

SENATE BILL NO. 309—SENATOR NOLAN

MARCH 16, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes various changes to provisions governing mopeds. (BDR 43-533)

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 motor vehicles; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law exempts mopeds from the requirement that every owner of a
- 2 motor vehicle, trailer or semitrailer intended to be operated upon any highway in
- 3 this State register the motor vehicle, trailer or semitrailer with the Department of
- 4 Motor Vehicles. (NRS 482.205) **Section 1** of this bill removes the exemption of
- 5 mopeds from these registration requirements. (NRS 482.210) **Section 3** of this bill
- 6 requires that every moped be registered with the Department for a fee of \$33. (NRS
- 7 482.480) A person who does not register his moped pursuant to chapter 482 of NRS
- 8 is guilty of a misdemeanor. (NRS 482.555)
- 9 **Section 5** of this bill requires drivers and passengers of mopeds to wear
- 10 protective headgear securely fastened on the head which meets certain standards
- 11 adopted by the Department. (NRS 486.231) A driver or passenger of a moped who
- 12 does not wear such protective headgear is guilty of a misdemeanor. (NRS 486.381)



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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 temporarily drawn, moved or
otherwise propelled upon the highways.

(c) Any mobile home or commercial coach subject to the
provisions of chapter 489 of NRS.

(d) 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.

(e) ~~Mopeds.~~

~~(f)~~ Towable tools or equipment as defined in NRS 484.202.

~~(g)~~ (f) Any motorized conveyance for a wheelchair, whose
operator is a person with a disability who is unable to walk about.

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 3
gross brake horsepower or has a displacement of not more than 50
cubic centimeters;

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 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.

Sec. 2. NRS 482.451 is hereby amended to read as follows:

482.451 1. The Department shall, upon receiving an order
from a court to suspend the registration of each motor vehicle that is
registered to or owned by a person pursuant to NRS 484.37975,
suspend the registration of each such motor vehicle for 5 days and
require the return to the Department of the license plates of each
such motor vehicle.

2. If the registration of a motor vehicle of a person is
suspended pursuant to this section, he shall immediately return the
certificate of registration and the license plates to the Department.

3. The period of suspension of the registration of a motor
vehicle that is suspended pursuant to this section begins on the
effective date of the suspension as set forth in the notice thereof.



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4. The Department shall reinstate the registration of a motor vehicle that was suspended pursuant to this section and reissue the license plates of the motor vehicle only upon the payment of the fee for reinstatement of registration prescribed in subsection ~~10~~ 11 of NRS 482.480.

5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.

Sec. 3. 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 ~~1~~ 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 \$33.

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 of the cars registered to him.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of \$33 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 Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. *For each moped, a fee for registration of \$33.*

6. For each transfer of registration, a fee of \$6 in addition to any other fees.

~~16~~ 7. Except as otherwise provided in subsection 9 of NRS 485.317, to reinstate the registration of a motor vehicle suspended pursuant to that section:

(a) A fee of \$250 for a registered owner who failed to have insurance on the date specified in the form for verification that was mailed by the Department pursuant to subsection 3 of NRS 485.317; 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 485.320,

↳ 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.

~~[7.]~~ 8. For every travel trailer, a fee for registration of \$27.

~~[8.]~~ 9. For every permit for the operation of a golf cart, an annual fee of \$10.

~~[9.]~~ 10. For every low-speed vehicle, as that term is defined in NRS 484.527, a fee for registration of \$33.

~~[10.]~~ 11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of \$33.

Sec. 4. NRS 485.317 is hereby amended to read as follows:

485.317 1. Subject to the limitations set forth in this subsection and subsection 2, the Department shall, at least monthly, compare the current registrations of motor vehicles to the information in the database created pursuant to NRS 485.313 to verify that each motor vehicle:

(a) Which is newly registered in this State; or

(b) For which a policy of liability insurance has been issued, amended or terminated,

↳ is covered by a policy of liability insurance as required by NRS 485.185. In identifying a motor vehicle for verification pursuant to this subsection, the Department may, if the motor vehicle was manufactured during or after 1981, use only the last eight digits of the vehicle identification number. In comparing the vehicle identification number of a motor vehicle to the vehicle identification number in a policy of liability insurance, to determine if the two vehicle identification numbers match, the Department may find that the two vehicle identification numbers match if no fewer than seven of the last eight digits of the two vehicle identification numbers match.

