

SENATE BILL NO. 285—SENATOR D. HARRIS

MARCH 22, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to transportation.
(BDR 43-965)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 transportation; revising the contents of the instruction required to be provided by a school for training drivers; revising provisions relating to a driver's duty of due care owed to bicycles, electric bicycles and electric scooters; revising provisions governing the overtaking and passing of bicycles, electric bicycles and electric scooters by motor vehicles; providing that certain collisions with a person riding a bicycle, an electric bicycle or an electric scooter are prima facie evidence of a violation of certain prohibitions; revising provisions governing the Complete Streets Programs; revising provisions governing certain considerations of the Department of Transportation in the plans, designs, construction and maintenance of highways; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may not operate a school for training drivers, or engage in the business of giving instruction for hire in driving motor vehicles or in the preparation for an applicant for an examination by the Department of Motor Vehicles for a driver's license, unless the person has obtained a license to operate a school for training drivers from the Department. (NRS 483.700) Existing law also requires each course provided by a school for training drivers to include instruction in: (1) motor vehicle insurance; and (2) the effect of drugs and alcohol on an operator of a motor vehicle. (NRS 483.725) **Section 1** of this bill requires the course to also provide instruction on the rules of the road relating to pedestrians and persons riding bicycles electric bicycles and electric scooters.

Existing law requires the driver of a motor vehicle to exercise due care when overtaking or passing a bicycle, an electric bicycle or an electric scooter and: (1) if



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there is more than one lane for traffic proceeding in the same direction, move to the lane to the immediate left, if the lane is available and reasonably safe; and (2) if there is only one lane for traffic proceeding in the same direction, pass on the left at a safe distance and not move to the right side of the highway until the vehicle is safely clear of the bicycle, electric bicycle or electric scooter. (NRS 484B.270) **Section 2** of this bill provides that if there is only one lane for traffic proceeding in the same direction, the driver may pass to the left of the center of the highway, even in a no-passing zone, unless limited or prohibited by certain other restrictions or prohibitions on overtaking on the left side or unless it is otherwise unsafe because of traffic traveling in the opposite direction. **Section 2** also provides that the collision of a motor vehicle with a person riding a bicycle, an electric bicycle or an electric scooter is prima facie evidence of a violation of NRS 484B.270.

Under existing law, persons riding bicycles, electric bicycles and electric scooters are subject to certain duties and responsibilities when operating on the roadways of this State. (NRS 484B.760-484B.785) Existing law requires every person operating a bicycle, an electric bicycle or an electric scooter upon a roadway to ride as near to the right of the roadway as practicable except: (1) when traveling at a lawful rate of speed commensurate with the speed of any nearby traffic; (2) when preparing to turn left; or (3) when doing so would not be safe. (NRS 484B.777) **Section 3** of this bill sets forth the conditions under which it is not safe to operate a bicycle, an electric bicycle or an electric scooter as near to the right of the roadway as practicable.

Under existing law, in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and in which a regional transportation commission does not exist, the board of county commissioners may adopt a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 244.2641-244.2645) In all counties with a regional transportation commission, existing law authorizes the regional transportation commission to adopt a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 277A.285) A board of county highway commissioners may also adopt a policy for a Complete Streets Program and plan and carry out projects as part of the Program. (NRS 403.575) **Sections 4-6** of this bill require, to the extent practicable, any projects of a Complete Streets Program to integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads. **Sections 4-6** also expand the definition of "Complete Streets Program" to include various users of roads that are under the jurisdiction of the applicable Complete Streets Program.

Existing law requires the Department of Transportation to, in accordance with appropriate standards of design: (1) integrate the consideration of motor vehicle recovery lanes and bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of highways; and (2) to the extent practicable, integrate the consideration of periodic turnouts for slower vehicles in plans, designs, construction and maintenance of highways that have one lane for traveling in each direction. (NRS 408.321) **Section 7** of this bill expands these requirements by including the consideration of users of roadways of all ages and abilities.

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

Section 1. NRS 483.725 is hereby amended to read as follows:
483.725 1. Except as otherwise provided in NRS 483.727,
each course of training provided by a school for training drivers



1 licensed pursuant to NRS 483.700 to 483.780, inclusive, must
2 include, without limitation, instruction in:

3 (a) Motor vehicle insurance.

4 (b) The effect of drugs and alcohol on an operator of a motor
5 vehicle.

6 *(c) Rules of the road relating to pedestrians and persons riding*
7 *bicycles, electric bicycles, and electric scooters.*

8 2. If a course of training provided by a school for training
9 drivers licensed pursuant to NRS 483.700 to 483.780, inclusive,
10 consists in whole or in part of classroom instruction, that part of the
11 course which consists of classroom instruction may be taught
12 interactively through the use of communications technology so that
13 persons taking the course need not be physically present in a
14 classroom.

15 3. The Department shall adopt regulations to carry out the
16 provisions of subsection 2. The regulations must include, without
17 limitation:

18 (a) Provisions for the licensing and operation of interactive
19 courses that use communications technology;

20 (b) Provisions to ensure that interactive courses which use
21 communications technology are secure, reliable and include
22 measures for testing and security that are at least as secure as the
23 measures for testing and security which would be available in an
24 ordinary classroom; and

25 (c) Standards to ensure that interactive courses which use
26 communications technology offer a curriculum that is at least as
27 stringent as the curriculum which would be available in an ordinary
28 classroom.

