

STAFF REPORT

Date: October 26, 2022

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Ordinance Introduction - Bill No. _____ Creation of new ordinance within Reno Municipal Code Title 6- Vehicles and Traffic, Chapter 6.04. – Definitions, Section 6.04.001 - Findings for civil infractions to acknowledge the changes made by the Nevada Legislature with AB 116 and clarify that any traffic violation contained within the Reno Municipal Code under Title 6 is a civil infraction unless stated otherwise by the Nevada Revised Statutes.

From: Brian Sooudi

Department: City Attorney's Office

Summary:

The 2021 Nevada Legislature passed AB 116 converting a majority of traffic laws in the State of Nevada from a misdemeanor crime to a civil infraction with an effective date of January 1, 2023. The proposed ordinance amendments to the Reno Municipal Code reflect the changes made by the Nevada Legislature and bring the Reno Municipal Code into compliance with the Nevada Revised Statutes. The first proposed change amends Reno Municipal Code Title 1 – General Provisions, Chapter 1.04. – Penalties and Arrest Procedure, Section 1.04.015. – State misdemeanors. This will allow the City of Reno to enforce violations of civil infractions contained within the Nevada Revised Statutes. The Second change creates a new ordinance within Reno Municipal Code Title 6 - Vehicles and Traffic, Chapter 6.04 – Definitions, Section 6.04.001. - Findings. The new ordinance acknowledges the change from criminal violations to civil infractions within our traffic code and acknowledges that only the state equivalent traffic violations within Reno Municipal Code will remain a misdemeanor. AB 116 prohibited a local government from enacting any ordinance that provides a criminal penalty for certain traffic and related offenses for which the penalty prescribed by law is a civil infraction.

Alignment with Strategic Plan:

Public Safety

Previous Council Action:

There is no recent Council action relevant to this item.

Discussion:

Nevada was a minority state which still had traffic violations classified as a misdemeanor criminal offense. In 2021, the 81st session of the Nevada Legislature passed AB 116 establishing civil penalties for certain traffic and related violations. Effective January 1, 2023, many traffic violations in the state will be reclassified to civil infractions while some will remain misdemeanor offenses. The bill prohibits a local government from enacting any ordinance that provides a criminal penalty for certain traffic and related offenses for which the penalty prescribed by law is a civil infraction.

On August 16, 2022, the Reno Municipal Court received communication from the Nevada Supreme Court that they were working with the Department of Public Safety to get civil infractions created. During this process they have found several instances where city codes or county ordinances still listed traffic matters as misdemeanors rather than civil infractions. The Nevada Supreme Court and the Department of Public Safety have directed all cities and counties to make clarifications within their respective codes and ordinances to comply with AB 116. In review of the request from the Nevada Supreme Court, staff has recognized two changes that need to be made within the Reno Municipal Code to bring it into compliance with the changes made by AB 116.

Staff recommends creating a new ordinance to address the concerns set forth by the Nevada Supreme Court and the Department of Public Safety. The proposed ordinance would be created within Reno Municipal Code Title 6- Vehicles and Traffic, Chapter 6.04. – Definitions, Section 6.04.001. – Findings for civil infractions. The new ordinance would acknowledge the changes made by the Nevada Legislature with AB 116 and clarify that any traffic violation contained within the Reno Municipal Code under Title 6 is a civil infraction unless stated otherwise by the Nevada Revised Statutes.

Section 6.04.001. – Findings for civil infractions.

On January 1, 2023, AB 116 (2021 Legislative Session) was enacted which converts traffic violations in Nevada from a misdemeanor crime to a civil infraction. To comply with the change in state law, violations of Title 6 Vehicles and Traffic of the Reno Municipal Code are a civil infraction starting January 1, 2023 unless otherwise stated by the Nevada Revised Statutes or there is a state equivalent municipal code that is to remain a misdemeanor.

Financial Implications:

There are no financial implications related to this item at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council refer Bill No. _____ for a second reading and adoption.

Proposed Motion:

I move to approve staff recommendation.

Attachments:

Supreme Court Email

Ordinance 6.04