

Amendment No. 458

Senate Amendment to Senate Bill No. 383	(BDR 43-835)
Proposed by: Senate Committee on Growth and Infrastructure	
Amendment Box: Replaces Amendment No. 223.	
Amends: Summary: No Title: No 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.



SENATE BILL NO. 383—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

MARCH 26, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to electric bicycles. (BDR 43-835)

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 bicycles; revising provisions relating to the classifying, operating, labeling and equipping of electric bicycles; including riding an electric bicycle as a recreational activity for the purposes of the provision governing liability to persons using premises for recreational activities; providing that certain crimes against property apply to electric bicycles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines an electric bicycle for various purposes as a device upon which a person may ride that is generally recognized as a bicycle, is propelled by an electric engine that must not produce more than 1 gross brake horsepower or achieve a speed of more than 20 miles per hour while traveling on a flat surface and that has certain other specifications. (NRS 482.0287, 483.067, 484B.017) Existing law: (1) excludes electric bicycles from vehicle licensing and registration requirements; (2) excludes electric bicycles from the provisions requiring vehicle drivers' licenses; and (3) provides that electric bicycles are subject to the same traffic laws and various other requirements as bicycles (NRS 482.210, 483.090, 483.230, 484B.763)

Section 10 of this bill establishes three classes of electric bicycles and establishes separate maximum speed and propulsion requirements for each class. **Sections 1, 2, 4, 6 and 11-13** of this bill make conforming changes to uniformly apply this definition of "electric bicycle." **Section 8** of this bill: (1) prohibits a person under the age of 16 years from operating a class 3 bicycle; (2) authorizes a person under the age of 16 years to ride as a passenger on a class 3 bicycle if allowed by the design; and (3) requires the operator and any passenger of a class 3 electric bicycle to wear a helmet. **Section 9** of this bill: (1) requires a manufacturer or distributor of an electric bicycle in this State to apply certain labeling to an electric bicycle that it manufactures or distributes on or after January 1, 2022; (2) provides that an electric bicycle operating *or sold* in this State must comply with certain equipment, manufacturing and operational requirements; and (3) requires that a class 3 electric bicycle be equipped with a speedometer.

Existing law requires that electric bicycles be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using certain federal funding. (NRS 408.579) **Section 18** of this bill eliminates this requirement and instead, **section 5** of this bill,

with certain exceptions, authorizes an electric bicycle to be ridden in places where bicycles are allowed.

Section 14 of this bill includes riding an electric bicycle in the nonexclusive list of activities in existing law that are considered recreational activities for the purposes of the provision governing liability to persons using premises for recreational activities. (NRS 41.510) Existing law also provides that it is unlawful for any person to throw a projectile or substance at, or wrongfully damage, bicycles, motor vehicles or certain other devices and vehicles. (NRS 205.2741) **Section 15** of this bill adds electric bicycles to that list of devices and vehicles.

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

Section 1. NRS 482.0287 is hereby amended to read as follows:

482.0287 "Electric bicycle" ~~means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.~~

~~→} has the meaning ascribed to it in NRS 484B.017.~~ The term does not include a moped or an electric scooter.

Sec. 2. NRS 483.067 is hereby amended to read as follows:

483.067 "Electric bicycle" ~~means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:~~

~~1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and~~

~~2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds.~~

~~→} has the meaning ascribed to it in NRS 484B.017.~~ The term does not include a moped or an electric scooter, as defined in NRS 482.0295.

Sec. 3. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. *"Electric bicycle" has the meaning ascribed to it in NRS 484B.017.*

Sec. 5. 1. *Except as otherwise provided in this section or by federal law, an electric bicycle may be ridden in places where bicycles are allowed, including, without limitation, streets, highways, roads, roadways, bicycle lanes, bicycle paths and shared-use paths.*

2. A local authority, by ordinance, or a state agency, after notice and a hearing, may prohibit the operation of an electric bicycle or a class of electric bicycles on a bicycle path or shared-use path over which it has jurisdiction if the local authority or state agency finds that such a prohibition is necessary to protect the health and safety of the public or comply with other laws or legal obligations.