29 4. As used in this section, "communications technology"
30 means any method or component, or both, that is used by a school
31 for training drivers licensed pursuant to NRS 483.700 to 483.780,
32 inclusive, to carry out or facilitate the transmission of information,
33 including, without limitation, the transmission and reception of
34 information by:

35 (a) Systems based on the following technologies:

36 (1) Video;

37 (2) Wire;

38 (3) Cable;

39 (4) Radio;

40 (5) Microwave;

41 (6) Light; or

42 (7) Optics; and

43 (b) Computer data networks, including, without limitation, the
44 Internet or its successor, if any, and intranet services.



Sec. 2. 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, an electric bicycle or an electric scooter.

2. When overtaking or passing a bicycle, an electric bicycle or an electric scooter 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, electric bicycle or electric scooter at a safe distance, which must be not less than 3 feet between any portion of the vehicle and the bicycle, electric bicycle or electric scooter, ~~and~~ *unless it is unsafe because of traffic traveling in the opposite direction. The driver* shall not move again to the right side of the highway until the vehicle is safely clear of the overtaken bicycle, electric bicycle or electric scooter. *Except as otherwise provided in NRS 484B.213 and 484B.217, this paragraph authorizes the driver to pass:*

(1) To the left of the center of the highway.

(2) In a no-passing zone.

3. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle, an electric bicycle or an electric scooter 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, electric bicycles or electric scooters 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, electric bicycles or electric scooters.

5. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle, an electric bicycle or an electric scooter; 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, an electric bicycle or an electric scooter, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

7. The collision of a motor vehicle with a person riding a bicycle, an electric bicycle or an electric scooter is prima facie evidence of a violation of this section.

8. The operator of a bicycle, an electric bicycle or an electric scooter 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. 3. NRS 484B.777 is hereby amended to read as follows:

484B.777 1. Every person operating a bicycle, an electric bicycle or an electric scooter 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. For purposes of paragraph (c) of subsection 1, the conditions under which it is not safe to operate a bicycle, an electric bicycle or an electric scooter as near to the right side of the roadway as practicable include, without limitation:

(a) When fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals or surface hazards impede access to the right side of the roadway.

(b) When a lane is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

~~2.1~~ 3. Persons riding bicycles, electric bicycles or electric scooters 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, electric bicycles and electric scooters.

Sec. 4. NRS 244.2643 is hereby amended to read as follows:

244.2643 1. In a county whose population is 100,000 or more and in which a regional transportation commission does not exist, the board of county commissioners may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*



2. Any money received by a board of county commissioners pursuant to paragraph (b) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. A board of county commissioners must not cause or allow any portion of the Complete Streets Fund created pursuant to NRS 244.2645 to be used for a purpose other than those set forth in this section.

4. As used in this section, “Complete Streets Program” means a program for the retrofitting of roads that are under the jurisdiction of the board of county commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users ~~[]~~ *of all ages and abilities*, including, without limitation, pedestrians, bicycle riders, *movers of commercial goods*, persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for public transportation and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 5. NRS 277A.285 is hereby amended to read as follows:

277A.285 1. A commission may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*

2. Any money received by a commission pursuant to paragraph (a) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. A commission must not cause or allow any portion of the Complete Streets Fund created pursuant to NRS 277A.240 to be used for a purpose other than those set forth in this section.

4. As used in this section, “Complete Streets Program” means a program for the retrofitting of streets or highways that are under the jurisdiction of the commission for the primary purpose of adding or significantly repairing facilities which provide street or highway access considering all users ~~[]~~ *of all ages and abilities*, including, without limitation, pedestrians, bicycle riders, *movers of commercial goods*, persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for public transportation and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.



Sec. 6. NRS 403.575 is hereby amended to read as follows:

403.575 1. A board of county highway commissioners may adopt a policy for a Complete Streets Program and may plan and carry out projects as a part of a Complete Streets Program. *To the extent practicable, the projects must integrate bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of roads.*

2. Any money received by a board of county highway commissioners pursuant to paragraph (c) of subsection 1 of NRS 482.1825 must be used solely for the execution of projects as a part of a Complete Streets Program.

3. As used in this section, "Complete Streets Program" means a program for the retrofitting of roads that are under the jurisdiction of the board of county highway commissioners for the primary purpose of adding or significantly repairing facilities which provide road access considering all users ~~[] of all ages and abilities,~~ including, without limitation, pedestrians, bicycle riders, *movers of commercial goods,* persons with ~~[a disability, persons who use]~~ *disabilities, vehicles for public transportation and their passengers, older adults, children* and motorists. The term includes the operation of a public transit system as part of a Complete Streets Program, but the term does not include the purchase of vehicles or other hardware for a public transit system.

Sec. 7. NRS 408.321 is hereby amended to read as follows:

408.321 The Department shall, in accordance with appropriate standards of design:

1. ~~[Integrate]~~ *Integrate the consideration of users of roadways of all ages and abilities, including, without limitation, pedestrians, riders of bicycles, electric bicycles and electric scooters, movers of commercial good, persons with disabilities, vehicles for public transportation and their passengers, older adults, children and drivers of motor vehicles into all plans, designs, construction and maintenance of highways;*

2. *To the extent practicable, integrate* the consideration of ~~[motor vehicle recovery and]~~ bicycle lanes and bicycle routes, facilities and signs into all plans, designs, construction and maintenance of highways; and

~~[2.]~~ 3. *To the extent practicable, integrate the consideration of motor vehicle recovery lanes and* periodic turnouts for slower vehicles into plans, designs, construction and maintenance of highways that have one lane for traveling in each direction.

