

Amendment No. 326

Senate Amendment to Senate Bill No. 408	(BDR 43-805)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 408.

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: 4/20/2019

S.B. No. 408—Revises provisions relating to public safety. (BDR 43-805)



SENATE BILL NO. 408—SENATORS DONDERO LOOP,
WOODHOUSE, PARKS; AND CANCELA

MARCH 21, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to public safety. (BDR 43-805)

FISCAL NOTE: Effect on Local Government: No.
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; revising provisions relating to motorcycles, trimobiles and mopeds; revising provisions relating to the duties of a pedestrian at certain intersections; revising provisions relating to the imposition by a court of the requirement to install an ignition interlock device for certain convictions; requiring the driver and passenger on a trimobile or a moped to wear protective headgear; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 6 of this bill clarify that, for the purposes of vehicle registration and traffic laws, a vehicle designed to travel with three wheels in contact with the ground must be equipped with handlebars and a saddle seat to meet the definition of "trimobile." (NRS 482.129, 486.057)

~~Under existing law, a person who registers a motorcycle, other than a trimobile, must pay an additional fee of \$6 for motorcycle safety. (NRS 482.480) Section 2 of this bill requires that the same additional fee be paid by a person who registers a trimobile or a moped.~~

Existing law requires a person driving a motorcycle, other than a trimobile or a moped, to ~~have a motorcycle driver's license or a driver's license with a motorcycle endorsement, and to~~ wear protective headgear. (NRS ~~486.061,~~ 486.231) **Section 7** of this bill requires the driver of a trimobile to have a motorcycle driver's license or a driver's license with a motorcycle endorsement, and ~~section 8~~ of this bill requires a driver or a passenger on a trimobile or a moped to wear protective headgear.

Existing law requires the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders, which provides courses in motorcycle safety. (NRS 486.372, 486.374) Certain persons in this State who hold a motorcycle driver's license or a driver's license with a motorcycle endorsement are eligible to enroll in the Program. (NRS 486.373) **Section 9** of this bill authorizes the Program to include instruction applicable to a trimobile or a moped and **section 10** of this bill makes a person who holds a driver's license eligible to enroll in the Program.

Existing law provides requirements for pedestrians crossing a highway of this State when certain signals are in place exhibiting the words "Walk," "Wait" or "Don't Walk." (NRS 484B.283) **Section 3** of this bill clarifies that, when a countdown timer is included with such signals, a pedestrian may cross a roadway when such a signal is flashing, so long as the pedestrian completes the crossing before the countdown timer reaches zero. **Section 3** also

revises references to include certain symbols displayed on such signals, including a walking person symbol and an upraised hand symbol.

Under existing law a court must order a person who is convicted of certain offenses involving driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a combination of both, to install an ignition interlock device. (NRS 484C.460) The interlock ignition device must be installed for a period of not less than 185 days unless: (1) the violation was punishable as a felony or vehicular homicide; (2) the person proximately caused the death of or substantial bodily injury to another; or (3) the person was found to have had a concentration of alcohol of 0.18 or more in his or her breath. If any of those conditions are present the interlock ignition device must be installed for a period of not less than 12 months or more than 36 months. **Section 4** of this bill clarifies that such a person is only required to install the ignition interlock device for the longer time period if one of the conditions listed above is present. The result of the change is that regardless of whether or not a blood or breath test was administered, or whether the results or lack of results was used in the prosecution or defense of the person, so long as none of the conditions listed above are present, he or she is eligible for the shorter period of required use of an ignition interlock device for a period of not less than 185 days, which section 4 requires to be 185 days.

Existing law provides several exceptions to the requirement for installing an ignition interlock device upon a conviction if a court makes certain determinations. (NRS 484C.460) **Section 4** eliminates from the list of exceptions a determination by the court that: (1) requiring the person to install a device would cause the person to experience an economic hardship; (2) the person requires the use of the motor vehicle to travel to and from work in the scope of his or her employment; or (3) the person requires the use of the motor vehicle to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person.

Finally, existing law requires the manufacturer of an ignition interlock device or an agent of the manufacturer to notify the Director of the Department if the device has been tampered with. (NRS 484C.460) Existing law also requires the Director, or the Director of the Department of Public Safety, to notify a court that has ordered an ignition interlock device if certain irregularities occurred with the device. (NRS 484C.460, 484C.470) **Sections 4 and 5** of this bill require the manufacturer of the device or its agent to also notify the court in such circumstances.

