

Amendment No. 1013

Senate Amendment to Senate Bill No. 309 First Reprint (BDR 43-533)

Proposed by: Senate Committee on Finance

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 309.

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

MSN/TMC



Date: 6/1/2009

S.B. No. 309—Makes various changes to provisions governing motor vehicles.
(BDR 43-533)



SENATE BILL NO. 309—SENATOR NOLAN

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—~~[Makes various changes to provisions governing motor vehicles.]~~
Prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections. (BDR 43-533)

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 motor vehicles; ~~[prohibiting a dealer from offering a motorcycle for sale in this State unless the dealer provides a written statement concerning laws governing motorcycles to the purchaser at the time of sale; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; defining “electric scooter” and exempting such vehicles from certain registration requirements; making electric scooters subject to certain provisions governing the safe operation of mopeds;]~~
prohibiting a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at certain intersections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section ~~[1.2 of this bill prohibits a dealer from offering a motorcycle for sale in this State unless, at the time of sale, the dealer provides a written statement to the purchaser which provides that: (1) the motorcycle must be registered; (2) a license is required to drive a motorcycle upon a highway in this State; and (3) state law requires a driver or passenger of a motorcycle to wear certain protective gear under certain circumstances. A dealer who does not make the written disclosures required by section 1.2 is guilty of a misdemeanor.~~

~~Existing law exempts mopeds from the requirement that every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State register the motor vehicle, trailer or semitrailer with the Department of Motor Vehicles. (NRS 482.205) Section 1.9 of this bill removes the exemption of mopeds from these registration requirements. Section 2 of this bill requires that every moped be registered with the Department for a fee of~~

~~§23. A person who does not register his moped pursuant to chapter 482 of NRS is guilty of a misdemeanor. (NRS 482.555) Section 1.1 of this bill defines an electric scooter and section 1.9 exempts such vehicles from the requirement that every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State register the motor vehicle, trailer or semitrailer with the Department.~~

~~Existing law prohibits a person from driving a motor vehicle upon a highway in this State unless the person possesses a valid driver's license. (NRS 482.230) Section 3.2 of this bill expands the definition of motor vehicle to include an electric scooter, thereby requiring a person who drives an electric scooter upon a highway in this State to possess a valid driver's license.~~

~~Sections 4.5 to 14, inclusive, of this bill make certain provisions governing the safe operation of mopeds applicable to electric scooters.~~

~~Section 5 of this bill requires drivers and passengers of mopeds and electric scooters to wear protective headgear securely fastened on the head which meets certain standards adopted by the Department. A driver or passenger of a moped or electric scooter who does not wear such protective headgear is guilty of a misdemeanor. (NRS 486.281) 3.7 of this bill prohibits a person operating a motor vehicle from using a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal. A person who violates this provision must pay a fine of \$75. This bill does not create a moving violation.~~

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 1.1 and 1.2 of this act.] (Deleted by amendment.)~~

Sec. 1.1. ~~["Electric scooter" means a device upon which a person may ride that:~~

~~1. Has two tandem wheels either of which is more than 14 inches in diameter;~~

~~2. Is propelled by a small electric motor which produces not more than 750 watts;~~

~~3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~4. Is capable of a maximum speed of not more than 20 miles per hour.~~

~~The term does not include a moped.] (Deleted by amendment.)~~

Sec. 1.2. ~~[1. A dealer shall not offer a motorcycle for sale in this State unless, at the time of sale, the dealer provides to the purchaser a written statement which provides that:~~

~~(a) The motorcycle must be registered in accordance with the provisions of chapter 482 of NRS;~~

~~(b) It is unlawful to drive a motorcycle upon any highway in this State unless the driver holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 482 of NRS endorsed to authorize the holder to drive a motorcycle or the driver is authorized by his state of residency to drive a motorcycle; and~~

~~(c) Chapter 486 of NRS requires drivers and passengers of motorcycles to wear protective headgear, glasses, goggles or face shields that meet standards adopted by the Department under certain circumstances.~~

~~2. A vehicle dealer who offers a motorcycle for sale in violation of subsection 1 is guilty of a misdemeanor.] (Deleted by amendment.)~~

1 **Sec. 1.3.** ~~[NRS 482.010 is hereby amended to read as follows:~~
2 ~~482.010 “As used in this chapter, unless the context otherwise requires, the~~
3 ~~words and terms defined in NRS 482.0105 to 482.127, inclusive, and section 1.1 of~~
4 ~~this act have the meanings ascribed to them in those sections.] (Deleted by~~
5 ~~amendment.)~~

6 **Sec. 1.5.** ~~[NRS 482.069 is hereby amended to read as follows:~~
7 ~~482.069 “Moped” means a vehicle which looks and handles essentially like a~~
8 ~~bicycle and is propelled by a small engine which produces not more than 2 gross~~
9 ~~brake horsepower and which has a displacement of not more than 50 cubic~~
10 ~~centimeters, and:~~