3. *The provisions of this subsection do not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials ~~that~~, except for occasional hydrological controls, including, without limitation, bridges and pervious patching materials. A local authority or state agency having jurisdiction over such a trail may regulate the use of an electric bicycle on that trail.*

4. *As used in this section, "shared-use path" means a transportation circulation system that is physically separated from motor vehicle traffic, may be paved or unpaved and supports multiple recreational opportunities, such as walking, bicycling and inline skating.*

Sec. 6. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, *and section 4 of this act* have the meanings ascribed to them in those sections.

Sec. 7. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. 1. *No person under the age of 16 years may operate a class 3 electric bicycle.*

2. *A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle that is designed to accommodate more than one passenger.*

3. *Any operator and passenger of a class 3 electric bicycle shall wear a properly fitted and fastened bicycle helmet that meets the standards adopted by the United States Consumer Product Safety Commission or the ASTM International, or its successor organization.*

Sec. 9. 1. *On and after January 1, 2022, a manufacturer or distributor of electric bicycles in this State shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle that it manufactures or distributes, as applicable. The label must:*

(a) *Contain the classification number, maximum assisted speed and wattage of motor of the electric bicycle; and*

(b) *Be printed in Arial font in at least 9-point type.*

2. ~~A new~~ *A new* electric bicycle ~~operated~~ *sold* in this State *on or after October 1, 2021,* must comply with the equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission pursuant to 16 C.F.R. Part 1512.

3. *An electric bicycle operated in this State must be equipped in such a manner that the electric motor is disengaged or ceases to function when ~~the~~:*

~~(a) The rider stops pedaling ; or ~~when the~~~~

~~(b) The brakes are applied.~~

4. *A person shall not tamper with or modify an electric bicycle in such a manner as to change the speed capability of the motor or the engagement of an electric bicycle unless the label indicating the classification required by subsection 1 is replaced after modification.*

5. *A class 3 electric bicycle must be equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.*

Sec. 10. NRS 484B.017 is hereby amended to read as follows:

484B.017 "Electric bicycle" means a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals ~~and is propelled by a small~~, a seat or saddle for the rider, an electric ~~engine which produces not more than 1 gross brake horsepower and~~ motor which produces not more than 750 watts ~~final output,~~ and ~~it~~ meets the requirements of one of the following three classes:

1 1. ~~[Is designed to travel on not more than three wheels in contact with the~~
2 ~~ground but is not a tractor; and]~~ *“Class 1 electric bicycle” means an electric*
3 *bicycle equipped with a motor that provides assistance only when the rider is*
4 *pedaling and ceases to provide assistance when the bicycle reaches the speed of*
5 *20 miles per hour.*

6 2. ~~[Powered solely by such a small electric engine, is capable of a maximum~~
7 ~~speed of not more than 20 miles per hour on a flat surface while carrying an~~
8 ~~operator who weighs 170 pounds.]~~ *“Class 2 electric bicycle” means an electric*
9 *bicycle equipped with a motor that may be used exclusively to propel the bicycle*
10 *and is not capable of providing assistance when the bicycle reaches the speed of*
11 *20 miles per hour.*

12 3. *“Class 3 electric bicycle” means an electric bicycle equipped with a motor*
13 *that provides assistance only when the rider is pedaling and ceases to provide*
14 *assistance when the bicycle reaches the speed of 28 miles per hour.*

15 ➤ The term does not include a moped or an electric scooter.

16 **Sec. 11.** NRS 485.050 is hereby amended to read as follows:

17 485.050 “Motor vehicle” means every self-propelled vehicle which is
18 designed for use upon a highway, including:

19 1. Trailers and semitrailers designed for use with such vehicles, except
20 traction engines, road rollers, farm tractors, tractor cranes, power shovels and well
21 drillers; and

22 2. Every vehicle which is propelled by electric power obtained from overhead
23 wires but not operated upon rails.

24 ➤ The term does not include electric personal assistive mobility devices as defined
25 in NRS 482.029 ~~[]~~ *or an electric bicycle as defined in NRS 484B.017.*

26 **Sec. 12.** NRS 486.038 is hereby amended to read as follows:

27 486.038 “Moped” means a motor-driven scooter, motor-driven cycle or
28 similar vehicle that is propelled by a small engine which produces not more than 2
29 gross brake horsepower, has a displacement of not more than 50 cubic centimeters
30 or produces not more than 1500 watts final output, and:

31 1. Is designed to travel on not more than three wheels in contact with the
32 ground but is not a tractor; and

33 2. Is capable of a maximum speed of not more than 30 miles per hour on a flat
34 surface with not more than 1 percent grade in any direction when the motor is
35 engaged.

