

**Committee Action:**  
**Do Pass** \_\_\_\_\_  
**Amend & Do Pass** \_\_\_\_\_  
**Other** \_\_\_\_\_

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**Assembly Committee on Transportation**

This measure may be considered for action during today's work session.

April 11, 2013

**ASSEMBLY BILL 236**

**Makes changes to the rules of the road regarding motorcycles. (BDR 43-659)**

**Sponsored by: Assembly Members Daly, Carrillo, et al.**

**Date Heard: March 28, 2013**

**Fiscal Impact: Effect on Local Government: No.**

**Effect on the State: No.**

Assembly Bill 236 allows "lane splitting" by a person driving a motorcycle or moped provided that the person drives in a cautious and prudent manner and that the motorcycle or moped does not exceed a speed of 30 miles per hour while driving between the other vehicles.

**Amendments:**

Assemblyman Richard (Skip) Daly proposed an amendment, a mock-up of which is included in the Work Session Document. The amendment makes the following changes to the bill:

1. Mopeds would not be allowed to "lane split";
2. Instead of requiring a person who was lane splitting to drive in a cautious and prudent manner, the amendment requires that the person drive in a manner that is reasonable and proper, having due regard for the traffic, surface and width of the highway, the weather, and other highway conditions.
3. Instead of simply limiting the speed of a driver who is lane splitting to not more than 30 miles per hour, the amendment allows lane splitting provided that the motorcycle, while driving between vehicles:
  - a. Must not travel at a speed which is more than 10 miles per hour faster than the speed of those other vehicles; and
  - b. Must not exceed a maximum speed of 30 miles per hour.
4. The effective date of the bill is changed from October 1, 2013, to January 1, 2014.

MOCK-UP

PROPOSED AMENDMENT 7998 TO  
ASSEMBLY BILL NO. 236

PREPARED FOR ASSEMBLYMAN DALY  
APRIL 5, 2013

PREPARED BY THE LEGAL DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) green bold italic underlining is new language proposed 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 that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

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

- 1     **Section 1.** NRS 484B.207 is hereby amended to read as follows:  
2     484B.207 1. ~~The~~ *Except as otherwise provided in NRS 486.351,*  
3 *the* driver of a vehicle overtaking another vehicle proceeding in the same  
4 direction shall pass to the left thereof at a safe distance and shall not again  
5 drive to the right side of the highway until safely clear of the overtaken  
6 vehicle.  
7     2. Except when overtaking and passing on the right is permitted, the  
8 driver of an overtaken vehicle shall give way to the right in favor of the  
9 overtaking vehicle upon observing the overtaking vehicle or hearing a  
10 signal. The driver of an overtaken vehicle shall not increase the speed of  
11 the vehicle until completely passed by the overtaking vehicle.  
12     3. A person who violates any provision of this section may be subject  
13 to the additional penalty set forth in NRS 484B.130.  
14     **Sec. 2.** NRS 484B.210 is hereby amended to read as follows:  
15     484B.210 1. ~~The~~ *Except as otherwise provided in NRS 486.351,*  
16 *the* driver of a vehicle may overtake and pass upon the right of another  
17 vehicle only under the following conditions:

\*PROPOSED AMENDMENT TO AB236\*

- 1 (a) When the driver of the vehicle overtaken is making or signaling to  
2 make a left turn.
- 3 (b) Upon a highway with unobstructed pavement which is not occupied  
4 by parked vehicles and which is of sufficient width for two or more lines  
5 of moving vehicles in each direction.
- 6 (c) Upon a highway with unobstructed pavement which is not marked  
7 as a traffic lane and which is not occupied by parked vehicles, if the  
8 vehicle that is overtaking and passing another vehicle:
- 9 (1) Does not travel more than 200 feet in the section of pavement  
10 not marked as a traffic lane; or
- 11 (2) While being driven in the section of pavement not marked as a  
12 traffic lane, does not travel through an intersection or past any private way  
13 that is used to enter or exit the highway.
- 14 (d) Upon any highway on which traffic is restricted to one direction of  
15 movement, where the highway is free from obstructions and of sufficient  
16 width for two or more lines of moving vehicles.
- 17 2. The driver of a vehicle may overtake and pass another vehicle upon  
18 the right only under conditions permitting such movement in safety.
- 19 3. The driver of a vehicle shall not overtake and pass another vehicle  
20 upon the right when such movement requires driving off the paved portion  
21 of the highway.
- 22 4. A person who violates any provision of this section may be subject  
23 to the additional penalty set forth in NRS 484B.130.
- 24 **Sec. 3.** NRS 486.351 is hereby amended to read as follows:
- 25 486.351 1. ~~{A}~~ *Except as otherwise provided in this section, a*  
26 *person* ~~{, except a police officer in the performance of his or her duty,}~~  
27 *shall not drive a motorcycle or moped* ~~{between}~~ *:*
- 28 (a) *Between* moving or stationary vehicles occupying adjacent traffic  
29 lanes.
- 30 ~~{2. Except as provided in subsection 3, a person shall not drive a~~  
31 ~~motorcycle, moped or trimobile abreast}~~
- 32 (b) *Abreast* of or overtake or pass another vehicle within the same  
33 traffic lane.
- 34 2. *The provisions of subsection 1 do not apply to a police officer in*  
35 *the performance of his or her duty.*
- 36 3. *A person may drive a motorcycle* ~~for moped~~ *between moving or*  
37 *stationary vehicles occupying adjacent traffic lanes and traveling in the*  
38 *same direction as the motorcycle* ~~for moped~~ *provided that* ~~{the}~~ *:*
- 39 (a) *The person drives in a* ~~cautious and prudent~~ *manner* ~~and the~~  
40 *that is reasonable and proper, having due regard for the traffic, surface*  
41 *and width of the highway, the weather and other highway conditions;*  
42 *and*
- 43 (b) *The motorcycle* ~~, for moped does not exceed a speed of 30 miles~~  
44 ~~per hour~~ *while driving between such vehicles* ~~{,}~~ *:*

1 (1) Must not travel at a speed which is more than 10 miles per  
2 hour faster than the speed of those other vehicles; and

3 (2) Must not exceed a maximum speed of 30 miles per hour.

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

**Sec. 4. This act becomes effective on January 1, 2014.**

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