11 ~~1. Is designed to travel on not more than three wheels in contact with the~~
12 ~~ground but is not a tractor; and~~

13 ~~2. Is capable of a maximum speed of not more than 20 miles per hour on a flat~~
14 ~~surface with not more than 1 percent grade in any direction when the motor is~~
15 ~~engaged;~~

16 ~~→The term does not include an electric scooter.] (Deleted by amendment.)~~

17 **Sec. 1.7.** ~~[NRS 482.070 is hereby amended to read as follows:~~
18 ~~482.070 “Motoreycle” means every motor vehicle designed to travel on not~~
19 ~~more than three wheels in contact with the ground, except any such vehicle as may~~
20 ~~be included within the term “electric scooter,” “tractor” or “moped” as defined in~~
21 ~~this chapter.] (Deleted by amendment.)~~

22 **Sec. 1.9.** ~~[NRS 482.210 is hereby amended to read as follows:~~
23 ~~482.210 1. The provisions of this chapter requiring the registration of~~
24 ~~certain vehicles do not apply to:~~

25 ~~(a) Special mobile equipment;~~

26 ~~(b) Implements of husbandry temporarily drawn, moved or otherwise propelled~~
27 ~~upon the highways;~~

28 ~~(c) Any mobile home or commercial coach subject to the provisions of chapter~~
29 ~~489 of NRS;~~

30 ~~(d) Golf carts which are:~~

31 ~~(1) Traveling upon highways properly designated by the appropriate city or~~
32 ~~county as permissible for the operation of golf carts; and~~

33 ~~(2) Operating pursuant to a permit issued pursuant to this chapter;~~

34 ~~(e) [Mopeds.] Electric scooters;~~

35 ~~(f) Towable tools or equipment as defined in NRS 484.202;~~

36 ~~(g) Any motorized conveyance for a wheelchair, whose operator is a person~~
37 ~~with a disability who is unable to walk about;~~

38 ~~2. For the purposes of this section, “motorized conveyance for a wheelchair”~~
39 ~~means a vehicle which:~~

40 ~~(a) Can carry a wheelchair;~~

41 ~~(b) Is propelled by an engine which produces not more than 3 gross brake~~
42 ~~horsepower or has a displacement of not more than 50 cubic centimeters;~~

43 ~~(c) Is designed to travel on not more than three wheels; and~~

44 ~~(d) Can reach a speed of not more than 20 miles per hour on a flat surface with~~
45 ~~not more than a grade of 1 percent in any direction;~~

46 ~~→The term does not include a tractor.] (Deleted by amendment.)~~

47 **Sec. 2.** ~~[NRS 482.451 is hereby amended to read as follows:~~

48 ~~482.451 1. The Department shall, upon receiving an order from a court to~~
49 ~~suspend the registration of each motor vehicle that is registered to or owned by a~~
50 ~~person pursuant to NRS 484.37975, suspend the registration of each such motor~~
51 ~~vehicle for 5 days and require the return to the Department of the license plates of~~
52 ~~each such motor vehicle;~~

~~2. If the registration of a motor vehicle of a person is suspended pursuant to this section, he shall immediately return the certificate of registration and the license plates to the Department.~~

~~3. The period of suspension of the registration of a motor vehicle that is suspended pursuant to this section begins on the effective date of the suspension as set forth in the notice thereof.~~

~~4. The Department shall reinstate the registration of a motor vehicle that was suspended pursuant to this section and reissue the license plates of the motor vehicle only upon the payment of the fee for reinstatement of registration prescribed in subsection [10] 11 of NRS 482.480.~~

~~5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.] (Deleted by amendment.)~~

Sec. 3. [NRS 482.480 is hereby amended to read as follows:

~~482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers [.] fees according to the following schedule:~~

~~1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$33;~~

~~2. Except as otherwise provided in subsection 2;~~

~~(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50;~~

~~(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12;~~

~~(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8;~~

~~3. The fees specified in subsection 2 do not apply;~~

~~(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all of the cars registered to him;~~

~~(b) To cars that are part of a fleet;~~

~~4. For every motorcycle, a fee for registration of \$33 and for each motorcycle other than a trimobile, an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders;~~

~~5. For each moped, a fee for registration of \$33;~~

~~6. For each transfer of registration, a fee of \$6 in addition to any other fees;~~

~~[6.] 7. Except as otherwise provided in subsection 9 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to that section;~~

~~(a) A fee of \$250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the Department pursuant to subsection 3 of NRS 485.317; or~~

~~(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320;~~

~~both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive;~~

~~[7.] 8. For every travel trailer, a fee for registration of \$27;~~

~~[8.] 9. For every permit for the operation of a golf cart, an annual fee of \$10;~~

~~[9.] 10. For every low-speed vehicle, as that term is defined in NRS 484.527, a fee for registration of \$33;~~

~~[10.] 11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.] (Deleted by amendment.)~~

~~Sec. 3.1. [Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~“Electric scooter” means a device upon which a person may ride that:~~

