

ASSEMBLY BILL NO. 117—ASSEMBLYMEN SPRINKLE, CARRILLO, BOBZIEN; PAUL ANDERSON, BENITEZ-THOMPSON, COHEN, DALY, EISEN, FLORES, HEALEY, SPIEGEL, SWANK AND WHEELER

FEBRUARY 14, 2013

JOINT SPONSOR: SENATOR SMITH

Referred to Committee on Transportation

SUMMARY—Revises provisions governing rules of the road. (BDR 43-566)

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 rules of the road; allowing a person driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle to proceed through an intersection against a red traffic signal in certain circumstances; specifying that a violation resulting in an injury to another person creates a rebuttable presumption of all facts necessary to impose civil liability for the injury under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, a person driving a motorcycle or moped upon a highway or
2 riding a bicycle or an electric bicycle upon a roadway is subject to all the duties
3 applicable to the driver of a motor vehicle, with certain exceptions. (NRS
4 484B.763, 486.331) Existing law makes it unlawful for any driver, including the
5 driver of a trimobile, to disobey the instructions of any official traffic-control
6 device under certain conditions. (NRS 484A.080, 484B.300) Existing law also
7 prohibits vehicular traffic from proceeding into or through an intersection that is
8 controlled by an official traffic-control device exhibiting different colored lights
9 when the signal is red. (NRS 484B.307) **Section 2** of this bill allows a person
10 driving a motorcycle, moped or trimobile or riding a bicycle or an electric bicycle
11 to proceed into an intersection against a red signal if: (1) the person stops as
12 required by the signal and waits for a reasonable time; (2) the signal does not



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13 change because of a malfunction or the failure of the signal to detect the presence
14 of the motorcycle, moped, trimobile, bicycle or electric bicycle; and (3) the person
15 yields the right-of-way to pedestrians and other traffic proceeding as directed by the
16 signal at the intersection. **Section 2** also provides that, if the person commits certain
17 violations while driving the motorcycle, moped or trimobile or riding the bicycle or
18 electric bicycle which result in an injury to another person, the violations create a
19 rebuttable presumption of all facts necessary to impose civil liability for the injury.

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

1 **Section 1.** NRS 484B.300 is hereby amended to read as
2 follows:

3 484B.300 1. ~~It~~ *Except as otherwise provided in NRS*
4 *484B.307, it* is unlawful for any driver to disobey the instructions of
5 any official traffic-control device placed in accordance with the
6 provisions of chapters 484A to 484E, inclusive, of NRS, unless at
7 the time otherwise directed by a police officer.

8 2. No provision of chapters 484A to 484E, inclusive, of NRS
9 for which such devices are required may be enforced against an
10 alleged violator if at the time and place of the alleged violation the
11 device is not in proper position and sufficiently legible to be seen by
12 an ordinarily observant person. Whenever a particular provision of
13 chapters 484A to 484E, inclusive, of NRS does not state that such
14 devices are required, the provision is effective even though no
15 devices are erected or in place.

16 3. Whenever devices are placed in position approximately
17 conforming to the requirements of chapters 484A to 484E, inclusive,
18 of NRS, such devices are presumed to have been so placed by the
19 official act or direction of a public authority, unless the contrary is
20 established by competent evidence.

21 4. Any device placed pursuant to the provisions of chapters
22 484A to 484E, inclusive, of NRS and purporting to conform to the
23 lawful requirements pertaining to such devices is presumed to
24 comply with the requirements of chapters 484A to 484E, inclusive,
25 of NRS unless the contrary is established by competent evidence.

26 5. A person who violates any provision of subsection 1 may be
27 subject to the additional penalty set forth in NRS 484B.130.

28 **Sec. 2.** NRS 484B.307 is hereby amended to read as follows:

29 484B.307 1. Whenever traffic is controlled by official traffic-
30 control devices exhibiting different colored lights, or colored lighted
31 arrows, successively one at a time or in combination as declared in
32 the manual and specifications adopted by the Department of
33 Transportation, only the colors green, yellow and red may be used,
34 except for special pedestrian-control devices carrying a word legend



1 as provided in NRS 484B.283. The lights, arrows and combinations
2 thereof indicate and apply to drivers of vehicles and pedestrians as
3 provided in this section.

