

**Amendment No. 355**

Assembly Amendment to Assembly Bill No. 335 (BDR 43-670)

**Proposed by:** Assembly Committee on Transportation

**Amends:** Summary: No 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/BJE



Date: 4/20/2017

A.B. No. 335—Revises provisions governing motor vehicles and off-highway vehicles. (BDR 43-670)





ASSEMBLY BILL No. 335—~~ASSEMBLYMAN~~ ASSEMBLYMEN  
EDWARDS AND CARRILLO

MARCH 20, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing motor vehicles and off-highway vehicles. (BDR 43-670)

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 vehicles; ~~authorizing the operation of an unregistered vehicle in certain circumstances; prohibiting the driver of a motor vehicle from intentionally interfering with a person lawfully riding a moped;~~ requiring a person driving a moped to drive ~~not in~~ in the right ~~side~~ lane of the ~~roadway~~ highway in certain circumstances; ~~removing the requirement for a person operating an off-highway vehicle on a highway in this State to wear a helmet;~~ providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires every owner of a motor vehicle intended to be operated upon the highways of this State to obtain the registration of the motor vehicle, except for certain vehicles such as implements of husbandry, electric bicycles and golf carts. (NRS 482.205, 482.210) A person who has purchased a vehicle from a person who is not a dealer may apply for a permit from the Department of Motor Vehicles to operate the unregistered vehicle for a limited period until the expiration of the permit or the issuance of a new permit or certificate of registration for the vehicle. (NRS 482.206) Section 2 of this bill newly provides that, instead of obtaining a permit from the Department, a resident of this State who has purchased a vehicle from a person who is not a dealer may operate the unregistered vehicle for not more than 14 days after the date on which the vehicle is purchased if certain conditions are met. A person operating an unregistered vehicle in such a manner must, upon demand, provide to a peace officer proof of ownership of the vehicle. Section 1 of this bill adds the operation of such an unregistered vehicle to the list of exceptions to the requirement for registration.~~  
~~Existing law requires the owner of a motor vehicle to provide certain insurance on a motor vehicle. (NRS 485.185) Existing law also prohibits the owner of the motor vehicle from: (1) operating or knowingly permitting the operation of the motor vehicle without having evidence of insurance in the vehicle; and (2) failing or refusing to surrender, upon demand, the evidence of insurance to a peace officer or an authorized representative of the Department. An exception is provided from those two requirements if the motor vehicle in question is being operated pursuant to a permit issued by the Department authorizing the movement or operation of that vehicle for a limited time. (NRS 485.187) Section 5 of this bill revises that~~

~~exception to include an unregistered vehicle being operated within 14 days after purchase as authorized in section 2.]~~

Under existing law, a person driving a moped upon the highways of this State 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) **Section 7** of this bill requires a person driving a moped, except a police officer in the performance of his or her duty, to drive ~~as near to~~ **in the right side** ~~extreme right-hand lane~~ of the ~~roadway as is practicable, including, at the discretion of the driver, on the paved shoulder of the roadway.]~~ **highway if the highway has two or more clearly marked lanes for traveling in the same direction in which the driver is traveling.** Exceptions are provided for: (1) when the driver is preparing to turn left; (2) when driving to the right side of the roadway would not be safe; and (3) compliance with the directions of a police officer. Existing law makes a violation of this section a misdemeanor. (NRS 486.381) ~~Under existing law, a person riding a bicycle or an electric bicycle must ride as near to the right side of the roadway as is practicable, with certain exceptions. (NRS 484B.777) Existing law also provides certain protections from motor vehicles to a person lawfully riding a bicycle or an electric bicycle. (NRS 484B.270) Section 4 of this bill provides these same protections to a person lawfully riding a moped.~~

~~Existing law authorizes a person to operate an off highway vehicle on a highway in this State under certain circumstances. (NRS 490.090, 490.100, 490.110) A person operating an off highway vehicle on a highway under those circumstances is required to wear a helmet. (NRS 490.120) Section 8 of this bill removes the requirement to wear a helmet.]~~ **Section 6 of this bill makes a conforming change.**