36 ➤ The term does not include an electric bicycle as defined in NRS ~~[483.067]~~
37 *484B.017* or an electric scooter as defined in NRS 482.0295.

38 **Sec. 13.** NRS 486.041 is hereby amended to read as follows:

39 486.041 “Motorcycle” means every motor vehicle equipped with a seat or a
40 saddle for the use of the driver and designed to travel on not more than three wheels
41 in contact with the ground, excluding an electric bicycle as defined in NRS
42 ~~[483.067.]~~ *484B.017*, an electric scooter as defined in NRS 482.0295, a tractor and
43 a moped.

44 **Sec. 14.** NRS 41.510 is hereby amended to read as follows:

45 41.510 1. Except as otherwise provided in subsection 3, an owner of any
46 estate or interest in any premises, or a lessee or an occupant of any premises, owes
47 no duty to keep the premises safe for entry or use by others for participating in any
48 recreational activity, or to give warning of any hazardous condition, activity or use
49 of any structure on the premises to persons entering for those purposes.

50 2. Except as otherwise provided in subsection 3, if an owner, lessee or
51 occupant of premises gives permission to another person to participate in
52 recreational activities upon those premises:

(a) The owner, lessee or occupant does not thereby extend any assurance that the premises are safe for that purpose or assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

(b) That person does not thereby acquire any property rights in or rights of easement to the premises.

3. This section does not:

(a) Limit the liability which would otherwise exist for:

(1) Willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity.

(2) Injury suffered in any case where permission to participate in recreational activities was granted for a consideration other than the consideration, if any, paid to the landowner by the State or any subdivision thereof. For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.

(3) Injury caused by acts of persons to whom permission to participate in recreational activities was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

(b) Create a duty of care or ground of liability for injury to person or property.

4. As used in this section, "recreational activity" includes, but is not limited to:

(a) Hunting, fishing or trapping;

(b) Camping, hiking or picnicking;

(c) Sightseeing or viewing or enjoying archaeological, scenic, natural or scientific sites;

(d) Hang gliding or paragliding;

(e) Spelunking;

(f) Collecting rocks;

(g) Participation in winter sports, including cross-country skiing, snowshoeing or riding a snowmobile, or water sports;

(h) Riding animals, riding in vehicles or riding a road , ~~for~~ mountain *or electric* bicycle;

(i) Studying nature;

(j) Gleaning;

(k) Recreational gardening; and

(l) Crossing over to public land or land dedicated for public use.

Sec. 15. NRS 205.2741 is hereby amended to read as follows:

205.2741 1. It is unlawful for any person:

(a) To throw any stone, rock, missile or any substance at any bicycle , *electric bicycle, as defined in NRS 484B.017*, or electric scooter, as defined in NRS 482.0295, or at any motorbus, truck or other motor vehicle; or

(b) Wrongfully to injure, deface or damage any bicycle, *electric bicycle, as defined in NRS 484B.017*, or any motorbus, truck or other motor vehicle, or any part thereof.

2. Any person who violates any of the provisions of subsection 1 is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged and in no event less than a misdemeanor.

Sec. 16. 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

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

3 2. The program must be designed to:

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

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

7 (c) Promote bicycle and pedestrian safety.

8 3. As used in this section, "bicycle" has the meaning ascribed to it in NRS
9 484A.025 and includes an electric bicycle as defined in NRS ~~482.0287~~ **484B.017**.

10 **Sec. 17.** Notwithstanding the provisions of NRS 218D.430 and 218D.435, a
11 committee, other than the Assembly Standing Committee on Ways and Means and
12 the Senate Standing Committee on Finance, may vote on this act before the
13 expiration of the period prescribed for the return of a fiscal note in NRS 218D.475.
14 This section applies retroactively from and after March 22, 2021.

15 **Sec. 18.** NRS 408.579 is hereby repealed.

TEXT OF REPEALED SECTION

408.579 Electric bicycles authorized for use on trails or walkways intended for use by bicycles. Electric bicycles, as defined in NRS 482.0287, 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 23 U.S.C. § 217.