filed with the Court, or the terms of the agreement must be placed on the record. In the event that one party fails to comply with the agreement, the aggrieved party may file a motion to enforce settlement or mediation agreement. Such motion must be accompanied by an affidavit from the aggrieved party outlining the failure to comply.

Rule 5.12. Stipulated Judgments.

Settlements that result in an agreed upon money judgment must be submitted to the Court in writing as a stipulated judgment signed by both parties for approval by the Court.

Rule 5.13. Record of the Court.

All proceedings and trials are recorded using sound recording equipment and the recording is the record of the Court. Minute entries are not the record of the Court.

Rule 5.14. Costs.

The prevailing party is entitled to an award of the costs actually incurred in the action. The Court record may be used to support the award of filing fees and/or service of process costs. The Court may require additional costs sought to be itemized in a memorandum of costs verified by the oath of the party.

Rule 5.15. Appeals.

(a) A party seeking to appeal the judgment of the Court must file a Notice of Appeal accompanied by an appropriate bond and filing fees.

(b) Unless an appellant is exempted by law, a bond to cover the costs of the appeal must be in the form of cash or surety in the amount of \$250, unless the Court fixes a different amount.

(c) An appellant seeking a stay of execution of the judgment pending the decision of the district court on appeal must post a bond to cover the full amount of the judgment plus the amount for costs in subsection (b).

(d) Pursuant to Rule 74(a) of the Justice Court Rules of Civil Procedure, the Court approves the record on appeal to be transmitted to the district court without a transcript of the proceedings.

PART 6. SUMMARY EVICTIONS

Rule 6.1. Definitions.

As used in Part VI of these Rules, unless the context otherwise requires, the words and terms below have the following meanings:

(a) “Answer” means the Tenant’s Affidavit in Opposition to Summary Eviction.

(b) “Complaint” means the Landlord’s Affidavit of Complaint for Summary Eviction.

(c) “Eviction Notice” means a notice served pursuant to NRS 40.253(1), 40.254(1), or 40.2542(1).

(d) “Motion to Stay” means a motion to stay the execution of any judgment, including any judgment in a case of forcible or unlawful detainer, pursuant to NRS 70.010.

(e) “Motion to Set Aside” means a motion to set aside an order for summary eviction that has already been issued.

(f) “Surrender Notice” means a notice served pursuant to NRS 40.251, 40.2514, or 40.2516.

(g) “Uninhabitability” has the meaning ascribed to it in NRS 118A.290.

Rule 6.2. Summary evictions.

(a) A surrender notice will be unenforceable if an eviction notice pursuant to NRS 40.254(1) is not served within 30 calendar days after the expiration of the surrender notice, and the landlord will be required to have a new surrender notice served, except when a tenant has been given an additional 30 calendar days pursuant to NRS 40.251(2).

(b) An eviction notice will be unenforceable if a complaint is not filed within 45 calendar days after the

expiration of the eviction notice period, and the landlord will be required to have a new eviction notice served, as well as any prior surrender notice.

(c) If a tenant has filed an untimely answer contesting an eviction notice, the court will not consider it.

(d) If a tenant has filed a timely answer contesting an eviction notice, the court will not schedule a hearing on the summary eviction until the complaint is filed with the court. If no complaint is filed, the case will be administratively closed.

(e) If the tenant has filed a timely answer contesting an eviction notice, and the landlord has filed a timely complaint pursuant to subsection (b), a hearing on the summary eviction will be held no sooner than fourteen calendar days and no later than twenty-one calendar days after the filing of the complaint, unless the court otherwise finds good cause. The court will notify the parties of:

- (1) The hearing date, time and location, and
- (2) The availability of mediation prior to the hearing date.

(f) All summary eviction documents must comply with the following requirements:

(1) Surrender and eviction notices served upon tenant.

(A) All landlords and tenants are required to use the surrender and eviction notices forms approved by the Court and made available to the public on the Civil Law Self Help Center website at civillawselfhelpcenter.org.

(B) An eviction notice must advise the tenant that the Las Vegas Justice Court (or some similar specific reference) has jurisdiction over the matter. An eviction notice that merely refers to “the justice of the peace,” or “Clark County Courthouse,” or some other nonspecific designation is not valid.

(C) An eviction notice must advise as to the availability of electronic filing of the answer and include the web address for access.

(D) An eviction notice must list the tenant’s name in order of first name and last name.