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

Section 1. NRS 482.129 is hereby amended to read as follows:

482.129 "Trimobile" means every motor vehicle *equipped with handlebars and a saddle seat and* designed to travel with three wheels in contact with the ground, at least one of which is power driven. The term does not include a motorcycle with a sidecar.

Sec. 2. ~~NRS 482.480 is hereby amended to read as follows:~~

~~482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:~~

~~1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of \$23.~~

~~2. Except as otherwise provided in subsection 3:~~

~~(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of \$16.50.~~

~~(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of \$12.~~

~~(c) For each of the ninth or more such cars registered to a person, a fee for registration of \$8.~~

~~3. The fees specified in subsection 2 do not apply.~~
~~(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.~~
~~(b) To cars that are part of a fleet.~~
~~4. For every motorcycle, a fee for registration of \$23 and [for each motorcycle other than a trimobile,] an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.272.~~
~~5. For every moped, a one-time fee for registration of \$33 [.] and an additional fee of \$6 for motorcycle safety. The additional fee must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.272.~~
~~6. For each transfer of registration, a fee of \$6 in addition to any other fees.~~
~~7. Except as otherwise provided in subsection 6 of NRS 485.217, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:~~
~~(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or~~
~~(b) A fee of \$50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.220,~~
~~both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.~~
~~8. For every travel trailer, a fee for registration of \$27.~~
~~9. For every permit for the operation of a golf cart, an annual fee of \$10.~~
~~10. For every low speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of \$33.~~
~~11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451 or 482.458, a fee of \$33.~~
~~12. For each vehicle for which the registered owner has indicated his or her intention to opt in to making a contribution pursuant to paragraph (h) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of \$2. The contribution must be distributed to the appropriate county pursuant to NRS 482.1825.] (Deleted by amendment.)~~

Sec. 3. NRS 484B.283 is hereby amended to read as follows:

484B.283 1. Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

(a) When official traffic-control devices are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling ~~to~~ **or onto which the vehicle is turning**, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

(b) A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined

that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

(d) Whenever signals exhibiting the words “Walk ,” ~~“ ”~~ “Don’t Walk ,” ~~“ ”~~ *“Wait” or similar symbols* are in place, such signals indicate as follows:

(1) While the “Walk” indication *or walking person symbol* is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

(2) While the “Don’t Walk” *or “Wait”* indication *or an upraised hand symbol* is illuminated, ~~“either steady or-”~~ *is flashing “ ” and is accompanied by a countdown timer,* a pedestrian ~~“shall not start to cross”~~ *may proceed across* the highway in the direction of the signal, but ~~“any pedestrian who has partially completed”~~ *must complete* the crossing ~~“during the “Walk” indication shall proceed to a sidewalk, or to a safety zone if one is provided.”~~

~~“(3) Whenever the word “Wait” still appears in a signal, the indication has the same meaning as assigned in this section to the “Don’t Walk” indication.~~

~~“(4) Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and “Walk” and “Don’t Walk” indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the “Walk” indication is exhibited, and when signals and other official traffic control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.” before the countdown timer gets to zero.~~

(3) While the “Don’t Walk” or “Wait” indication or an upraised hand symbol is illuminated and flashing but is not accompanied by a countdown timer, a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) may continue to cross the highway but must proceed to a curb, sidewalk, ~~“or a”~~ safety zone if one is provided “ ” or other place of safety before the “Don’t Walk” or “Wait” indication or an upraised hand symbol is illuminated and steady.

(4) While the “Don’t Walk” or “Wait” indication or an upraised hand symbol is illuminated and steady a pedestrian may not proceed to cross the highway, but a pedestrian who entered the highway lawfully pursuant to subparagraph (1) or (2) may continue to cross the highway but must proceed to a curb, sidewalk, ~~“or a”~~ safety zone if one is provided “ ” or other place of safety as soon as possible.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

3. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.135.

4. As used in this section, “half of the highway” means all traffic lanes of a highway which are designated for traffic traveling in one direction, and includes the entire highway in the case of a one-way highway.