~~1. Has two tandem wheels either of which is more than 14 inches in diameter;~~

~~2. Is propelled by a small electric motor which produces not more than 750 watts;~~

~~3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~4. Is capable of a maximum speed of not more than 20 miles per hour.~~

~~The term does not include a moped.] (Deleted by amendment.)~~

~~Sec. 3.15. [NRS 483.010 is hereby amended to read as follows:~~

~~483.010 The provisions of NRS 482.010 to 482.630, inclusive, and section 3.1 of this act may be cited as the Uniform Motor Vehicle Drivers’ License Act.] (Deleted by amendment.)~~

~~Sec. 3.18. [NRS 483.015 is hereby amended to read as follows:~~

~~483.015 Except as otherwise provided in NRS 482.230, the provisions of NRS 483.010 to 483.630, inclusive, and section 3.1 of this act apply only with respect to noncommercial drivers’ licenses.] (Deleted by amendment.)~~

~~Sec. 3.2. [NRS 483.020 is hereby amended to read as follows:~~

~~483.020 As used in NRS 483.010 to 483.630, inclusive, and section 3.1 of this act, unless the context otherwise requires, the words and terms defined in NRS 483.020 to 483.190, inclusive, and section 3.1 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 3.25. [NRS 483.088 is hereby amended to read as follows:~~

~~483.088 “Moped” means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged;~~

~~The term does not include an electric scooter.] (Deleted by amendment.)~~

~~Sec. 3.3. [NRS 483.090 is hereby amended to read as follows:~~

~~483.090 “Motor vehicle” means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails. “Motor vehicle” includes moped and electric scooter.] (Deleted by amendment.)~~

~~Sec. 3.35. [NRS 483.220 is hereby amended to read as follows:~~

~~483.220 The Administrator is authorized to promulgate rules and regulations governing activities of the Department under NRS 483.010 to 483.630, inclusive [.] and section 3.1 of this act.] (Deleted by amendment.)~~

~~Sec. 3.4. [NRS 483.360 is hereby amended to read as follows:~~

~~483.360 1. The Department upon issuing a driver’s license shall have authority, whenever good cause appears, to impose restrictions suitable to the licensee’s driving ability with respect to special mechanical control devices required on a motor vehicle which the licensee may drive, or such other restrictions applicable to the licensee as the Department may determine to be appropriate to assure the safe driving of a motor vehicle by the licensee;~~

~~2. The Department may either issue a special restricted license or may set forth such restrictions upon the usual license form.~~

~~3. The Department may, upon receiving satisfactory evidence of any violation of the restrictions of such license, suspend or revoke the same, but the licensee shall be entitled to a hearing as upon a suspension or revocation under NRS 483.010 to 483.630, inclusive [], and section 3.1 of this act.~~

~~4. It is a misdemeanor for any person to drive a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.] (Deleted by amendment.)~~

Sec. 3.45. [NRS 483.450 is hereby amended to read as follows:

~~483.450 1. Whenever any person is convicted of any offense for which the provisions of NRS 483.010 to 483.630, inclusive, and section 3.1 of this act make mandatory the revocation of his driver's license by the Department, the court in which the person is convicted may require the surrender to it of all driver's licenses then held by the person convicted, and the court may, within 20 days after the conviction, forward these licenses, together with a record of the conviction, to the Department.~~

~~2. A record of conviction must be made in a manner approved by the Department. The court shall provide sufficient information to allow the Department to include accurately the information regarding the conviction in the driver's record.~~

~~3. The Department shall adopt regulations prescribing the information necessary to record the conviction in the driver's record.~~

~~4. Every court, including a juvenile court, having jurisdiction over violations of the provisions of NRS 483.010 to 483.630, inclusive, and section 3.1 of this act, or any other law of this State or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the Department:~~

~~(a) If the court is other than a juvenile court, a record of the conviction of any person in that court for a violation of any such laws other than regulations governing standing or parking; or~~

~~(b) If the court is a juvenile court, a record of any finding that a child has violated a traffic law or ordinance other than one governing standing or parking;~~

~~within 20 days after the conviction or finding, and may recommend the suspension of the driver's license of the person convicted or child found in violation of a traffic law or ordinance.~~

~~5. For the purposes of NRS 483.010 to 483.630, inclusive [], and section 3.1 of this act:~~

~~(a) "Conviction" has the meaning prescribed by regulation pursuant to NRS 481.052.~~

~~(b) A forfeiture of bail or collateral deposited to secure a defendant's appearance in court, if the forfeiture has not been vacated, is equivalent to a conviction.~~

~~6. The necessary expenses of mailing licenses and records of conviction to the Department as required by subsections 1 and 4 must be paid by the court charged with the duty of forwarding those licenses and records of conviction.] (Deleted by amendment.)~~

Sec. 3.5. [NRS 483.460 is hereby amended to read as follows:

