

Senate Bill No. 354—Senators Denis, Manendo;
Hammond and Woodhouse

Joint Sponsor: Assemblyman Araujo

CHAPTER.....

AN ACT relating to public safety; authorizing under certain circumstances the operation of a motorized wheelchair and the movement of other pedestrians on 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 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 this section is a misdemeanor under existing law. (NRS 484A.900)

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Sections 1 and 2. (Deleted by amendment.)

Sec. 3. 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.

2. When overtaking or passing a bicycle or electric bicycle 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 at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle or electric bicycle, 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.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle *or a pedestrian as provided in subsection 6 of NRS 484B.297* on the pathway or lane. 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 or an electric bicycle; 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 or an electric bicycle 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. 4. NRS 484B.297 is hereby amended to read as follows:

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

2. ~~[Pedestrians]~~ *Except as otherwise provided in subsection 6, pedestrians* walking along highways where sidewalks are not provided shall walk on the left 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 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.

Secs. 5-11. (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.

