

Amendment No. 412

Senate Amendment to Senate Bill No. 354	(BDR 43-894)
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: 4/14/2015

S.B. No. 354—Authorizes the use of motorized wheelchairs in bicycle lanes.
(BDR 43-894)



SENATE BILL NO. 354—SENATORS DENIS, MANENDO;
HAMMOND AND WOODHOUSE

MARCH 16, 2015

JOINT SPONSOR: ASSEMBLYMAN ARAUJO

Referred to Committee on Transportation

SUMMARY—Authorizes the use of motorized wheelchairs and the movement of other pedestrians in bicycle lanes under certain circumstances. (BDR 43-894)

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 public safety; authorizing under certain circumstances the operation of a motorized wheelchair and the movement of other pedestrians on ~~any path or~~ a highway or a lane set aside for the use of bicycles and electric bicycles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a motorized wheelchair is considered a pedestrian for the purposes of various traffic laws and rules of the road. (NRS 484A.010, 484A.165) Existing law also prohibits a pedestrian from walking along and upon a highway if a sidewalk exists adjacent to the highway. (NRS 484B.297) Section 4 of this bill authorizes a ~~person to operate a motorized wheelchair on a pathway or lane provided for bicycles or electric bicycles, but requires that the person operating such a motorized wheelchair must, whenever practicable, yield the right of way to a person riding a bicycle or an electric bicycle in the same pathway or lane. (NRS 484D.297)~~ Section 2 of this bill provides for a motorized wheelchair the same protections from motor vehicles afforded to a bicycle or an electric bicycle which is being lawfully operated on a pathway or lane provided for bicycles, electric bicycles and motorized wheelchairs. (NRS 484D.270) pedestrian to travel onto the adjacent highway if a short section of the sidewalk is impassable or missing. Such a pedestrian may walk or otherwise travel in a lane provided for bicycles and electric bicycles if the area between the lane and the sidewalk is impassable. Section 4 also requires such a pedestrian to stay as close to the side of the highway near the sidewalk as possible, and to return to the sidewalk as soon as practicable. A violation of ~~these sections~~ this section is a misdemeanor under existing law. (NRS 484A.900) ~~Section 1 of this bill clarifies that a motorized wheelchair is not subject to the requirement for the registration of most vehicles. (NRS 482.210) Section 2 of this bill clarifies that a person who operates a motorized wheelchair does not have to possess a valid driver's license.~~

(NRS 482.000, 482.220) Section 5 of this bill exempts a person operating a motorized wheelchair from various duties required and obligations of the rider of a bicycle or an electric bicycle, and exempts motorized wheelchairs from certain equipment requirements that are imposed on bicycles and electric bicycles. (NRS 484D.760, 484D.768, 484D.782) Section 7 of this bill clarifies that a motorized wheelchair is not subject to certain laws regarding motorcycles, and section 8 of this bill clarifies that a motorized wheelchair is not a motor vehicle for the purposes of certain laws relating to alternative fuels. Sections 9-11 of this bill make conforming changes to various laws governing the design, designation and use of pathways or lanes provided for bicycles and electric bicycles to reflect the authorization of motorized wheelchairs to travel in such pathways or lanes.]

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

Section 1. ~~[NRS 482.210 is hereby amended to read as follows:~~
~~482.210 [1.] The provisions of this chapter requiring the registration of~~
~~certain vehicles do not apply to:~~
~~[(a)] 1. Special mobile equipment;~~
~~[(b)] 2. Implements of husbandry temporarily drawn, moved or otherwise~~
~~propelled upon the highways;~~
~~[(c)] 3. Any mobile home or commercial coach subject to the provisions of~~
~~chapter 489 of NRS;~~
~~[(d)] 4. Electric bicycles;~~
~~[(e)] 5. Golf carts which are:~~
~~[(1)] (a) Traveling upon highways properly designated by the appropriate~~
~~city or county as permissible for the operation of golf carts; and~~
~~[(2)] (b) Operating pursuant to a permit issued pursuant to this chapter;~~
~~[(f)] 6. Mopeds;~~
~~[(g)] 7. Towable tools or equipment as defined in NRS 484D.055;~~
~~[(h)] Any]~~
~~8. A motorized [conveyance for a] wheelchair, whose operator is a person~~
~~with a disability who [is unable to walk about.~~
~~2. For the purposes of this section, "motorized conveyance for a wheelchair"~~
~~means a vehicle which:~~
~~(a) Can carry a wheelchair;~~
~~(b) Is propelled by an engine which produces not more than 3 gross brake~~
~~horsepower, has a displacement of not more than 50 cubic centimeters or produces~~
~~not more than 2250 watts final output;~~
~~(c) Is designed to travel on not more than three wheels; and~~
~~(d) Can reach a speed of not more than 30 miles per hour on a flat surface with~~
~~not more than a grade of 1 percent in any direction;~~
~~→ The term does not include a tractor.] *uses the wheelchair for mobility purposes.*~~
(Deleted by amendment.)