(2) Tenant’s Answer. All tenants must use the tenant’s affidavit in opposition to summary eviction form approved by the Court and made available to the public on the Civil Law Self Help Center website at civillawselfhelpcenter.org or through the Odyssey Guide & File interview. A tenant's answer must include an e-mail address for the tenant, if the tenant has an e-mail address.

(3) Landlord’s Complaint. All landlords must use the complaint for summary eviction form approved by the Court and made available to the public on the Civil Law Self Help Center website at civillawselfhelpcenter.org. A landlord's complaint must include an e-mail address for the landlord, if the landlord has an e-mail address.

(A) A landlord complaint must be filed in the following order: Landlord Complaint, eviction notice, proof of service of the eviction notice, lease (if applicable), and any other supporting documents.

(B) The Court may strike the Landlord’s Complaint as non-conforming with this Rule.

(g) If a landlord has had more than one eviction notice served to the tenant within one rental period, and the tenant has filed a timely answer contesting a notice with respect to any of those notices, the Court may consolidate for hearing all pending notices and answers.

(h) Unless otherwise ordered by the Court, an order for summary eviction that has not been executed by the constable will expire 30 days after the order is filed.

(i) If a summary eviction case is sealed, no further filings will be accepted in that case.

(j) Use of surrender or eviction notices other than those approved by the Court may result in a dismissal of the case.

(k) A tenant’s answer to a summary eviction that is not on the Court-approved form may be stricken as non-conforming with this Rule.

(l) A landlord’s complaint for summary eviction that is not on the Court-approved form may be stricken as non-conforming with this Rule.

(m) If the tenant has filed a timely answer contesting the eviction notice, the landlord must file the complaint into the same case as the tenant has filed the answer. Failure to file the complaint into the same case as the tenant answer will result in the complaint being stricken as non-conforming with this Rule. The filing fee will not be refund. The case will be closed and sealed.

Rule 6.3. Rent deposits relating to claims of uninhabitability under NRS 118A.355.

(a) A tenant who asserts a defense of uninhabitability to a claim of nonpayment of rent and who is withholding rent pursuant to NRS 118A.355(1)(d) must post the withheld rent with the Las Vegas Justice Court as provided in this rule. The deposit(s) may be paid by cash, money order, debit card, or a cashier's check. Deposits may not be paid by personal check or credit card.

(b) At the time that the tenant files an answer to the eviction action, the tenant must indicate in the answer that the tenant has withheld rent pursuant to NRS 118A.355 and must deposit with the Las Vegas Justice Court all rent that has become due.

(c) If additional rent becomes due while the underlying case is pending, a tenant who is withholding rent under this rule shall continue to deposit the additional rent as required by NRS 118A.355 unless otherwise ordered by the Court.

Rule 6.4. Stay of Eviction for an Eviction Order.

(a) A tenant who requests a delay in the *execution* of an order for summary eviction *or lockout must* include such request in the Answer.

(b) If an order for summary eviction has already been granted, and a tenant is seeking a stay of execution of that order *or lockout*, the tenant may file a Motion to Stay prior to the execution of the order. Any Motion to Stay filed after execution of the order will be deemed moot and will be denied summarily.

(c) Upon review of a Motion to Stay that is filed before the execution of an order for summary eviction, the Court may set the Motion to Stay for hearing, or the Court may rule upon the Motion to Stay summarily.

(d) If the court elects to hear a Motion to Stay pursuant to subsection (c), the hearing must be scheduled on the Court's first available hearing date, but not sooner than ten calendar days from the date the Motion is approved for hearing to ensure that all parties can be properly noticed of the hearing.

(e) Once a Motion to Stay has been ruled upon, a subsequent Motion to Stay alleging the same grounds may be summarily denied.

(f) A Motion to Stay that is filed after the parties have entered into a mediation agreement may be summarily denied.

Rule 6.5. Motions to set aside in eviction cases.

(a) A tenant may file a Motion to Set Aside an Order for Summary Eviction after an Order for Summary Eviction has been issued. Such a Motion must:

(1) Set forth valid legal grounds for setting aside the Order; and

(2) Be filed not later than the date of the lockout, unless:

(i) The tenant can show that the Order is void because he or she was not properly served with one or more notices as required by NRS 40.280; and

(ii) The motion is made within a reasonable time and in no event more than six months after the Order was issued, unless the Court finds that justice demands otherwise.

(b) Upon review of a Motion to Set Aside, the Court may:

(1) Rule upon the Motion to Set Aside summarily; or

(2) Set the Motion to Set Aside for hearing and stay the execution of any Order for Summary Eviction pending the resolution of the Motion.