~~483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:~~

~~(a) For a period of 3 years if the offense is:~~

~~(1) A violation of subsection 5 of NRS 484.377.~~

~~(2) A violation of NRS 484.379 or 484.379778 that is punishable as a felony pursuant to NRS 484.3792.~~

~~(3) A violation of NRS 484.3795 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484.379, 484.3795 or 484.37955.~~

~~— The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 212.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.~~

~~(b) For a period of 1 year if the offense is:~~

~~(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484.3775, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.~~

~~(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.~~

~~(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, and section 3.1 of this act, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

~~(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.~~

~~(5) A violation of NRS 484.379 or 484.379778 that is punishable pursuant to paragraph (b) of subsection 1 of NRS 484.3792 and the driver is not eligible for a restricted license during any of that period.~~

~~(6) A violation of NRS 484.348.~~

~~(c) For a period of 90 days, if the offense is a violation of NRS 484.379 or 484.379778 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792.~~

~~2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 or 484.379778 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.~~

~~3. When the Department is notified by a court that a person who has been convicted of a violation of NRS 484.379 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484.3792 has been permitted to enter a program of treatment pursuant to NRS 484.37937, the Department shall reduce by one-half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.~~

~~4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484.3943 but who operates a motor vehicle without such a device.~~

~~(a) For 3 years, if it is his first such offense during the period of required use of the device.~~

~~(b) For 5 years, if it is his second such offense during the period of required use of the device.~~

~~5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.~~

~~6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapter 484 of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.~~

~~7. As used in this section, "device" has the meaning ascribed to it in NRS 484.3941.]~~ **(Deleted by amendment.)**

Sec. 3.55. ~~[NRS 483.530 is hereby amended to read as follows:~~

~~483.530 1. Except as otherwise provided in subsection 2, it is a misdemeanor for any person:~~

~~(a) To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, fraudulently altered or fraudulently obtained driver's license;~~

~~(b) To alter, forge, substitute, counterfeit or use an unvalidated driver's license;~~

~~(c) To lend his driver's license to any other person or knowingly permit the use thereof by another;~~

~~(d) To display or represent as one's own any driver's license not issued to him;~~

~~(e) To fail or refuse to surrender to the Department, a peace officer or a court upon lawful demand any driver's license which has been suspended, revoked or cancelled;~~

~~(f) To permit any unlawful use of a driver's license issued to him;~~

~~(g) To do any act forbidden, or fail to perform any act required, by NRS 483.010 to 483.630, inclusive [], or section 3.1 of this act; or~~

~~(h) To photograph, photostat, duplicate or in any way reproduce any driver's license or facsimile thereof in such a manner that it could be mistaken for a valid license, or to display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by this chapter.~~

~~2. Except as otherwise provided in this subsection, a person who uses a false or fictitious name in any application for a driver's license or identification card or who knowingly makes a false statement or knowingly conceals a material fact or otherwise commits a fraud in any such application is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the false statement, knowing concealment of a material fact or other commission of fraud described in this subsection relates solely to the age of a person, including, without limitation, to establish false proof of age to game, purchase alcoholic beverages or purchase cigarettes or other tobacco products, the person is guilty of a misdemeanor.]~~

(Deleted by amendment.)

Sec. 3.6. ~~[NRS 483.620 is hereby amended to read as follows:~~

~~483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, and section 3.1 of this act, unless such violation is, by NRS 483.010 to 483.630, inclusive, and section 3.1 of this act or other law of this State, declared to be a felony.]~~ **(Deleted by amendment.)**

Sec. 3.65. ~~[NRS 483.630 is hereby amended to read as follows:~~

~~483.630 NRS 483.010 to 483.630, inclusive, [shall] and section 3.1 of this act must be so interpreted and construed as to effectuate their general purpose to make uniform the law of those states which enact them.]~~ **(Deleted by amendment.)**

Sec. 3.7. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

~~["Electric scooter" means a device upon which a person may ride that:~~

~~1. Has two tandem wheels either of which is more than 14 inches in diameter;~~

~~2. Is propelled by a small electric motor which produces not more than 750 watts;~~

~~3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~4. Is capable of a maximum speed of not more than 20 miles per hour.~~

~~The term does not include a moped.~~

1. Except as otherwise provided in subsection 2, a person operating a motor vehicle shall not use a telephonic device to write, send or read a text-based communication while the motor vehicle is in motion or stopped at an intersection that is controlled by a traffic-control signal.

2. The provisions of subsection 1 do not apply to a person who reads, selects or enters a telephone number or name in a telephonic device for the purpose of making or receiving a telephone call.

3. A person who violates the provisions of subsection 1 shall pay a fine of \$75.

4. A violation of subsection 1 is not a moving traffic violation under NRS 483.473.

5. As used in this section:

(a) "Telephonic device" has the meaning ascribed to it in NRS 707.375.

(b) "Text-based communication" includes, without limitation, communication by text message, instant message or electronic mail.