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) Special mobile equipment;~~
- ~~(b) Implements of husbandry;~~
- ~~(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS;~~
- ~~(d) Electric bicycles;~~
- ~~(e) Golf carts which are:~~
  - ~~(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and~~
  - ~~(2) Operating pursuant to a permit issued pursuant to this chapter;~~
- ~~(f) Towable tools or equipment as defined in NRS 484D.055;~~
- ~~(g) Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about;~~
- ~~(h) A vehicle which is being operated pursuant to NRS 482.396.~~

~~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 2 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 20 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.] (Deleted by amendment.)~~

1       **Sec. 2.** ~~NRS 482.3955 is hereby amended to read as follows:~~

2       ~~482.3955 1. The Department shall issue to any dealer, distributor, rebuilder~~  
3 ~~or other person, upon request, and upon payment of a fee of \$8.25, a special permit,~~  
4 ~~in a form to be determined by the Department, for the movement of any vehicle to~~  
5 ~~sell outside the State of Nevada, or for the movement outside the State of any~~  
6 ~~vehicle purchased by a nonresident. The permit must be affixed to the vehicle to be~~  
7 ~~so moved in a manner and position to be determined by the Department, and~~  
8 ~~expires 15 days after its issuance.~~

9       ~~2. [The] *Except as otherwise provided in NRS 482.396, the* Department may~~  
10 ~~issue a permit to a resident of this State who desires to move an unregistered~~  
11 ~~vehicle within the State upon the payment of a fee of \$8.25. The permit is valid for~~  
12 ~~24 hours.~~

13       ~~3. The Department shall, upon the request of a charitable organization which~~  
14 ~~intends to sell a vehicle which has been donated to the organization, issue to the~~  
15 ~~organization a permit for the operation of the vehicle until the vehicle is sold by the~~  
16 ~~organization. The Department shall not charge a fee for the issuance of the permit.]~~

17 ~~(Deleted by amendment.)~~

18       **Sec. 3.** ~~NRS 482.396 is hereby amended to read as follows:~~

19       ~~482.396 1. A [person] *resident of this State* who is not a dealer,~~  
20 ~~manufacturer or rebuilder *and who purchases a vehicle* may [apply to the~~  
21 ~~Department for a permit to] operate [a] *the vehicle [which:] on the highways of*~~  
22 ~~*this State for not more than 14 days after the resident purchases the vehicle if the*~~  
23 ~~*vehicle.*~~

24       ~~(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to~~  
25 ~~706.861, inclusive; and~~

26       ~~(b) Is not currently registered in this State, another state or a foreign country,~~  
27 ~~[or] *and has been purchased by the [applicant] resident* from a person who is not a~~  
28 ~~dealer.~~

29       ~~2. [The Department shall adopt regulations imposing a fee for the issuance of~~  
30 ~~the permit.~~

31       ~~3. Each permit must:~~

32       ~~(a) Bear the date of expiration in numerals of sufficient size to be plainly~~  
33 ~~readable from a reasonable distance during daylight;~~

34       ~~(b) Expire at 5 p.m. not more than 60 days after its date of issuance;~~

35       ~~(c) Be affixed to the vehicle in the manner prescribed by the Department; and~~

36       ~~(d) Be removed and destroyed upon its expiration or the issuance of a new~~  
37 ~~permit or a certificate of registration for the vehicle, whichever occurs first.~~

38       ~~4. The Department may authorize the issuance of more than one permit for~~  
39 ~~the vehicle to be operated by the applicant.] *A person operating an unregistered*~~  
40 ~~*vehicle pursuant to subsection 1 must, upon demand, provide to a peace officer*~~  
41 ~~*proof of ownership of the vehicle.] (Deleted by amendment.)*~~

42       **Sec. 4.** ~~NRS 484B.270 is hereby amended to read as follows:~~

43       ~~484B.270 1. The driver of a motor vehicle shall not intentionally interfere~~  
44 ~~with the movement of a person lawfully riding a bicycle, [or] an electric bicycle [.]~~  
45 ~~*or a moped.*~~