Sec. 4. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person convicted of:

(a) ~~“(A) Except as otherwise provided in paragraph (b), a violation of paragraph (a), (b) or (c) of subsection 1 or paragraph (b) of subsection 2 of NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, [if the person is found to have had a concentration of alcohol of less than 0.18 in his or her blood or breath,] to install, at his or her own expense and for a period of ~~“not less than”~~ 185 days, a device in any motor vehicle which the person~~

operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

(b) A violation of:

(1) NRS 484C.110 that is punishable pursuant to paragraph (a) or (b) of subsection 1 of NRS 484C.400, if the person is found to have had a concentration of alcohol of 0.18 or more in his or her blood or breath;

(2) NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(3) NRS 484C.130 or 484C.430,

➤ to install, at his or her own expense and for a period of not less than 12 months or more than 36 months, a device in any motor vehicle which the person operates as a condition to obtaining a restricted license pursuant to NRS 483.490 or as a condition of reinstatement of the driving privilege of the person.

2. A court may, in the interests of justice, provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, ~~to avoid undue hardship to the person~~ if the court determines that:

~~(a) [Requiring the person to install a device in a motor vehicle which the person owns or operates would cause the person to experience an economic hardship;~~

~~—(b) The person requires the use of the motor vehicle to:~~

~~—(1) Travel to and from work or in the course and scope of his or her employment; or~~

~~—(2) Obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family;~~

~~—(c) The person is unable to provide a deep lung breath sample for a device, as certified in writing by a physician of the person; or~~

~~—(d) (b) The person resides more than 100 miles from a manufacturer of a device or its agent.~~

3. If the court orders a person to install a device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that a device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted as a restriction on the person's driver's license.

(b) The person who is required to install the device shall provide proof of compliance to the Department before the person may receive a restricted license or before the driving privilege of the person may be reinstated, as applicable. Each model of a device installed pursuant to this section must have been certified by the Committee on Testing for Intoxication.

4. A person whose driving privilege is restricted pursuant to this section or NRS 483.490 shall have the device inspected, calibrated, monitored and maintained by the manufacturer of the device or its agent at least one time each 90 days during the period in which the person is required to use the device to determine whether the device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director indicating whether the device is operating properly, whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the device has been tampered with. If the device has been tampered with, the Director *and the manufacturer or its agent* shall notify the court that ordered the installation of the device. Upon receipt of such notification and before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470,

1 the court shall afford any interested party an opportunity for a hearing after
2 reasonable notice.

3 5. If a person is required to operate a motor vehicle in the course and scope of
4 his or her employment and the motor vehicle is owned by the person's employer,
5 the person may operate that vehicle without the installation of a device, if:

6 (a) The employee notifies his or her employer that the employee's driving
7 privilege has been so restricted; and

8 (b) The employee has proof of that notification in his or her possession or the
9 notice, or a facsimile copy thereof, is with the motor vehicle.

10 ➤ This exemption does not apply to a motor vehicle owned by a business which is
11 all or partly owned or controlled by the person otherwise subject to this section.

12 6. The running of the period during which a person is required to have a
13 device installed pursuant to this section commences when the Department issues a
14 restricted license to the person or reinstates the driving privilege of the person and
15 is tolled whenever and for as long as the person is, with regard to a violation of
16 NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of
17 residential confinement, placed under the supervision of a treatment provider, on
18 parole or on probation.

19 **Sec. 5.** NRS 484C.470 is hereby amended to read as follows:

20 484C.470 1. The court may extend the order of a person who is required to
21 install a device pursuant to NRS 484C.210 or 484C.460, not to exceed one-half of
22 the period during which the person is required to have a device installed, if the
23 court receives from the Director of the Department of Public Safety *or the*
24 *manufacturer of the device or its agent* a report that 4 consecutive months prior to
25 the date of release any of the following incidents occurred:

26 (a) Any attempt by the person to start the vehicle with a concentration of
27 alcohol of 0.04 or more in his or her breath unless a subsequent test performed
28 within 10 minutes registers a concentration of alcohol lower than 0.04 and the
29 digital image confirms the same person provided both samples;

30 (b) Failure of the person to take any random test unless a review of the digital
31 image confirms that the vehicle was not occupied by the person at the time of the
32 missed test;

33 (c) Failure of the person to pass any random retest with a concentration of
34 alcohol of 0.025 or lower in his or her breath unless a subsequent test performed
35 within 10 minutes registers a concentration of alcohol lower than 0.025, and the
36 digital image confirms the same person provided both samples;

37 (d) Failure of the person to have the device inspected, calibrated, monitored
38 and maintained by the manufacturer or its agent pursuant to subsection 4 of NRS
39 484C.460; or

40 (e) Any attempt by the person to operate a motor vehicle without a device or
41 tamper with the device.