Sec. 3.75. ~~[NRS 484.013 is hereby amended to read as follows:~~

~~484.013 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484.014 to 484.217, inclusive, and section 3.7 of this act have the meanings ascribed to them in those sections. (Deleted by amendment.)]~~

Sec. 3.8. ~~[NRS 484.019 is hereby amended to read as follows:~~

~~484.019 "Bicycle" means a device propelled by human power upon which a person may ride, having two tandem wheels either of which is over 14 inches in diameter, or every such device generally recognized as a bicycle though equipped with two front or two rear wheels except a moped. (Deleted by amendment.)]~~

Sec. 3.85. ~~[NRS 484.0798 is hereby amended to read as follows:~~

~~484.0798 "Moped" means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross brake horsepower and which has a displacement of not more than 50 cubic centimeters, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 20 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.~~

~~The term does not include an electric scooter. (Deleted by amendment.)]~~

Sec. 3.88. ~~[NRS 484.083 is hereby amended to read as follows:~~

~~484.083 "Motorcycle" means every motor vehicle equipped with a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, including a power cycle but excluding an electric scooter, a tractor or a moped. (Deleted by amendment.)]~~

Sec. 3.9. ~~[NRS 484.549 is hereby amended to read as follows:~~

~~484.549 1. Every motor vehicle, other than a motorcycle [or moped, shall], moped or electric scooter must be equipped with at least two head lamps with at~~

1 least one on each side of the front of the motor vehicle, which head lamps [shall]
2 ~~must~~ comply with the requirements and limitations set forth in this chapter.

3 ~~2. Every head lamp upon every motor vehicle [shall] must be located at a~~
4 ~~height, measured from the center of the head lamp, of not more than 54 inches nor~~
5 ~~less than 24 inches to be measured in the manner set forth in NRS 484.547.~~

6 ~~3. Snow removal equipment used in clearing snow from highways and other~~
7 ~~special mobile equipment which by the nature of its design makes it impracticable~~
8 ~~to comply with the requirements of subsection 2 may have such head lamps located~~
9 ~~at a height higher than 54 inches.] (Deleted by amendment.)~~

10 **Sec. 3.95.** [NRS 484.587 is hereby amended to read as follows:

11 ~~484.587 Except as hereinafter provided, the head lamps or the auxiliary~~
12 ~~driving lamp or the auxiliary passing lamp, or combination thereof, on motor~~
13 ~~vehicles other than motoreycles [or mopeds shall], mopeds or electric scooters~~
14 ~~must be so arranged that the driver may select at will between distributions of light~~
15 ~~projected to different elevations, and such lamps may, in addition, be so arranged~~
16 ~~that such selection can be made automatically, subject to the following limitations:~~

17 ~~1. There [shall] must be an uppermost distribution of light, or composite~~
18 ~~beam, so aimed and of such intensity to reveal persons and vehicles at a distance of~~
19 ~~at least 350 feet ahead for all conditions of loading;~~

20 ~~2. There [shall] must be a lowermost distribution of light, or composite beam,~~
21 ~~so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at~~
22 ~~least 100 feet ahead; and on a straight, level road under any condition of loading~~
23 ~~[none of] the high intensity portion of the beam [shall] must not be directed to~~
24 ~~strike the eyes of an approaching driver;~~

25 ~~3. Every new motor vehicle, other than a motoreycle [or moped,], moped or~~
26 ~~electric scooter, registered in this State after January 1, 1956, which has multiple~~
27 ~~beam road lighting equipment [shall] must be equipped with a beam indicator,~~
28 ~~which [shall] must be lighted whenever the uppermost distribution of light from the~~
29 ~~head lamps is in use, and [shall] must not otherwise be lighted. The indicator [shall]~~
30 ~~must be so designed and located that when lighted it will be readily visible without~~
31 ~~glare to the driver of the vehicle so equipped.] (Deleted by amendment.)~~

32 **Sec. 4.** [NRS 485.317 is hereby amended to read as follows:

33 ~~485.317 1. Subject to the limitations set forth in this subsection and~~
34 ~~subsection 2, the Department shall, at least monthly, compare the current~~
35 ~~registrations of motor vehicles to the information in the database created pursuant~~
36 ~~to NRS 485.313 to verify that each motor vehicle:~~

37 ~~(a) Which is newly registered in this State; or~~

38 ~~(b) For which a policy of liability insurance has been issued, amended or~~
39 ~~terminated;~~

40 ~~is covered by a policy of liability insurance as required by NRS 485.185. In~~
41 ~~identifying a motor vehicle for verification pursuant to this subsection, the~~
42 ~~Department may, if the motor vehicle was manufactured during or after 1981, use~~
43 ~~only the last eight digits of the vehicle identification number. In comparing the~~
44 ~~vehicle identification number of a motor vehicle to the vehicle identification~~
45 ~~number in a policy of liability insurance, to determine if the two vehicle~~
46 ~~identification numbers match, the Department may find that the two vehicle~~
47 ~~identification numbers match if no fewer than seven of the last eight digits of the~~
48 ~~two vehicle identification numbers match.~~

