

Amendment No. 402

Senate Amendment to Senate Bill No. 142 (BDR 43-718)

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	<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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/MSM



Date: 4/13/2015

S.B. No. 142—Revises provisions governing the equipment and training required to operate a motorcycle. (BDR 43-718)



SENATE BILL NO. 142—SENATOR GUSTAVSON

FEBRUARY 12, 2015

JOINT SPONSORS: ASSEMBLYMEN FIORE, HANSEN, CARRILLO; DICKMAN, ELLISON,
JONES, O'NEILL, OSCARSON, TITUS AND WHEELER

Referred to Committee on Transportation

SUMMARY—Revises provisions governing ~~the equipment and training required to operate a motorcycle;~~ **motor vehicles.** (BDR 43-718)

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;~~ **motor vehicles; revising the definition of a trimobile;** ~~revising provisions governing the wearing of protective headgear when operating motorcycles under certain circumstances; requiring that all applicants for a motorcycle driver's license or endorsement complete an approved motorcycle safety course;~~ **revising provisions governing the Account for the Program for the Education of Motorcycle Riders;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a ~~motorcycle~~ **trimobile** to mean a motor vehicle ~~equipped with a seat or a saddle and~~ designed to travel ~~on not more than~~ **with** three wheels ~~and, 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 or complete a course of motorcycle safety approved by the Department of Motor Vehicles. (NRS 486.071) A person who holds a driver's license and seeks a motorcycle endorsement must successfully pass a driving test conducted by the Department of a course of motorcycle safety approved by the Department. (NRS 486.161) Sections 1-2 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, 2015, 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 requirements. (NRS 486.231) 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. Section 4 also removes the exception from these requirements concerning protective headgear for trimobiles and mopeds. Additionally, section 4 eliminates the requirement of wearing protective headgear for a passenger of a motorcycle who is 21 years of age or older. **on the ground,**

two of which are power driven. (NRS 482.129, 486.057) Sections 3.3 and 3.7 of this bill revise the definition of a trimobile to provide that at least one of the wheels must be power driven and excludes from the definition a motorcycle with a sidecar.

Existing law provides for an Account for the Program for the Education of Motorcycle Riders and authorizes the use of money from the Account to pay the expenses of the Program for the Education of Motorcycle Riders or for any other purpose authorized by the Legislature. (NRS 486.372) Section 4.5 of this bill removes the provision allowing money from the Account to be used for any other purpose authorized by the Legislature.

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; [or] and~~

~~(b) A course of motorcycle safety approved by the Department.] (Deleted by amendment.)~~

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. [or 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.] (Deleted by amendment.)~~

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

~~486.161 1. Except as otherwise provided in subsection 5, every motorcycle driver's license expires as prescribed by regulation.~~

~~2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.~~

~~3. 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.~~

~~4. 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.~~

~~5. 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) [A] Pass such driving test [conducted] as may be required by the Department; [or] and~~

~~(b) [A] Complete a course of motorcycle safety approved by the Department, and have the authority endorsed upon the license. (Deleted by amendment.)~~

Sec. 3.3. NRS 482.129 is hereby amended to read as follows:

482.129 "Trimobile" means every motor vehicle designed to travel with three wheels in contact with the ground, ~~[two] at least one of which [are] is~~ power driven. The term does not include a motorcycle with a sidecar.

Sec. 3.7. NRS 486.057 is hereby amended to read as follows:

486.057 "Trimobile" means every motor vehicle designed to travel with three wheels in contact with the ground, ~~[two] at least one of which [are] is~~ power driven. The term does not include a motorcycle with a sidecar.

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 [, except a trimobile or moped,] 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.~~

~~(b) Any passenger of the 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 any 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 [or a trimobile] is equipped with a transparent windscreen [meeting those standards,] which meets the standards adopted pursuant to subsection 1, the driver and any 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 any 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 any 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. (Deleted by amendment.)~~

Sec. 4.5. NRS 486.372 is hereby amended to read as follows:

486.372 1. The Director shall:

(a) Establish the Program for the Education of Motorcycle Riders.

(b) Appoint an Administrator to carry out the Program.

(c) Consult regularly with the Advisory Board on Motorcycle Safety concerning the content and implementation of the Program.

(d) Approve courses of instruction provided by public or private organizations which comply with the requirements established for the Program.

(e) Adopt rules and regulations which are necessary to carry out the Program.
2. The Director may contract for the provision of services necessary for the Program.

3. The Account for the Program for the Education of Motorcycle Riders is hereby created in the State General Fund. The Director shall administer the Account.

4. The money in the Account for the Program for the Education of Motorcycle Riders may only be used.

~~(a) To~~ to pay the expenses of the Program, including reimbursement to instructors licensed pursuant to NRS 486.375 for services provided for the Program

~~or~~
~~(b) For any other purpose authorized by the Legislature.~~

5. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

6. Any money remaining in the Account for the Program for the Education of Motorcycle Riders at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

~~Sec. 5. Notwithstanding the amendatory provisions of this act, the requirements 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, 2015.~~ (Deleted by amendment.)

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