

ASSEMBLY BILL NO. 168—ASSEMBLYMAN CARRILLO

FEBRUARY 17, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions governing mopeds. (BDR 43-12)

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: 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 motor vehicles; revising provisions relating to the operation of a moped upon the highways of this State; authorizing the sheriff of each county to establish a database for storing certain information provided voluntarily by the owner of a moped; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the driver of a motor vehicle to exercise due care when overtaking or passing a person lawfully riding a bicycle or an electric bicycle, and to either move to a lane to the left upon such overtaking or passing, or, if no other lane is available, to pass to the left not less than 3 feet away from the bicycle or electric bicycle. Existing law also provides certain other protections from motor vehicles for a person lawfully riding a bicycle or an electric bicycle upon certain roadways. (NRS 484B.270) **Section 1** of this bill provides that those same protections are due to a person lawfully riding a moped.

Under existing law, a person driving a moped upon the highways of this State is required to possess a valid driver's license. (NRS 483.090, 483.230) Such a person driving a moped is entitled to full use of the traffic lane the moped is occupying and is entitled to all the rights and subject to all the duties applicable to the driver of a motor vehicle as provided by law. (NRS 486.331, 486.341) Such a person is not required to wear protective headgear or protective glasses, goggles or a face shield. (NRS 486.231) Additionally, a moped is not required to be registered with the Department of Motor Vehicles and the owner or operator is not required to provide liability insurance. (NRS 482.210, 485.185)

Section 3 of this bill requires a person driving a moped to drive as near to the right side of the roadway as practicable, except when: (1) traveling at a lawful speed that is commensurate with the speed of any nearby traffic; (2) preparing to turn left; or (3) when doing so would not be safe. **Section 3** also prohibits the driver of a moped from: (1) driving between vehicles occupying adjacent traffic lanes, a



maneuver known as "lane splitting"; (2) driving abreast of or overtaking another vehicle within the same traffic lane as the moped; and (3) driving in a bike lane or on a bike path. **Section 4** of this bill prohibits the driver of a moped from deviating or turning from a direct course unless the movement may be made with reasonable safety and the driver signals appropriately. **Section 4** also requires the driver of a moped that does not have electric turn signals to use arm signals when appropriate. **Section 5** of this bill exempts from certain traffic laws that apply to mopeds any peace officer, firefighter, emergency medical technician, advanced emergency technician or paramedic who drives a moped while on duty under certain circumstances. Existing law makes a violation of any of the provisions of **sections 3-5** a misdemeanor. (NRS 486.381)

Sections 7-9 of this bill remove mopeds from various provisions that currently apply to both motorcycles and mopeds and which are newly addressed in the provisions specific to mopeds in **sections 3 and 4**. (NRS 486.331-486.351)

Section 10 of this bill authorizes the sheriff of each county to establish a database for storing certain identifying information about a moped owned by any resident of the county who wishes to provide such information to the sheriff, to assist the sheriff in locating the owner of a moped that is recovered by the sheriff or turned into the sheriff as abandoned.

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

Section 1. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not intentionally interfere with the movement of a person lawfully riding a bicycle, ~~or~~ an electric bicycle ~~or~~ *or a moped*.

2. When overtaking or passing a bicycle, ~~or~~ electric bicycle *or moped* proceeding in the same direction, the driver of a motor vehicle shall exercise due care and:

(a) If there is more than one lane for traffic proceeding in the same direction, move the vehicle to the lane to the immediate left, if the lane is available and moving into the lane is reasonably safe; or

(b) If there is only one lane for traffic proceeding in the same direction, pass to the left of the bicycle, ~~or~~ electric bicycle *or moped* at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle, ~~or~~ electric bicycle ~~or~~ *or moped*, and shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle, ~~or~~ electric bicycle ~~or~~ *or moped*.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle on the pathway or lane ~~or~~ *provided for bicycles or electric bicycles*. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;



- (c) To avoid conflict with other traffic;
- (d) In the performance of official duties;
- (e) In compliance with the directions of a police officer; or
- (f) In an emergency.