49 ~~2. Except as otherwise provided in this subsection, the Department may use~~
50 ~~any information to verify, pursuant to subsection 1, whether the motor vehicle is~~
51 ~~covered by a policy of liability insurance as required by NRS 485.185. The~~
52 ~~Department may not use the name of the owner of a motor vehicle as the primary~~
53 ~~means of verifying that a motor vehicle is covered by a policy of liability insurance;~~

~~3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a form for verification by first class mail to each registered owner that it determines has not maintained the insurance required by NRS 485.185. The owner shall complete the form with all the information which is requested by the Department, including whether he carries an owner's or operator's policy of liability insurance or a certificate of self insurance, and return the completed form within 20 days after the date on which the form was mailed by the Department. If the Department does not receive the completed form within 20 days after it mailed the form to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless he submits a completed form to the Department within 15 days after the date on which the notice was sent by the Department his registration will be suspended pursuant to subsection 5. This subsection does not prohibit an authorized agent of the owner from providing to the Department:~~

~~(a) The information requested by the Department pursuant to this subsection;~~

~~(b) Additional information to amend or correct information already submitted to the Department pursuant to this subsection;~~

~~4. When the Department receives a completed form for verification, it shall verify the information on the form;~~

~~5. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the form for verification set forth in subsection 3 is:~~

~~(a) Not returned to the Department by the registered owner or his authorized agent within the period specified in that subsection;~~

~~(b) Returned to the Department by the registered owner or his authorized agent and the Department is not able to verify the information on the form; or~~

~~(c) Returned by the registered owner or his authorized agent with an admission of having no insurance or without indicating an insurer or the number of a motor vehicle liability policy or a certificate of self insurance;~~

~~6. If the Department suspends a registration pursuant to subsection 5 because:~~

~~(a) Neither the owner nor his authorized agent returned a form for verification within the specified period or the owner or his authorized agent returned a form for verification that was not completed sufficiently, and the owner or his authorized agent, thereafter:~~

~~(1) Proves to the satisfaction of the Department that there was a justifiable cause for his failure to do so;~~

~~(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and~~

~~(3) Presents evidence of current insurance; or~~

~~(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:~~

~~(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and~~

~~(2) Evidence of current insurance;~~

~~the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.~~

~~7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection [6] 7 of NRS 482.480.~~

~~8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection [6] 7 of NRS 482.480.~~

~~9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:~~

~~(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection [6] 7 of NRS 482.480; or~~

~~(b) Rescind the suspension of the registration without the payment of a fee.~~

~~The Department shall adopt regulations to carry out the provisions of this subsection.~~

~~10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days.]~~
~~(Deleted by amendment.)~~

~~Sec. 4.1. [Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~“Electric scooter” means a device upon which a person may ride that:~~

~~1. Has two tandem wheels either of which is more than 14 inches in diameter;~~

~~2. Is propelled by a small electric motor which produces not more than 750 watts;~~

~~3. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~4. Is capable of a maximum speed of not more than 20 miles per hour.~~

~~The term does not include a moped.] (Deleted by amendment.)~~

~~Sec. 4.2. [NRS 486.011 is hereby amended to read as follows:~~

~~486.011 As used in NRS 486.011 to 486.381, inclusive, and section 4.1 of this act, unless the context otherwise requires, the words and terms defined in NRS 486.031 to 486.057, inclusive, and section 4.1 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 4.3. [NRS 486.038 is hereby amended to read as follows:~~

~~486.038 “Moped” means a vehicle which looks and handles essentially like a bicycle and is propelled by a small engine which produces not more than 2 gross~~

~~brake horsepower and which has a displacement of not more than 50 cubic centimeters; and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Is capable of a maximum speed of not more than 20 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.~~

~~The term does not include an electric scooter.~~ **(Deleted by amendment.)**

Sec. 4.4. ~~[NRS 486.041 is hereby amended to read as follows:~~

~~486.041 "Motoreycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, including a power cycle but excluding an electric scooter, a tractor and a moped.]~~ **(Deleted by amendment.)**

Sec. 4.5. ~~[NRS 486.181 is hereby amended to read as follows:~~

~~486.181 1. A motoreycle, [or] moped [shall] or electric scooter must not be driven upon a highway while carrying more than one person unless [such motoreycle or] the motoreycle, moped or electric scooter is designed by the manufacturer to carry more than one person.~~

~~2. A passenger shall ride:~~

~~(a) Behind the driver and astride the permanent or regular seat which was designed for two persons;~~

~~(b) Astride another seat firmly attached at the rear of the driver; or~~

~~(c) In a sidecar attached.~~

~~3. Every [such motoreycle or] motoreycle, moped or electric scooter designed for transporting a passenger [shall] must be equipped with footrests adjusted to fit [such] the passenger.]~~ **(Deleted by amendment.)**