- (c) If the court elects to hear a Motion to Set Aside pursuant to subsection (b), the hearing must be scheduled on the Court's first available hearing date, but not sooner than ten calendar days from the date the Motion is approved for hearing to ensure that all parties can be properly noticed of the hearing.
- (d) Once a Motion to Set Aside has been ruled upon, a subsequent Motion to Set Aside alleging the same grounds may be summarily denied.

Rule 6.6. Motions to rescind and dismiss in eviction cases.

At any time, a landlord can voluntarily file a motion to rescind an order for summary eviction that has previously been issued. If such a motion is granted, the case shall be dismissed and sealed.

Rule 6.7. Mediation in eviction cases

Any case that results in a settlement between the parties through mediation must have a mediation agreement between the parties filed with the Court prior to the hearing.

Rule 6.8. Eviction Diversion Program

- (a) Cases pending a summary eviction hearing may be identified as eligible for diversion.
- (b) Eligibility criteria for the Eviction Diversion Program will be determined by the Court and based upon available programs and resources from Clark County Social Services. The eligibility criteria may be amended due to capacity and available resources from Clark County Social Services. Cases alleging a violation of NRS 40.2514 or 40.2516 will not be eligible for consideration into the Eviction Diversion Program.
- (c) Upon processing a tenant's answer or affidavit in opposition to summary eviction, the Court will issue an order requiring the tenant to appear at the Eviction Diversion Office within seven to fourteen calendar days.
- (1) The tenant will be assigned a case worker to connect the tenant to resources and services. Tenants are required to cooperate with the case worker.
 - (2) The case worker will assist the tenant with any application requirements for rental assistance or any other available resource. Where such rental assistance application has been made, the provisions of Section 2 of Assembly Bill 486 of the 2021 Legislative Session (Chapter 354, Statutes of Nevada 2021, pages 2121-2123) §2 apply.
 - (3) Upon the recommendation of the case worker, the case may be referred through the Neighborhood Justice Center for mediation. Participation by the parties in mediation is voluntary.
 - (4) If the tenant fails to appear at the Eviction Diversion office in accordance with the court order or fails to cooperate with the case worker, the case will be removed from the Eviction Diversion Program and proceed to the summary eviction hearing.

PART 7. TRAFFIC CRIMINAL MISDEMEANOR CITATIONS AND CIVIL INFRACTIONS CITATIONS

Rule 7.1. Three types of cases. There are three types of cases involving violations of traffic offenses in the Nevada Revised Statutes: criminal misdemeanor citations, criminal misdemeanor citations alleging only regulatory offenses, and civil infractions.

- (a) Criminal misdemeanor citations include all citations in which the citation is marked "criminal" or in which the legislature has determined a violation of the particular charged statute provision is punishable as a misdemeanor.
- (b) Criminal misdemeanor citations alleging only regulatory offenses include all citations in which all charges relate to registration of a vehicle, insurance, licensing, and handicap parking violations.
- (c) Civil infractions include:
- (1) All citations in which the citation is marked "civil infraction"; and
 - (2) 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.

Criminal Misdemeanor Citations (non-regulatory)

Rule 7.2. Criminal misdemeanor random assignment. All criminal misdemeanor citations will be tracked to a department and will not be able to be handled at the customer service windows or through the Court's Online Dispute Resolution System.

Rule 7.3. Criminal misdemeanor arraignment.

- (a) All arraignments for criminal misdemeanor citations, excluding criminal misdemeanor citations alleging only regulatory violations, will be held on the date and time affixed on the citation in the assigned criminal department, unless otherwise directed by the court.
- (b) Failure to appear for arraignment at the date and time affixed on the citation may result in the issuance of a bench warrant.
- (c) Counsel appearing on behalf of a defendant charged with a criminal misdemeanor citation must have the requisite consent of the client to enter a plea and ensure that their client was fully aware of the applicable constitutional rights when the defendant gave consent (See NRS 178.388(3)). Without such consent, counsel must ensure their clients presence.

Rule 7.4. Failure to pay. For all criminal misdemeanor citations in which a person was sentenced to pay a fine and administrative assessment fee and the person has not paid in full by the date set by the Court, the Court may:

- (a) Assess a collection fee to be added to the delinquent amount pursuant to NRS 176.064,
- (b) Close the criminal misdemeanor case,
- (c) Enter a civil judgment for the total amount due, including the collection fee,
- (d) Issue a writ of execution to enforce the judgment, and
- (e) Refer the case to collections.