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

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

52       ~~(b) If there is only one lane for traffic proceeding in the same direction, pass to~~  
53 ~~the left of the bicycle, [or] electric bicycle *or moped* at a safe distance, which must~~

1 ~~be not less than 2 feet between any portion of the vehicle and the bicycle, [or]~~  
2 ~~electric bicycle [.] or moped, and shall not move again to the right side of the~~  
3 ~~highway until the vehicle is safely clear of the overtaken bicycle, [or] electric~~  
4 ~~bicycle [.] or moped.~~

5 ~~2. The driver of a motor vehicle shall yield the right of way to any person~~  
6 ~~riding a bicycle or an electric bicycle or a pedestrian as provided in subsection 6 of~~  
7 ~~NRS 484B.297 on the pathway or lane. The driver of a motor vehicle shall not~~  
8 ~~enter, stop, stand, park or drive within a pathway or lane provided for bicycles or~~  
9 ~~electric bicycles except:~~

- 10 ~~(a) When entering or exiting an alley or driveway;~~  
11 ~~(b) When operating or parking a disabled vehicle;~~  
12 ~~(c) To avoid conflict with other traffic;~~  
13 ~~(d) In the performance of official duties;~~  
14 ~~(e) In compliance with the directions of a police officer; or~~  
15 ~~(f) In an emergency.~~

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

19 ~~5. The driver of a motor vehicle shall:~~

- 20 ~~(a) Exercise due care to avoid a collision with a person riding a bicycle, [or]~~  
21 ~~an electric bicycle [.] or a moped; and~~  
22 ~~(b) Give an audible warning with the horn of the vehicle if appropriate and~~  
23 ~~when necessary to avoid such a collision.~~

24 ~~6. If, while violating any provision of subsections 1 to 5, inclusive, the driver~~  
25 ~~of a motor vehicle is the proximate cause of a collision with a person riding a~~  
26 ~~bicycle, the driver is subject to the additional penalty set forth in subsection 4 of~~  
27 ~~NRS 484B.652.~~

28 ~~7. The operator of a bicycle or an electric bicycle shall not:~~

- 29 ~~(a) Intentionally interfere with the movement of a motor vehicle; or~~  
30 ~~(b) Overtake and pass a motor vehicle unless the operator can do so safely~~  
31 ~~without endangering himself or herself or the occupants of the motor vehicle.]~~

32 **(Deleted by amendment.)**

33 **Sec. 5. [NRS 485.187 is hereby amended to read as follows:**

34 ~~485.187 1. Except as otherwise provided in subsection 5, the owner of a~~  
35 ~~motor vehicle shall not:~~

36 ~~(a) Operate the motor vehicle, if it is registered or required to be registered in~~  
37 ~~this State, without having insurance as required by NRS 485.185.~~

38 ~~(b) Operate or knowingly permit the operation of the motor vehicle without~~  
39 ~~having evidence of insurance of the operator or the vehicle in the vehicle.~~

40 ~~(c) Fail or refuse to surrender, upon demand, to a peace officer or to an~~  
41 ~~authorized representative of the Department the evidence of insurance. The~~  
42 ~~surrender, upon demand, of an evidence of insurance issued in electronic format~~  
43 ~~does not constitute consent for a peace officer or authorized representative of the~~  
44 ~~Department to access other contents of any device used to display the evidence of~~  
45 ~~insurance and surrendered in compliance with this section.~~

46 ~~(d) Knowingly permit the operation of the motor vehicle in violation of~~  
47 ~~subsection 3 of NRS 485.186.~~

48 ~~2. A person shall not operate the motor vehicle of another person unless the~~  
49 ~~person who will operate the motor vehicle:~~

50 ~~(a) First ensures that the required evidence of insurance is present in the motor~~  
51 ~~vehicle or available electronically; or~~

52 ~~(b) Has his or her own evidence of insurance which covers that person as the~~  
53 ~~operator of the motor vehicle.~~