4. Except as otherwise provided in subsection 3, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle, ~~for~~ an electric bicycle ~~;~~ *or a moped;* and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

6. If, while violating any provision of subsections 1 to 5, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. The operator of a bicycle, ~~for~~ an electric bicycle *or a moped* shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 2. Chapter 486 of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. 1. *Except as otherwise provided in this section and sections 4 and 5 of this act, every person riding a moped upon a highway is entitled to all the rights and subject to all the duties applicable to the driver of a motor vehicle as provided by law, except those provisions which by their nature can have no application.*

2. A person driving a moped upon a highway shall, except:

(a) When traveling at a lawful rate of speed commensurate with the speed of any nearby traffic;

(b) When preparing to turn left; or

(c) When doing so would not be safe,

↪ drive as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

3. A person, except a police officer in the performance of his or her duty, shall not drive a moped:

(a) Between moving or stationary vehicles occupying adjacent traffic lanes;



(b) *Abreast of or overtake or pass another vehicle within the same traffic lane; or*

(c) *On a part of any highway that is set aside for the exclusive use of bicycles or electric bicycles.*

Sec. 4. 1. *Except as otherwise provided in subsection 3, a person driving a moped upon a highway shall not turn from a direct course unless the movement may be made with reasonable safety and the person gives the appropriate signal as provided in this section.*

2. *A person driving a moped which is not equipped with electric turn signals upon a highway shall give all signals by hand and arm in the manner required by NRS 484B.420, except that the driver may give a signal for a right turn by extending his or her right hand and arm horizontally to the right side of the moped.*

3. *A person driving a moped which is not equipped with electric turn signals is not required to give an arm signal as required by this section if:*

(a) *The moped is in a designated turn lane; or*

(b) *Safe operation of the moped requires the driver to keep both hands on the handlebars of the moped.*

Sec. 5. 1. *Except as otherwise provided in this section, a peace officer, a firefighter or an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS, who drives a moped while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a moped while on duty if he or she:*

(a) *Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or*

(b) *Determines that noncompliance with any such provision is necessary to carry out his or her duties.*

2. *The provisions of this section do not:*

(a) *Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician or paramedic from the duty to operate a moped with due regard for the safety of others.*

(b) *Protect such a person from the consequences of the person's disregard for the safety of others.*

Sec. 6. NRS 486.061 is hereby amended to read as follows:

486.061 Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

1. A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, *and sections 3, 4 and 5 of*



this act, or a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle.

2. A trimobile *or moped* upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, *and sections 3, 4 and 5 of this act*, or a driver's license issued pursuant to chapter 483 of NRS.

Sec. 7. NRS 486.331 is hereby amended to read as follows:

486.331 A person driving a motorcycle ~~for-moped~~ upon a highway is entitled to all the rights and subject to all the duties applicable to the drivers of motor vehicles as provided by law, except those provisions which by their nature can have no application.

Sec. 8. NRS 486.341 is hereby amended to read as follows:

486.341 Every motorcycle ~~for-moped~~ when being driven on the highway is entitled to full use of the traffic lane it is occupying, and a person shall not drive another motor vehicle in a manner which would deprive any such motorcycle ~~for-moped~~ of such use.

Sec. 9. NRS 486.351 is hereby amended to read as follows:

486.351 1. A person, except a police officer in the performance of his or her duty, shall not drive a motorcycle ~~for moped~~ between moving or stationary vehicles occupying adjacent traffic lanes.

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

3. Motorcycles ~~and mopeds~~ may, with the consent of the drivers, be operated no more than two abreast in a single traffic lane.

Sec. 10. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The sheriff of each county may establish and maintain a database for the purpose of storing and making available for retrieval any information provided by the owner of a moped pursuant to subsection 2. Except as otherwise provided in subsection 3, such a database may only be accessed by the sheriff:

(a) For the purpose of routine maintenance or updating of the database;

(b) For locating the owner of a moped that has been recovered by the sheriff or turned into the sheriff as abandoned; and

(c) Pursuant to an investigation regarding a moped that has been reported to the sheriff as lost or stolen.

2. A person who owns a moped may provide to the sheriff of the county in which the person resides, if the sheriff has established a database as authorized by subsection 1, the following information, without limitation:

(a) The name and address of the person;



- 1 ***(b) The unique vehicle identification number, serial number or***
2 ***other distinguishing number affixed to the moped; and***
3 ***(c) Any other information required by the sheriff.***
4 ***3. A database established pursuant to subsection 1 is subject***
5 ***to the provisions of NRS 239B.040.***
6 ***4. As used in this section, “moped” has the meaning ascribed***
7 ***to it in NRS 486.038.***
8 **Sec. 11.** This act becomes effective on July 1, 2015.