Criminal Misdemeanor Citations Alleging ONLY Regulatory Offenses

Rule 7.5. Resolution of regulatory violations on or before arraignment date.

- (a) All criminal misdemeanor citations alleging only regulatory offenses as defined by Rule 7.1(b) must be resolved using the Court's Online Traffic Dispute Resolution System on or before the arraignment/appearance date set forth on the citation. Resolution means that either a plea was entered for each violation contained on the citation or is eligible for dismissal pursuant to Rule 7.5(b).
- (b) Regulatory violations eligible for dismissal include:
 - (1) Violations of NRS 485.187 in which the person presents evidence to the court on or before the arraignment date that the insurance required by NRS 485.185 was in effect at the time demand was made for it;
 - (2) Violations of licensing requirements of NRS Chapter 483 in which the person presents evidence to the court on or before the arraignment date that the person was the holder of a valid driver's license at the time demand was made for it;
 - (3) Violations of vehicle registration requirements of NRS Chapter 482 in which the person presents evidence to the court on or before the arraignment date that the motor vehicle registration was in effect at the time demand was made for it; and
 - (4) Violations of NRS 484B.467 restricting parking in spaces designated for persons who are handicapped in which the person presents evidence to the court on or before the arraignment date that the driver was eligible to park in such space as set forth in NRS 484B.467(5).
- (c) Regulatory violations in which the person presents evidence to the court that the violation was cured on or prior to the arraignment date may be eligible for a reduced fine pursuant to statute or by the prosecuting attorney's plea negotiation.

(d) Evidence of eligibility for dismissal or reduced fine must be presented to the Court at any time on or before the arraignment/appearance date on the citation. Such evidence may be:

(1) Uploaded into the case via the Court's Online Traffic Dispute Resolution System by creating an account; or

(2) Presented at the Court's customer service window.

(e) Failure to resolve a regulatory violation that is identified by the legislature as a misdemeanor on or before the arraignment date may result in the issuance of a bench warrant.

(f) Cases in which a defendant has entered a not guilty plea to a criminal regulatory violation will be randomly assigned to a department and set for trial.

Rule 7.6. Failure to pay. For all criminal misdemeanor citations alleging regulatory offenses in which a person was sentenced to pay a fine and administrative assessments and the person has not paid in full by the date set by the Court, the Court may:

(a) Assess a collection fee to be added to the delinquent amount,

(b) Close the criminal misdemeanor case,

(c) Enter a civil judgment for the total amount due, including the collection fee,

(d) Issue a writ of execution to enforce the judgment, and

(e) Refer the case to collections.

Civil Infraction Citations

Rule 7.7. Prosecutorial election to treat violation as civil infraction.

(a) A prosecuting attorney electing to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS as a civil infraction must prepare a civil infraction citation using a form authorized by the Court and following the procedural requirements of NRS 484A.7049.

(b) A prosecuting attorney who elects to have all violations of a specific provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS treated as civil infractions may provide written notice to the Court identifying the specific Nevada Offense Codes (NOC). Upon the filing of a criminal traffic citation containing only misdemeanor offenses the prosecuting attorney elects to treat as a civil infraction, the Court will:

(1) Electronically prepare the civil infraction citation and file the citation in a civil case,

(2) Attempt to deliver a copy of the notice and the civil infraction citation to the defendant via an email address or via text message if such information is provided on the citation, and

(3) Dismiss the underlying criminal charge.

(c) Notices and civil infractions citation that are unable to be served by email or text message will be sent to the prosecuting attorney for service via regular mail.

(d) The prosecuting attorney is responsible for ensuring service of the notice and civil infraction citation and filing proof of service with the Court in the civil infraction citation case.

(e) Criminal traffic citations containing multiple misdemeanor offenses in which the prosecuting attorney has only elected to treat a portion of the misdemeanor offenses as civil infractions cannot be processed by the Court as set forth in subsection (b) above. Instead, the prosecuting attorney must follow the procedural requirements of NRS 484A.7049 on each individual case.

Rule 7.8. Two options to resolve traffic civil infractions citation. A defendant who has been issued a traffic civil infraction citation must use the Court's Online Traffic Dispute Resolution System to resolve the case. No court hearings will be set before a judicial officer other than as outlined in section (b) below.