Sec. 4.6. ~~[NRS 486.191 is hereby amended to read as follows:~~

~~486.191 1. A person driving a motoreycle, [or] moped or electric scooter shall ride only upon the permanent and regular seat attached thereto.~~

~~2. A person shall not drive a motoreycle, [or] moped or electric scooter with the seat for the driver so positioned that the driver, when sitting astride the seat with the motoreycle, [or] moped or electric scooter in a stopped and upright position, cannot reach the ground with both feet simultaneously.]~~ **(Deleted by amendment.)**

Sec. 4.7. ~~[NRS 486.201 is hereby amended to read as follows:~~

~~486.201 A person shall not drive a motoreycle, [or] moped or electric scooter equipped with handlebars which extend above the uppermost portion of the driver's shoulders when the driver sits on the seat and the seat is depressed by the weight of the driver.]~~ **(Deleted by amendment.)**

Sec. 4.8. ~~[NRS 486.211 is hereby amended to read as follows:~~

~~486.211 The driver of a motoreycle, [or] moped or electric scooter shall drive with at least one hand on a handlebar at all times.]~~ **(Deleted by amendment.)**

Sec. 4.9. ~~[NRS 486.221 is hereby amended to read as follows:~~

~~486.221 A person shall not drive a motoreycle, [or] moped or electric scooter unless the wheels are protected by fenders to prevent the throwing of rocks, dirt, water or other substances to the rear.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 486.231 is hereby amended to read as follows:~~

~~486.231 1. The Department shall adopt standards for [protective]:~~

~~(a) Protective headgear for drivers and passengers of mopeds and electric scooters.~~

~~(b) Protective headgear and protective glasses, goggles or face shields [to be worn by the] for drivers and passengers of motoreycles and transparent windcreens for motoreycles.~~

1 ~~2. Except as otherwise provided in this section, [when] the driver and~~
2 ~~passenger of any [motorcycle],~~

3 ~~(a) Motorcycle, except a trimobile, [or moped, is] being driven on a highway~~
4 ~~[, the driver and passenger] shall wear protective headgear securely fastened on the~~
5 ~~head and protective glasses, goggles or face shields [meeting] which meet those~~
6 ~~standards. [Drivers and passengers of trimobiles]~~

7 ~~(b) Trimobile shall wear protective glasses, goggles or face shields which meet~~
8 ~~those standards.~~

9 ~~(c) Moped or electric scooter shall wear protective headgear securely~~
10 ~~fastened on the head which meets those standards.~~

11 ~~3. When a motorcycle or a trimobile is equipped with a transparent~~
12 ~~windscreen [meeting] which meets those standards, the driver and passenger are not~~
13 ~~required to wear glasses, goggles or face shields.~~

14 ~~4. When a motorcycle is being driven in a parade authorized by a local~~
15 ~~authority, the driver and passenger are not required to wear the protective devices~~
16 ~~provided for in this section.~~

17 ~~5. When a three-wheel motorcycle on which the driver and passengers ride~~
18 ~~within an enclosed cab is being driven on a highway, the driver and passengers are~~
19 ~~not required to wear the protective devices required by this section.] (Deleted by~~
20 ~~amendment.)~~

21 **Sec. 6.** ~~[NRS 486.251 is hereby amended to read as follows:~~

22 ~~486.251 1. Every motorcycle, [or] moped or electric scooter operated upon~~
23 ~~a highway of this State at any time from one-half hour after sunset to one-half hour~~
24 ~~before sunrise and at any other time when, because of insufficient light or~~
25 ~~unfavorable atmospheric conditions, persons and vehicles on the highway are not~~
26 ~~clearly discernible at a distance of 1,000 feet ahead must display lighted lamps and~~
27 ~~illuminating devices as respectively required pursuant to NRS 486.011 to 486.381,~~
28 ~~inclusive [;], and section 4.1 of this act.~~

29 ~~2. Every motorcycle or moped operated upon a highway must be equipped~~
30 ~~with stop lights to be lighted in the manner prescribed for the use of such devices.]~~
31 ~~(Deleted by amendment.)~~

32 **Sec. 7.** ~~[NRS 486.261 is hereby amended to read as follows:~~

33 ~~486.261 1. Except as otherwise provided in subsection 3, every motorcycle~~
34 ~~or moped must be equipped with at least one tail lamp mounted on the rear, which,~~
35 ~~when lighted as required by NRS 486.011 to 486.381, inclusive, and section 4.1 of~~
36 ~~this act, emits a red light plainly visible from a distance of 500 feet to the rear.~~

37 ~~2. The tail lamp must be wired to be lighted whenever the head lamp is~~
38 ~~lighted.~~

39 ~~3. The tail lamp on a motorcycle may contain a blue insert that does not~~
40 ~~exceed 1 inch in diameter.] (Deleted by amendment.)~~

41 **Sec. 8.** ~~[NRS 486.281 is hereby amended to read as follows:~~

42 ~~486.281 1. Every motorcycle [or moped shall], moped or electric scooter~~
43 ~~must be equipped with at least one and not more than two head lamps.~~