42 2. A person required to install a device pursuant to NRS 484C.210 or
43 484C.460 shall not operate a motor vehicle without a device or tamper with the
44 device.

45 3. A person who violates any provision of subsection 2:

46 (a) Must have his or her driving privilege revoked in the manner set forth in
47 subsection 4 of NRS 483.460; and

48 (b) Shall be:

49 (1) Punished by imprisonment in jail for not less than 30 days nor more
50 than 6 months; or

51 (2) Sentenced to a term of not less than 60 days in residential confinement
52 nor more than 6 months, and by a fine of not less than \$500 nor more than \$1,000.

1 ➤ No person who is punished pursuant to this section may be granted probation,
2 and no sentence imposed for such a violation may be suspended. No prosecutor
3 may dismiss a charge of such a violation in exchange for a plea of guilty, guilty but
4 mentally ill or nolo contendere to a lesser charge or for any other reason unless, in
5 the judgment of the attorney, the charge is not supported by probable cause or
6 cannot be proved at trial.

7 **Sec. 6.** NRS 486.057 is hereby amended to read as follows:

8 486.057 “Trimobile” means every motor vehicle *equipped with handlebars*
9 *and a saddle seat and* designed to travel with three wheels in contact with the
10 ground, at least one of which is power driven. The term does not include a
11 motorcycle with a sidecar.

12 **Sec. 7.** ~~NRS 486.061 is hereby amended to read as follows:~~

13 ~~486.061 Except for a nonresident who is at least 16 years of age and is~~
14 ~~authorized by the person’s state of residency to drive a motorcycle, a person shall~~
15 ~~not drive [~~

16 ~~1. A] a motorcycle [, except a trimobile,] upon a highway unless that person~~
17 ~~holds a valid motorcycle driver’s license issued pursuant to NRS 486.011 to~~
18 ~~486.381, inclusive, a driver’s license issued pursuant to chapter 483 of NRS~~
19 ~~endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant~~
20 ~~to subsection 4 or 5 of NRS 483.280.~~

21 ~~[2. A trimobile upon a highway unless that person holds a valid motorcycle~~
22 ~~driver’s license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver’s~~
23 ~~license issued pursuant to chapter 483 of NRS.] (Deleted by amendment.)~~

24 **Sec. 8.** NRS 486.231 is hereby amended to read as follows:

25 486.231 1. The Department shall adopt standards for protective headgear
26 and protective glasses, goggles or face shields to be worn by the drivers and
27 passengers of motorcycles and transparent windscreens for motorcycles.

28 2. Except as *otherwise* provided in this section, when any motorcycle ~~[~~
29 ~~except a trimobile]~~ or moped ~~[~~ is being driven on a highway, the driver and
30 passenger shall wear protective headgear securely fastened on the head and
31 protective glasses, goggles or face shields meeting those standards. ~~[Drivers and~~
32 ~~passengers of trimobiles shall wear protective glasses, goggles or face shields~~
33 ~~which meet those standards.]~~

34 3. When a motorcycle or a ~~[trimobile]~~ *moped* is equipped with a transparent
35 windscreen meeting those standards, the driver and passenger are not required to
36 wear glasses, goggles or face shields.

37 4. When a motorcycle *or moped* is being driven in a parade authorized by a
38 local authority, the driver and passenger are not required to wear the protective
39 devices provided for in this section.

40 5. When a three-wheel ~~[motorcycle]~~ *vehicle, except a trimobile*, on which the
41 driver and passengers ride within an enclosed cab is being driven on a highway, the
42 driver and passengers are not required to wear the protective devices required by
43 this section.

44 **Sec. 9.** NRS 486.370 is hereby amended to read as follows:

45 486.370 “Motorcycle” ~~[does not include a trimobile.]~~ *includes a moped.*

46 **Sec. 10.** NRS 486.373 is hereby amended to read as follows:

47 486.373 1. A resident of this State who holds a *driver’s license, a*
48 motorcycle driver’s license or a motorcycle endorsement to a driver’s license or
49 who is eligible to apply for such a license or endorsement, or a nonresident who is a
50 member of the Armed Forces of the United States, a reserve component thereof or
51 the National Guard and who is stationed at a military installation located in Nevada,
52 may enroll in the Program.

53 2. The Director shall establish a fee of not more than \$150 for the Program.