1 ~~2. Except as otherwise provided in subsection 4, any person who violates~~  
2 ~~subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this~~  
3 ~~subsection, in addition to any other penalty, a person sentenced pursuant to this~~  
4 ~~subsection shall be punished by a fine of not less than \$600 nor more than \$1,000~~  
5 ~~for each violation. The fine must be reduced to \$100 for the first violation if the~~  
6 ~~person obtains a motor vehicle liability policy by the time of sentencing, unless:~~

7 ~~(a) The person has registered the vehicle as part of a fleet of vehicles pursuant~~  
8 ~~to subsection 5 of NRS 482.215; or~~

9 ~~(b) The person has been issued a certificate of self insurance pursuant to NRS~~  
10 ~~485.380.~~

11 ~~4. A court:~~

12 ~~(a) Shall not find a person guilty or fine a person for a violation of paragraph~~  
13 ~~(a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents~~  
14 ~~evidence to the court that the insurance required by NRS 485.185 was in effect at~~  
15 ~~the time demand was made for it.~~

16 ~~(b) Except as otherwise provided in paragraph (a), may impose a fine of not~~  
17 ~~more than \$1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and~~  
18 ~~suspend the balance of the fine on the condition that the person presents proof to~~  
19 ~~the court each month for 12 months that the insurance required by NRS 485.185 is~~  
20 ~~currently in effect.~~

21 ~~5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the~~  
22 ~~motor vehicle in question [displays]:~~

23 ~~(a) Displays a valid permit issued by the Department pursuant to subsection 1~~  
24 ~~or 2 of NRS 482.3955 ], or NRS 482.396] or NRS 482.3965 authorizing the~~  
25 ~~movement or operation of that vehicle within the State for a limited time [ ]; or~~

26 ~~(b) Is being operated pursuant to NRS 482.396.] (Deleted by amendment.)~~

27 **Sec. 6.** NRS 486.331 is hereby amended to read as follows:

28 486.331 ~~IA~~ **Except as otherwise provided in NRS 486.351, a** person driving  
29 a motorcycle or moped upon a highway is entitled to all the rights and subject to all  
30 the duties applicable to the drivers of motor vehicles as provided by law, except  
31 those provisions which by their nature can have no application.

32 **Sec. 7.** NRS 486.351 is hereby amended to read as follows:

33 486.351 1. A person, except a police officer in the performance of his or her  
34 duty, shall not drive a motorcycle or moped between moving or stationary vehicles  
35 occupying adjacent traffic lanes.

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

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

41 4. **A person, except a police officer in the performance of his or her duty,**  
42 **driving a moped shall, except:**

43 **(a) When preparing to turn left as provided in subsection 5;**

44 **(b) When doing so would not be safe; or**

45 **(c) In compliance with the directions of a police officer,**

46 **↳ drive ~~as near to the right side of the roadway as is practicable, including, at~~**  
47 **~~the discretion of the driver of the moped, on the paved shoulder of the roadway if~~**  
48 **~~such a shoulder exists and is safe for travel.]~~ **in the extreme right-hand lane if the****  
49 **highway has two or more clearly marked lanes for traffic traveling in the same**  
50 **direction in which the driver is traveling.**

51 5. **A person driving a moped as required pursuant to subsection 4 who is**  
52 **preparing to turn left may enter the lane from which the left turn will be made**  
53 **not more than one-quarter of a mile from where the left turn will be made.**

1       **Sec. 8.** ~~NRS 490.130 is hereby amended to read as follows:~~  
2       ~~490.130 The operator of an off-highway vehicle that is being driven on a~~  
3       ~~highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:~~  
4       ~~1. Comply with all traffic laws of this State; and~~  
5       ~~2. Ensure that the registration of the off-highway vehicle is attached to the~~  
6       ~~vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS~~  
7       ~~490.0827 is attached to the vehicle. [; and~~  
8       ~~3. Wear a helmet.]]~~ **(Deleted by amendment.)**  
9       **Sec. 9.** This act becomes effective on ~~July 1, 2017,~~ **January 1, 2018.**