Sec. 2. ~~[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 a moped. The term does~~
~~not include an electric bicycle [.] or a motorized wheelchair.] (Deleted by~~
amendment.)

1 **Sec. 3.** NRS 484B.270 is hereby amended to read as follows:

2 484B.270 1. The driver of a motor vehicle shall not intentionally interfere
3 with the movement of a person lawfully riding a bicycle or an electric bicycle ~~for~~
4 ~~operating a motorized wheelchair.~~

5 2. When overtaking or passing a bicycle ~~or~~ or electric bicycle ~~for motorized~~
6 ~~wheelchair~~ proceeding in the same direction, the driver of a motor vehicle shall
7 exercise due care and:

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

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

17 3. The driver of a motor vehicle shall yield the right-of-way to any person
18 riding a bicycle or an electric bicycle ~~or for operating a motorized wheelchair~~
19 ~~pedestrian as provided in subsection 6 of NRS 484B.297 on the~~ ~~for~~ pathway or
20 lane ~~provided for bicycles, electric bicycles and motorized wheelchairs.~~ The
21 driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway
22 or lane provided for bicycles ~~or~~ or electric bicycles ~~for motorized wheelchairs~~
23 except:

- 24 (a) When entering or exiting an alley or driveway;
25 (b) When operating or parking a disabled vehicle;
26 (c) To avoid conflict with other traffic;
27 (d) In the performance of official duties;
28 (e) In compliance with the directions of a police officer; or
29 (f) In an emergency.

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

33 5. The driver of a motor vehicle shall:

- 34 (a) Exercise due care to avoid a collision with a person riding a bicycle or an
35 electric bicycle ~~for operating a motorized wheelchair~~ and
36 (b) Give an audible warning with the horn of the vehicle if appropriate and
37 when necessary to avoid such a collision.

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

42 7. The operator of a bicycle ~~or~~ or an electric bicycle ~~for a motorized~~
43 ~~wheelchair~~ shall not:

- 44 (a) Intentionally interfere with the movement of a motor vehicle; or
45 (b) Overtake and pass a motor vehicle unless the operator can do so safely
46 without endangering himself or herself or the occupants of the motor vehicle.

47 **Sec. 4.** NRS 484B.297 is hereby amended to read as follows:

48 484B.297 1. ~~Where~~ *Except as otherwise provided in subsection 6, where*
49 sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an
50 adjacent highway.

51 2. ~~Pedestrians~~ *Except as otherwise provided in subsection 6, pedestrians*
52 walking along highways where sidewalks are not provided shall walk on the left
53 side of those highways facing the approaching traffic.

3. A person shall not stand in a highway to solicit a ride or any business from the driver or any occupant of a vehicle. A person shall not, without a permit issued pursuant to NRS 244.3555 or 268.423, solicit any contribution from the driver or any occupant of a vehicle.

4. It is unlawful for any pedestrian who is under the influence of intoxicating liquors or any narcotic or stupefying drug to be within the traveled portion of any highway.

5. The provisions of this section apply to riders of animals, except that the provisions of subsections 1, 2 and 3 do not apply to a peace officer who rides an animal while performing his or her duties as a peace officer.

6. ~~A person operating a motorized wheelchair may operate the motorized wheelchair on a pathway or lane provided for bicycles or electric bicycles but must, whenever practicable, yield the right of way to any person riding a bicycle or an electric bicycle traveling on the same pathway or lane as the motorized wheelchair.~~ pedestrian walking or otherwise traveling on a sidewalk who encounters an obstruction to his or her mobility on the sidewalk, including, without limitation, a short section of the sidewalk that is missing or impassable, may proceed with due care on the immediately adjacent highway to move around such an obstruction. Such a pedestrian:

(a) Must walk or otherwise travel as far to the side of the highway near the sidewalk as possible;

(b) May walk or otherwise travel on the highway in the direction he or she was walking or traveling on the sidewalk, regardless of the direction of traffic;

(c) May walk or otherwise travel in a lane provided for bicycles or electric bicycles if the area between the lane and the sidewalk is impassable; and

(d) Must return to the sidewalk as soon as practicable.

7. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 5. ~~NRS 484B.760 is hereby amended to read as follows:~~

~~484B.760 1. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.783, inclusive.~~

~~2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.~~

~~3. The provisions applicable to bicycles and electric bicycles apply whenever a bicycle or an electric bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, [or] electric bicycles or motorized wheelchairs subject to those exceptions stated herein.~~

~~4. Except as otherwise specifically provided, the provisions of NRS 484B.768 to 484B.783, inclusive, do not apply to a person operating a motorized wheelchair.~~ (Deleted by amendment.)