4 2. When the signal is circular green alone:

5 (a) Vehicular traffic facing the signal may proceed straight
6 through or turn right or left unless another device at the place
7 prohibits either or both such turns. Such vehicular traffic, including
8 vehicles turning right or left, must yield the right-of-way to other
9 vehicles and to pedestrians lawfully within the intersection or an
10 adjacent crosswalk at the time the signal is exhibited.

11 (b) Pedestrians facing such a signal may proceed across the
12 highway within any marked or unmarked crosswalk, unless directed
13 otherwise by another device as provided in NRS 484B.283.

14 3. Where the signal is circular green with a green turn arrow:

15 (a) Vehicular traffic facing the signal may proceed to make the
16 movement indicated by the green turn arrow or such other
17 movement as is permitted by the circular green signal, but the traffic
18 must yield the right-of-way to pedestrians lawfully within an
19 adjacent crosswalk and to other traffic lawfully using the
20 intersection at the time the signal is exhibited. Drivers turning in the
21 direction of the arrow when displayed with the circular green are
22 thereby advised that so long as a turn arrow is illuminated,
23 oncoming or opposing traffic simultaneously faces a steady red
24 signal.

25 (b) Pedestrians facing such a signal may proceed across the
26 highway within any marked or unmarked crosswalk, unless directed
27 otherwise by another device as provided in NRS 484B.283.

28 4. Where the signal is a green turn arrow alone:

29 (a) Vehicular traffic facing the signal may proceed only in the
30 direction indicated by the arrow signal so long as the arrow is
31 illuminated, but the traffic must yield the right-of-way to pedestrians
32 lawfully within the adjacent crosswalk and to other traffic lawfully
33 using the intersection.

34 (b) Pedestrians facing such a signal shall not enter the highway
35 until permitted to proceed by another device as provided in
36 NRS 484B.283.

37 5. Where the signal is a green straight-through arrow alone:

38 (a) Vehicular traffic facing the signal may proceed straight
39 through, but must not turn right or left. Such vehicular traffic must
40 yield the right-of-way to other vehicles and to pedestrians lawfully
41 within the intersection or an adjacent crosswalk at the time the
42 signal is exhibited.

43 (b) Pedestrians facing such a signal may proceed across the
44 highway within the appropriate marked or unmarked crosswalk,



1 unless directed otherwise by another device as provided in
2 NRS 484B.283.

3 6. Where the signal is a steady yellow signal alone:

4 (a) Vehicular traffic facing the signal is thereby warned that the
5 related green movement is being terminated or that a steady red
6 indication will be exhibited immediately thereafter, and such
7 vehicular traffic must not enter the intersection when the red signal
8 is exhibited.

9 (b) Pedestrians facing such a signal, unless otherwise directed
10 by another device as provided in NRS 484B.283, are thereby
11 advised that there is insufficient time to cross the highway.

12 7. Where the signal is a steady red signal alone:

13 (a) Vehicular traffic facing the signal must stop before entering
14 the crosswalk on the nearest side of the intersection where the sign
15 or pavement marking indicates where the stop must be made, or in
16 the absence of any such crosswalk, sign or marking, then before
17 entering the intersection, and, except as *otherwise* provided in
18 ~~paragraph (e),~~ *paragraphs (c) and (d)*, must remain stopped or
19 standing until the green signal is shown.

20 (b) Pedestrians facing such a signal shall not enter the highway,
21 unless permitted to proceed by another device as provided in
22 NRS 484B.283.

23 (c) After complying with the requirement to stop, vehicular
24 traffic facing such a signal and situated on the extreme right of the
25 highway may proceed into the intersection for a right turn only
26 when the intersecting highway is two-directional or one-way to the
27 right, or vehicular traffic facing such a signal and situated on
28 the extreme left of a one-way highway may proceed into the
29 intersection for a left turn only when the intersecting highway is
30 one-way to the left, but must yield the right-of-way to pedestrians
31 and other traffic proceeding as directed by the signal at the
32 intersection.

