

Amendment No. 332

Senate Amendment to Senate Bill No. 177

(BDR 43-571)

Proposed by: Senate Committee on Transportation**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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 underlining* is newly added transitory language.

MSM/BJE



Date: 4/25/2011

S.B. No. 177—Revises provisions governing the wearing of protective headgear when operating motorcycles. (BDR 43-571)



SENATE BILL NO. 177—SENATORS GUSTAVSON, HALSETH;
CEGAVSKE, LEE, MANENDO, ROBERSON AND SETTELMAYER

FEBRUARY 17, 2011

JOINT SPONSORS: ASSEMBLYMEN ELLISON; GOEDHART,
HAMBRICK, KIRKPATRICK AND MCARTHUR

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the ~~wearing of protective headgear when operating motorcycles.~~ equipment and training required to operate a motorcycle. (BDR 43-571)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 motorcycles; revising provisions governing the wearing of protective headgear when operating motorcycles under certain circumstances; requiring that all applicants for a motorcycle driver's license complete an approved motorcycle safety course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a motorcycle to mean a motor vehicle equipped with a seat or a saddle to travel on not more than three wheels, specifically excluding an electric bicycle, a tractor and a moped. (NRS 486.041) Under existing law, an applicant for a motorcycle driver's license is required to complete a written examination and driving test or complete a course of motorcycle safety approved by the Department of Motor Vehicles. (NRS 486.071) Sections 1-3 of this bill require all applicants for a motorcycle driver's license or a motorcycle endorsement to a driver's license to successfully complete an approved motorcycle safety course. Section 5 of this bill exempts a person who obtains such a license or endorsement before July 1, 2011, from the requirement to successfully complete an approved motorcycle safety course. Existing law requires drivers and passengers of motorcycles that are driven on a highway to wear protective headgear and exempts drivers and passengers of trimobiles and mopeds from the requirement. (NRS 486.231) ~~[This]~~ Section 4 of this bill eliminates the requirement of wearing protective headgear for drivers of motorcycles who: (1) are 21 years of age or older; and (2) have possessed a valid motorcycle license for not less than 1 year. ~~It and (2) have completed an approved motorcycle safety course. This bill]~~ Section 4 also removes the exception from these requirements concerning protective headgear for trimobiles and mopeds. ~~Finally, this bill~~ Additionally, section 4 eliminates the requirement of wearing protective headgear for a passenger of a motorcycle who is 21 years of age or older.

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

Section 1. NRS 486.071 is hereby amended to read as follows:

486.071 Except as otherwise provided in NRS 486.161, the Department shall not issue a motorcycle driver's license unless the applicant:

1. Is at least 16 years of age; and

2. Has successfully completed:

(a) Such written examination and driving test as may be required by the Department; ~~for~~ **and**

(b) A course of motorcycle safety approved by the Department.

Sec. 2. NRS 486.131 is hereby amended to read as follows:

486.131 1. The Department may require every applicant for a motorcycle driver's license to submit to an examination conducted by the Department. ~~for successfully complete a course of motorcycle safety approved by the Department.~~

2. An examination may be held in the county where the applicant resides within 30 days after the date application is made and may include:

(a) A test of the applicant's ability to understand official devices used to control traffic;

(b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;

(c) Except as otherwise provided in a regulation adopted pursuant to subsection 2 of NRS 483.330, a test of the applicant's eyesight; and

(d) An actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motorcycle.

➤ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motorcycle safely upon the highways.

Sec. 3. NRS 486.161 is hereby amended to read as follows:

486.161 1. Except as otherwise provided in subsection 4, every motorcycle driver's license expires on the fourth anniversary of the licensee's birthday, measured in the case of an original license, a renewal license or a license renewing an expired license, from the birthday nearest the date of issuance or renewal. Any applicant whose date of birth is February 29 is, for the purposes of NRS 486.011 to 486.381, inclusive, considered to have the anniversary of his or her birth fall on February 28.

2. Every license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.

3. Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.

4. Any person who has been issued a driver's license without having the authority to drive a motorcycle endorsed thereon must, before driving a motorcycle, successfully: ~~pass~~

(a) ~~Pass such~~ driving test ~~conducted~~ **as may be required** by the Department; ~~for~~ **and**

(b) ~~Complete a~~ course of motorcycle safety approved by the Department, ➤ and have the authority endorsed upon the license.

~~[Section 1.]~~ **Sec. 4.** NRS 486.231 is hereby amended to read as follows:
486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as *otherwise* provided in this section, when any motorcycle ~~is~~ *is* being driven on a highway ~~[:]~~ *:*

(a) The driver shall wear protective headgear which meets the standards adopted pursuant to subsection 1 and is securely fastened on his or her head, unless the driver:

(1) Is 21 years of age or older; and

(2) Has been licensed to operate a motorcycle for not less than 1 year. ~~[.]~~

~~and~~

~~(3) Has completed a course of instruction on motorcycle safety that has been approved pursuant to NRS 486.372.~~

(b) A passenger of a motorcycle shall wear protective headgear which meets the standards adopted pursuant to subsection 1 and is securely fastened on his or her head, unless the passenger is 21 years of age or older.

(c) Both the driver and passenger shall wear ~~protective headgear securely fastened on the head and~~ protective glasses, goggles or face shields ~~meeting those standards. Drivers and passengers of trimobiles shall wear protective glasses, goggles or face shields~~ which meet ~~those~~ the standards ~~[.]~~ adopted pursuant to subsection 1.

3. When a motorcycle ~~for a trimobile~~ is equipped with a transparent windscreen ~~meeting those standards,~~ *which meets the standards adopted pursuant to subsection 1*, the driver and passenger are not required to wear *protective* glasses, goggles or face shields.

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

5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 5. Notwithstanding the amendatory provisions of this act, the requirement to successfully complete an approved motorcycle safety course before obtaining a motorcycle driver's license or a motorcycle endorsement to a driver's license does not apply to a person who obtains such a license or endorsement before July 1, 2011.

Sec. 6. This act becomes effective upon passage and approval.