

So You Received a Traffic Ticket...

By Paul R. Kirst, Esq.

Many people come to Craig P. Kenny & Associates for help with traffic citations. This article will explain why it is best to have us represent you for a traffic ticket, but don't forget all the other services we offer such as personal injury claims, workers' compensation claims, and criminal defense matters.

Often times the process of having us help you when you receive a ticket is as simple as getting us a copy of the citation and then waiting to hear the outcome we are able to negotiate. Most of our clients know to have us help, but aren't clear as to the ramifications if they just pay their citation without our help.

Nevada is one of only 13 states that currently considers most moving violations as criminal offenses. That's right, most moving violations are misdemeanor offenses in Nevada. But there is good news as Nevada is in the process of changing the way it addresses moving violations. Assembly Bill (AB) 116 decriminalizes most misdemeanor traffic offenses effective January 1, 2023. This change applies to minor traffic offenses such as most speeding offenses, cell phone use, and seat belt violations. Serious offenses such as DUI remain criminal offenses.

Here are some of the violations that will still be treated as a misdemeanor criminal offense: Unsafe passing, Following too closely, Driving under the influence or having an open container (alcohol) in your car, Driving more than 30 mph above the speed limit, Aggressive driving, Driving on a sidewalk, Falsifying documents, Failing to yield for an emergency vehicle, Injuring a road construction worker, Failing to obey the police, and Failing to stop and render aid after an accident (under certain conditions when you were involved in the accident). It will still be a misdemeanor to drive with an invalid or fraudulent license, including cases where your license has been suspended or revoked.

Furthermore, Law Enforcement Officers are still allowed to detain, search, and arrest drivers as appropriate. However, courts will then treat the citation as a civil infraction rather than a criminal offense.

Perhaps most importantly, even as to the decriminalized offenses, the Courts will still notify the DMV of "moving civil infractions" and those infractions will still appear on your driving record. As has been the case in the past, multiple infractions can still result in the suspension of your driver license. AB 116 changes some portions of current Nevada Revised Statute 483.448, but some provisions remain unchanged. Infraction points will still count and can still lead to suspension of your license. In particular, currently and in the future, your license can be suspended if you accumulate 12 points during a 12-month period. The length and nature of that suspension varies depending on if it is your first, second, or third accumulation of 12 points in a 1, 3, or 5-year period. New in 2023 is a provision that also calls for your license to be suspended if you accumulate 6 infractions that assign 4 or more demerit points in a five-year period.

Confusing? Yes. Will it take the Courts and the DMV a bit to settle into the new procedures

once they arrive in 2023? Yes. But don't worry. The bottom line is that while you should do your best to drive safely and avoid being pulled over by the police, we understand that things sometimes happen and we are always here for you. Don't give into the temptation to just mail in your payment for the ticket so you can be done with it, there can be severe consequences.

While this article has focused on the upcoming changes to traffic violation laws and the negative impact accumulated points can cost you, don't forget that your insurance company is also keeping track of your points. The Zebra is an insurance comparison site and though we can't vouch for the accuracy of a study it conducted, it found that a hit and run accident can increase your insurance by 82.2%, reckless driving by 70.4%, passing a school bus by 27%, speeding by 23.2%. While there will be variances from company to company, you can be assured that your insurance rate is affected when points are reported to the DMV.

The bottom line: Drive safely and avoid being pulled over. But when it happens, give us a call so we can help minimize the impact...and don't forget all the other areas of law we practice at Craig P. Kenny & Associates.