

SENATE BILL NO. 309—SENATOR NOLAN

MARCH 24, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Makes various changes relating to motorized scooters and miniature motorcycles. (BDR 43-288)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets **[omitted material]** is material to be omitted.

AN ACT relating to vehicles; prohibiting a person from operating a miniature motorcycle on a highway in this State; requiring a dealer of miniature motorcycles or a dealer of motorized scooters to provide certain information to a customer upon the sale of a miniature motorcycle or motorized scooter; exempting the driver of a motorized scooter from the requirement of obtaining a driver's license under certain circumstances; providing penalties; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *“Miniature motorcycle” means a vehicle which has the appearance of a motorcycle, is propelled by an engine which has a displacement of not more than 50 cubic centimeters and is designed to travel with not more than three wheels in contact with the ground, including, but not limited to, pocket bikes, super pocket bikes, mini choppers and mini motorcycles. The term does not include motorcycles, mopeds, motorized scooters, tractors or trimobiles.*



1 **Sec. 3.** *“Motorized scooter” means a vehicle with or without*
2 *a seat which has a floorboard that is designed to be stood upon by*
3 *the operator, is propelled by a gas or electric engine, is capable of*
4 *a maximum speed of not more than 35 miles per hour on a flat*
5 *surface with not more than 1 percent grade in any direction when*
6 *the motor is engaged and is designed to travel on not more than*
7 *two wheels in contact with the ground. The term does not include*
8 *motorcycles, mopeds, miniature motorcycles, tractors or*
9 *trimobiles.*

10 **Sec. 4.** *It is unlawful for a person to operate a miniature*
11 *motorcycle on a highway in this State.*

12 **Sec. 5.** *It is unlawful for a person to:*

13 1. *Operate a motorized scooter on a highway in this State that*
14 *has a posted speed limit of more than 25 miles per hour, unless the*
15 *motorized scooter is capable of traveling at a speed which is at*
16 *least the posted speed limit;*

17 2. *Operate a motorized scooter on a highway in this State that*
18 *has a posted speed limit of more than 35 miles per hour;*

19 3. *If a highway has a designated bicycle lane, operate a*
20 *motorized scooter outside of the bicycle lane;*

21 4. *Operate a motorized scooter on a sidewalk;*

22 5. *Operate a motorized scooter that is not equipped with a*
23 *brake;*

24 6. *Operate a motorized scooter unless the operator is wearing*
25 *a bicycle helmet that meets the standards established by the*
26 *Department;*

27 7. *Carry a passenger on a motorized scooter, unless the*
28 *motorized scooter was designed to carry a passenger;*

29 8. *Operate a motorized scooter with less than one hand on the*
30 *handlebar;*

31 9. *Operate a motorized scooter during darkness unless the*
32 *motorized scooter is equipped with:*

33 (a) *A headlight that is visible from at least 300 feet in front of*
34 *the motorized scooter;*

35 (b) *A red reflector on the rear of the motorized scooter that is*
36 *visible from at least 500 feet behind the motorized scooter; and*

37 (c) *A white or yellow reflector on each side of the motorized*
38 *scooter that is visible from at least 200 feet in front of and behind*
39 *the motorized scooter;*

40 10. *Operate or ride as a passenger on a motorized scooter*
41 *unless the person is at least 16 years of age; and*

42 11. *Operate a motorized scooter without a certificate as*
43 *described in section 8 of this act.*

44 **Sec. 6.** 1. *A person who violates any provision of section 4*
45 *or 5 of this act is guilty of a misdemeanor and:*



(a) For a first offense:

(1) Except as otherwise provided in subparagraph (2), shall be punished by a fine of not more than \$100; and

(2) For a violation of subsection 11 of section 5 of this act, shall be punished by a fine of not more than \$100 unless the person, not more than 30 days after the date of the violation, provides proof that he has obtained a certificate as described in section 8 of this act;

(b) For a second offense, must be sentenced to perform not more than 25 hours of community service, the motorized scooter or miniature motorcycle may be seized and the person shall further be punished by a fine of not less than \$200, but not more than \$500; and

(c) For a third or subsequent offense, must be sentenced to perform not less than 30 hours, but not more than 50 hours, of community service, the motorized scooter or miniature motorcycle must be seized and the person shall further be punished by a fine of not less than \$500, but not more than \$750.