2. Except as otherwise provided in this subsection, the Department may use any information to verify, pursuant to subsection 1, whether the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If, pursuant to subsection 1, the Department determines that a motor vehicle is not covered by a policy of liability insurance as



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1 required by NRS 485.185, the Department shall send a form for
2 verification by first-class mail to each registered owner that it
3 determines has not maintained the insurance required by NRS
4 485.185. The owner shall complete the form with all the information
5 which is requested by the Department, including whether he carries
6 an owner's or operator's policy of liability insurance or a certificate
7 of self-insurance, and return the completed form within 20 days
8 after the date on which the form was mailed by the Department. If
9 the Department does not receive the completed form within 20 days
10 after it mailed the form to the owner, the Department shall send to
11 the owner a notice of suspension of registration by certified mail.
12 The notice must inform the owner that unless he submits a
13 completed form to the Department within 15 days after the date on
14 which the notice was sent by the Department his registration will be
15 suspended pursuant to subsection 5. This subsection does not
16 prohibit an authorized agent of the owner from providing to the
17 Department:

18 (a) The information requested by the Department pursuant to
19 this subsection.

20 (b) Additional information to amend or correct information
21 already submitted to the Department pursuant to this subsection.

22 4. When the Department receives a completed form for
23 verification, it shall verify the information on the form.

24 5. The Department shall suspend the registration and require
25 the return to the Department of the license plates of any vehicle for
26 which the form for verification set forth in subsection 3 is:

27 (a) Not returned to the Department by the registered owner or
28 his authorized agent within the period specified in that subsection;

29 (b) Returned to the Department by the registered owner or his
30 authorized agent and the Department is not able to verify the
31 information on the form; or

32 (c) Returned by the registered owner or his authorized agent
33 with an admission of having no insurance or without indicating an
34 insurer or the number of a motor vehicle liability policy or a
35 certificate of self-insurance.

36 6. If the Department suspends a registration pursuant to
37 subsection 5 because:

38 (a) Neither the owner nor his authorized agent returned a form
39 for verification within the specified period or the owner or his
40 authorized agent returned a form for verification that was not
41 completed sufficiently, and the owner or his authorized agent,
42 thereafter:

43 (1) Proves to the satisfaction of the Department that there
44 was a justifiable cause for his failure to do so;



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(2) Submits a completed form regarding his insurance on the date stated in the form mailed by the Department pursuant to subsection 3; and

(3) Presents evidence of current insurance; or

(b) The owner or his authorized agent submitted to the Department a form for verification containing information that the Department was unable to verify and, thereafter, the owner or his authorized agent presents to the Department:

(1) A corrected form or otherwise verifiable evidence setting forth that the owner possessed insurance on the date stated in the form; and

(2) Evidence of current insurance,

↳ the Department shall rescind its suspension of the registration if it is able to verify the information on the form or the other evidence presented. The Department shall not charge a fee to reinstate a registration, the suspension of which was rescinded pursuant to this subsection. For the purposes of this subsection, "justifiable cause" may include, but is not limited to, the fact that the owner did not receive the form mailed by the Department pursuant to subsection 3.

7. Except as otherwise provided in subsections 8 and 9, if a registered owner whose registration is suspended pursuant to subsection 5, failed to have insurance on the date specified in the form for verification, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon filing by the registered owner of evidence of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection ~~6~~ 7 of NRS 482.480.

8. If a registered owner proves to the satisfaction of the Department that his vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate his registration and, if applicable, reissue his license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate his registration or reissue his license plates unless the owner pays the fee set forth in paragraph (b) of subsection ~~6~~ 7 of NRS 482.480.

9. If the Department suspends the registration of a motor vehicle pursuant to subsection 5 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that he was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:



(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of \$50, which must be deposited in the Account for Verification of Insurance created by subsection ~~{6}~~ 7 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

↪ The Department shall adopt regulations to carry out the provisions of this subsection.

10. For the purposes of verification of insurance by the Department pursuant to this section, a motor vehicle shall be deemed to be covered by liability insurance unless the motor vehicle is without coverage for a period of more than 7 days.

Sec. 5. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for ~~{protective}~~ :

(a) *Protective headgear for drivers and passengers of mopeds.*

(b) *Protective* headgear and protective glasses, goggles or face shields ~~{to be worn by the}~~ *for* drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as *otherwise* provided in this section, ~~{when} the driver and passenger of~~ any ~~{motorcycle.}~~ :

(a) *Motorcycle*, except a trimobile, ~~{or moped, is}~~ being driven on a highway ~~{, the driver and passenger}~~ shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields ~~{meeting}~~ *which meet* those standards. ~~{Drivers and passengers of trimobiles}~~

(b) *Trimobile* shall wear protective glasses, goggles or face shields which meet those standards.

(c) *Moped shall wear protective headgear securely fastened on the head which meets those standards.*

3. When a motorcycle or a trimobile is equipped with a transparent windscreen ~~{meeting}~~ *which meets* those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

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

5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