44 ~~2. Every [such] head lamp on a motorcycle [shall] must be located at a height~~
45 ~~of not more than 54 inches nor less than 24 inches from the ground as measured~~
46 ~~from the center of the lamp to the level ground upon which [such] the motorcycle~~
47 ~~stands without a load.] (Deleted by amendment.)~~

48 **Sec. 9.** ~~[NRS 486.291 is hereby amended to read as follows:~~

49 ~~486.291 1. Every motorcycle [or moped shall], moped or electric scooter~~
50 ~~must carry on the rear at least one reflector, which [shall] must be mounted at a~~
51 ~~height not less than 20 inches nor more than 60 inches from the ground as measured~~
52 ~~from the center of the reflector to the level ground upon which [such motorcycle or]~~
53 ~~the motorcycle, moped or electric scooter stands without a load.~~

1 ~~2. Each such reflector [shall] must be of a size and character and so mounted~~
2 ~~as to be visible at night from all distances within 300 feet when directly in front of~~
3 ~~lawful lower beams of head lamps.] (Deleted by amendment.)~~

4 **Sec. 10.** ~~[NRS 486.301 is hereby amended to read as follows:~~

5 ~~486.301 Every motorcycle [or moped shall], moped or electric scooter must~~
6 ~~be equipped with brakes adequate to control the stopping and holding as prescribed~~
7 ~~in NRS 484.593 and 484.595.] (Deleted by amendment.)~~

8 **Sec. 11.** ~~[NRS 486.311 is hereby amended to read as follows:~~

9 ~~486.311 Every motorcycle [or moped shall], moped or electric scooter must~~
10 ~~be equipped with two mirrors, each containing a reflection surface not less than 3~~
11 ~~inches in diameter, with one mirror mounted on each handlebar, in positions~~
12 ~~enabling the driver to view clearly the highway for a distance of 200 feet to the~~
13 ~~rear.] (Deleted by amendment.)~~

14 **Sec. 12.** ~~[NRS 486.331 is hereby amended to read as follows:~~

15 ~~486.331 A person driving a motorcycle, [or] moped or electric scooter upon~~
16 ~~a highway is entitled to all the rights and subject to all the duties applicable to the~~
17 ~~drivers of motor vehicles as provided by law, except those provisions which by~~
18 ~~their nature can have no application.] (Deleted by amendment.)~~

19 **Sec. 13.** ~~[NRS 486.341 is hereby amended to read as follows:~~

20 ~~486.341 Every motorcycle, [or] moped or electric scooter when being driven~~
21 ~~on the highway is entitled to full use of the traffic lane it is occupying, and a person~~
22 ~~shall not drive another motor vehicle in a manner which would deprive any such~~
23 ~~motorcycle, [or] moped or electric scooter of such use.] (Deleted by amendment.)~~

24 **Sec. 14.** ~~[NRS 486.351 is hereby amended to read as follows:~~

25 ~~486.351 1. A person, except a police officer in the performance of his duty,~~
26 ~~shall not drive a motorcycle, [or] moped or electric scooter between moving or~~
27 ~~stationary vehicles occupying adjacent traffic lanes.~~

28 ~~2. Except as provided in subsection 3, a person shall not drive a motorcycle,~~
29 ~~moped, electric scooter or trimobile abreast of or overtake or pass another vehicle~~
30 ~~within the same traffic lane.~~

31 ~~3. Motorcycles, [and] mopeds and electric scooters may, with the consent of~~
32 ~~the driver, be operated no more than two abreast in a single traffic lane.] (Deleted~~
33 ~~by amendment.)~~

34 **Sec. 15.** ~~[NRS 486A.110 is hereby amended to read as follows:~~

35 ~~486A.110 "Motor vehicle" means every vehicle which is self-propelled, but~~
36 ~~not operated on rails, used upon a highway for the purpose of transporting persons~~
37 ~~or property. The term does not include [a:~~

38 ~~1. Farm];~~

39 ~~1. An electric scooter as defined in section 1.1 of this act;~~

40 ~~2. A farm tractor as defined in NRS 482.035;~~

41 ~~[2. Moped]~~

42 ~~3. A moped as defined in NRS 482.069; and~~

43 ~~[3. Motorcycle]~~

44 ~~4. A motorcycle as defined in NRS 482.070.] (Deleted by amendment.)~~

45 **Sec. 16.** ~~NRS 707.375 is hereby amended to read as follows:~~

46 707.375 1. An agency, board, commission or political subdivision of this
47 State, including, without limitation, any agency, board, commission or governing
48 body of a local government, shall not regulate the use of a telephonic device by a
49 person who is operating a motor vehicle ~~[,]~~ , except as otherwise provided in
50 section 3.7 of this act.

51 2. As used in subsection 1, "telephonic device" means a cellular phone,
52 satellite phone, portable phone or any other similar electronic device that is
53 handheld and designed or used to communicate with ~~[a]~~ another person.