2. A person may not reclaim a motorized scooter or miniature motorcycle seized pursuant to paragraph (b) or (c) of subsection 1 unless:

(a) The person has performed the entire period of the community service and paid each fine imposed pursuant to those paragraphs; and

(b) If the person is less than 18 years of age, he is accompanied by his parent or guardian.

Sec. 7. A dealer of miniature motorcycles shall, upon the sale of a miniature motorcycle, inform the customer that it is unlawful for the customer to operate the miniature motorcycle on a highway in this State pursuant to section 4 of this act. The dealer shall, at the time of the sale, obtain a written statement, signed by the customer, specifying that the dealer provided such information to the customer.

Sec. 8. A dealer of motorized scooters shall:

1. Upon the sale of a motorized scooter, inform the customer that it is unlawful to operate a motorized scooter on a highway in this State under circumstances other than those specified in section 5 of this act;

2. At the time of the sale, obtain a written statement, signed by the customer, specifying that the dealer provided the information required pursuant to subsection 1 to the customer; and

3. Provide a safety course that is approved by the Department to persons who purchase or lease motorized scooters and issue a



1 *certificate of completion to each person who successfully*
2 *completes the safety course.*

3 **Sec. 9.** *A person who violates a provision of section 8 of this*
4 *act is guilty of a misdemeanor and:*

5 *1. For a first offense, shall be punished by a fine of not more*
6 *than \$250;*

7 *2. For a second offense, shall be punished by a fine of not*
8 *less than \$500, but not more than \$750; and*

9 *3. For a third or subsequent offense, shall be punished by a*
10 *fine of not less than \$1,000, but not more than \$1,500. In addition*
11 *to any other penalty, the Secretary of State may, after providing*
12 *notice and a hearing, revoke the license of the dealer previously*
13 *authorized by him to do business in this State.*

14 **Sec. 10.** NRS 482.010 is hereby amended to read as follows:

15 482.010 As used in this chapter, unless the context otherwise
16 requires, the words and terms defined in NRS 482.011 to 482.137,
17 inclusive, *and sections 2 and 3 of this act* have the meanings
18 ascribed to them in those sections.

19 **Sec. 11.** NRS 482.070 is hereby amended to read as follows:

20 482.070 "Motorcycle" means every motor vehicle designed to
21 travel on not more than three wheels in contact with the ground,
22 except any such vehicle as may be included within the term
23 ~~["tractor"]~~ *"tractor," "miniature motorcycle," "motorized scooter"*
24 *or "moped"* as defined in this chapter.

25 **Sec. 12.** NRS 483.240 is hereby amended to read as follows:

26 483.240 The following persons are exempt from license under
27 the provisions of NRS 483.010 to 483.630, inclusive:

28 1. Any person while driving a motor vehicle in the service of
29 the Armed Forces.

30 2. Any person while driving any road machine, farm tractor or
31 implement of husbandry temporarily operated or moved on a
32 highway.

33 3. A nonresident who is at least 16 years of age and who has in
34 his immediate possession a valid license issued to him in his home
35 state or country may drive a motor vehicle in this State of the type
36 or class he may operate in his home state or country.

37 4. Any nonresident who is at least 18 years of age, whose home
38 state or country does not require the licensing of drivers, may drive
39 a motor vehicle for a period of not more than 90 days in any
40 calendar year, if the motor vehicle driven is duly registered in the
41 home state or country of such nonresident.

42 5. A nonresident on active duty in the Armed Forces who has a
43 valid license issued by his home state and such *a* nonresident's
44 spouse or dependent child who has a valid license issued by such *a*
45 state.



1 6. Any person on active duty in the Armed Forces who has a
2 valid license issued in a foreign country by the Armed Forces may
3 drive a motor vehicle for a period of not more than 45 days ~~from~~
4 *after* the date of his return to the United States.

5 7. *Any person while driving a motorized scooter in*
6 *accordance with the provisions of section 5 of this act. As used in*
7 *this subsection, “motorized scooter” has the meaning ascribed to it*
8 *in section 3 of this act.*