Sec. 6. ~~NRS 484B.777 is hereby amended to read as follows:~~

~~484B.777 1. Every person operating a bicycle or an electric bicycle upon a roadway 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.~~

~~ride 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.~~

~~2. Persons riding bicycles or electric bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the~~

~~exclusive use of bicycles, [or] electric bicycles [.] and motorized wheelchairs.]~~
~~(Deleted by amendment.)~~

Sec. 7. ~~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, excluding an electric bicycle as defined in NRS 482.067, a tractor, a motorized wheelchair and a moped.]~~ (Deleted by amendment.)

Sec. 8. ~~NRS 486A.110 is hereby amended to read as follows:~~

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

- ~~1. An electric bicycle as defined in NRS 482.067;~~
- ~~2. A farm tractor as defined in NRS 482.035;~~
- ~~3. A moped as defined in NRS 482.069;~~
- ~~4. A motoreycle as defined in NRS 482.070; [and]~~
- ~~5. A vehicle having a manufacturer's gross vehicle weight rating of more than 26,000 pounds, unless the vehicle is designed for carrying more than 15 passengers [.] ; and~~
- ~~6. A motorized wheelchair.]~~ (Deleted by amendment.)

Sec. 9. ~~NRS 408.224 is hereby amended to read as follows:~~

~~408.224 1. The position of Motor Vehicle Recovery and Transportation Planner is hereby created in the Department.~~

~~2. The Motor Vehicle Recovery and Transportation Planner shall:~~

~~(a) Develop and administer a plan for the construction of motor vehicle recovery and bicycle lanes that are not less than 3 feet wide in all new construction and major repair work on every highway in the State, in accordance with appropriate standards of design;~~

~~(b) Develop a plan for the maintenance of motor vehicle recovery and bicycle lanes throughout the State;~~

~~(c) Prepare and distribute information on motor vehicle recovery and bicycle lanes, bicycle safety manuals and bicycle route maps throughout the State;~~

~~(d) Develop standards for the design of motor vehicle recovery and bicycle lanes and bicycle paths and routes;~~

~~(e) Develop standardized signs and markings which indicate bicycle lanes;~~

~~(f) Determine where appropriate signs and markings will be located on state highways and coordinate their placement;~~

~~(g) Establish a statewide plan of motor vehicle recovery and bicycle lanes and bicycle paths and routes and update the plan annually;~~

~~(h) Identify projects which are related to motor vehicle recovery and bicycle lanes and place each project in its proper order of priority;~~

~~(i) Investigate possible sources of money which may be available to promote motor vehicle recovery and bicycle lanes and bicycle facilities and programs throughout this State and solicit money from those sources;~~

~~(j) Provide assistance to the Department of Motor Vehicles and the Department of Public Safety in coordinating activities which are related to motor vehicle and bicycle safety in the communities of this State;~~

~~(k) Investigate the programs of the Rails to Trails Conservancy and where feasible, participate in those programs;~~

~~(l) Identify the potential effect of bicycle programs on tourism in this State; and~~

~~(m) Carry out any other duties assigned to him or her by the Director.~~

~~3. The Director may remove any of the duties set out in subsection 2 if the Director determines that the duty is no longer necessary or appropriate.~~

~~4. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484A.025 and includes an electric bicycle as defined in NRS 482.0287 [.] and a motorized wheelchair. (Deleted by amendment.)~~

Sec. 10. ~~NRS 408.571 is hereby amended to read as follows:~~

~~408.571 1. The Department shall develop an educational program concerning bicycle and pedestrian safety which must be:~~

~~(a) Suitable for children and adults; and~~

~~(b) Developed by a person who is trained in the techniques of bicycle and pedestrian safety.~~

~~2. The program must be designed to:~~

~~(a) Aid bicyclists in improving their riding skills;~~

~~(b) Inform bicyclists and pedestrians of applicable traffic laws and encourage observance of those laws; and~~

~~(c) Promote bicycle and pedestrian safety.~~

~~3. As used in this section, "bicycle" has the meaning ascribed to it in NRS 484A.025 and includes an electric bicycle as defined in NRS 482.0287 [.] and a motorized wheelchair. (Deleted by amendment.)~~

Sec. 11. ~~NRS 408.579 is hereby amended to read as follows:~~

~~408.579 Electric bicycles, as defined in NRS 482.0287, and motorized wheelchairs must be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using federal funding obtained pursuant to 22 U.S.C. § 2171. (Deleted by amendment.)~~

Sec. 12. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On January 1, 2016, for all other purposes.