33 (d) *After complying with the requirement to stop, a person*
34 *driving a motorcycle, moped or trimobile or riding a bicycle or an*
35 *electric bicycle may proceed straight through or turn right or left*
36 *if:*

37 (1) *The person waits for two complete cycles of the lights or*
38 *lighted arrows of the applicable official traffic-control device and*
39 *the signal does not change because of a malfunction or because*
40 *the signal failed to detect the presence of the motorcycle, moped,*
41 *trimobile, bicycle or electric bicycle;*

42 (2) *No other device at the place prohibits either or both*
43 *such turns, if applicable; and*



1 ***(3) The person yields the right-of-way to pedestrians and***
2 ***other traffic proceeding as directed by the signal at the***
3 ***intersection.***

4 ***(e) Vehicular traffic facing the signal may not proceed on or***
5 ***through any private or public property to enter the intersecting street***
6 ***where traffic is not facing a red signal to avoid the red signal.***

7 8. Where the signal is a steady red with a green turn arrow:

8 ***(a) ~~Vehicular~~ Except as otherwise provided in paragraph (b),***
9 ***vehicular*** traffic facing the signal may enter the intersection only to
10 make the movement indicated by the green turn arrow, but must
11 yield the right-of-way to pedestrians lawfully within an adjacent
12 crosswalk and to other traffic lawfully using the intersection.
13 Drivers turning in the direction of the arrow are thereby advised that
14 so long as the turn arrow is illuminated, oncoming or opposing
15 traffic simultaneously faces a steady red signal.

16 ***(b) A person driving a motorcycle, moped or trimobile or***
17 ***riding a bicycle or an electric bicycle facing the signal may***
18 ***proceed straight through or turn in the direction opposite that***
19 ***indicated by the green turn arrow if:***

20 ***(1) The person stops before entering the crosswalk on the***
21 ***nearest side of the intersection where the sign or pavement***
22 ***marking indicates where the stop must be made or, in the absence***
23 ***of any such crosswalk, sign or marking, before entering the***
24 ***intersection;***

25 ***(2) The person waits for two complete cycles of the lights or***
26 ***lighted arrows of the applicable official traffic-control device and***
27 ***the signal does not change because of a malfunction or because***
28 ***the signal failed to detect the presence of the motorcycle, moped,***
29 ***trimobile, bicycle or electric bicycle;***

30 ***(3) No other device at the place prohibits the turn, if***
31 ***applicable; and***

32 ***(4) The person yields the right-of-way to pedestrians***
33 ***lawfully within an adjacent crosswalk and to other traffic lawfully***
34 ***using the intersection.***

35 ***(c) Pedestrians facing such a signal shall not enter the highway,***
36 ***unless permitted to proceed by another device as provided in***
37 ***NRS 484B.283.***

38 9. ***If a person violates paragraph (d) of subsection 7 or***
39 ***paragraph (b) of subsection 8 and that violation results in an***
40 ***injury to another person, the violation creates a rebuttable***
41 ***presumption of all facts necessary to impose civil liability for the***
42 ***injury.***

43 10. If a signal is erected and maintained at a place other than an
44 intersection, the provisions of this section are applicable except as to
45 those provisions which by their nature can have no application. Any



1 stop required must be made at a sign or pavement marking
2 indicating where the stop must be made, but in the absence of any
3 such device the stop must be made at the signal.

4 ~~H0.~~ **11.** Whenever signals are placed over the individual
5 lanes of a highway, the signals indicate, and apply to drivers of
6 vehicles, as follows:

7 (a) A downward-pointing green arrow means that a driver facing
8 the signal may drive in any lane over which the green signal is
9 shown.

10 (b) A red "X" symbol means a driver facing the signal must not
11 enter or drive in any lane over which the red signal is shown.

12 ~~H1.~~ **12.** A local authority shall not adopt an ordinance or
13 regulation or take any other action that prohibits vehicular traffic
14 from crossing an intersection when:

15 (a) The red signal is exhibited; and

16 (b) The vehicular traffic in question had already completely
17 entered the intersection before the red signal was exhibited. For the
18 purposes of this paragraph, a vehicle shall be considered to have
19 "completely entered" an intersection when all portions of the vehicle
20 have crossed the limit line or other point of demarcation behind
21 which vehicular traffic must stop when a red signal is displayed.