(a) ***Uncontested Violations.*** A defendant who does not desire to contest the violation(s) in the civil infraction citation must indicate the intent not to contest and pay the civil penalty in full on or before 90 calendar days after the date the citation was issued. A defendant may make several payments to pay the

civil penalty as long as the civil penalty and administrative assessment fees are is paid in full on or before 90 calendar days after the date the citation was issued.

(b) **Contested Violations.** A defendant who desires to contest the violation(s) in the civil infraction must request a hearing to contest the determination that the person has committed the civil infraction using the Court's Online Traffic Dispute Resolution System and post a bond in the amount of the civil penalty.

(1) An indigent defendant may apply for a waiver of the bond by filing a written application to proceed in forma pauperis. Such application must be filed with the Court at the Court's customer service window or may be filed online using the Court's electronic filing system.

(2) Notice of the hearing date will be provided to the defendant at the time the bond is posted with the Court's Online Traffic Dispute Resolution System or upon approval of a bond waiver. No further notice will be provided.

(3) Failure to both request a hearing and post the bond (or obtain an order approving waiver of the bond) on or before 90 calendar days after the date the citation was issued will be treated as if the defendant took no action to respond to the civil infraction in the manner specified by NRS 484A.704. In such case, the Court will enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction.

(c) Pleadings filed into a civil infraction case through the Court's case management system that amount to either an election to contest the violation(s) and request a hearing, or not contest the violation(s), therefore by bypassing the use of the Court's Online Traffic Dispute Resolution System will be stricken as nonconforming.

Rule 7.9. Demerit Point Reduction. A defendant 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 civil infraction citation is the first traffic violation for the defendant in the immediately preceding thirty-six month period;

(2) The defendant has utilized the Court's Online Traffic Dispute Resolution System to indicate an intent not to contest the civil infraction;

(3) The defendant has paid the civil penalty in full on or before 90 calendar days after the date the civil infraction citation was issued; and

(4) A course of traffic safety of at least five hours in length has been completed at a school approved by the Nevada Department of Motor Vehicles and evidence of completion is provided to the Court on or before 90 calendar days after the date the civil infraction citation was issued. In lieu of completing the traffic safety course, a defendant may elect to pay a demerit point reduction fee (in addition to the civil penalty). The demerit point reduction fee must be paid in full on or before 90 calendar days after the date the civil infraction citation was issued in order to be eligible for the amendment to a non-moving violation.

Rule 7.10. Failure to Pay Civil Penalty. If a civil penalty or administrative assessment is not paid in full by a date 90 days after the issuance of the civil infraction citation, the Court may:

(a) Enter an order finding that the person committed the civil infraction and assessing a monetary civil penalty and administrative assessments,

(b) Assess a collection fee to be added to the delinquent amount,

(c) Issue a writ of execution to enforce the judgment,

(d) Order the suspension of the driver's license of the defendant, and

(e) Refer the case to collections.

Rule 7.11. Community Service

- (a) Defendants assessed a civil penalty are authorized to perform community service in lieu of payment without the need for a Court order.
- (b) A referral to an organization at which to perform community service must be obtained at the Court's customer service window.
- (c) Defendants residing outside of the jurisdiction of the Las Vegas Justice Court may perform community service at any non-profit organization with current 501(c)(3) status. Proof of such community service work must contain the following information in order to be accepted:
 - (1) Name and address of the non-profit organization on letterhead.
 - (2) Name of individual supervising the work performed.
 - (3) Email address and phone number of the individual supervising the work performed.
 - (4) Dates community service work was performed.
 - (5) Total number of hours of community service work completed.

Rule 7.12. Motions

- (a) Motions on all three types of traffic cases must be electronically filed into the Court case using the Court's electronic filing system.
- (b) The moving party is responsible for service of the motion on the opposing party. Motions may be served via regular mail or through the Court's electronic filing system.
- (c) Motions may be reviewed in chambers and be set for hearing if the reviewing judicial officer finds in necessary.

Rule 7.13. Case Closure.

- (a) A case that has been brought to final judgment or in a criminal traffic case (including regulatory offenses) or that has been brought to final adjudication and entry of order in a civil infraction citation case will be deemed closed.
- (b) A case will not be reopened if:
 - (1) The case has been sent to collections,
 - (2) The fine, administrative assessment fee, civil penalty, or collection fee remains delinquent,
 - (3) The time to appeal has passed.

PART 8. TEMPORARY PROTECTIVE ORDERS

Reserved

PART 9. CRIMINAL

Reserved