
SENATE BILL NO. 400—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

MARCH 29, 2005

Referred to Committee on Transportation and Homeland Security

SUMMARY—Provides for regulation of off-road vehicles.
(BDR 43-426)

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 vehicles; providing for the issuance of certificates of operation for off-road vehicles by authorized dealers; prohibiting a person from operating an off-road vehicle without a certificate of operation under certain circumstances; establishing the Fund for Off-Road Vehicles; creating the Committee on Off-Road Vehicles; providing for the membership of the Committee; prohibiting a person from operating an off-road vehicle on a paved highway under certain circumstances; authorizing a city or county to designate any highway within the city or county as permissible for the operation of off-road vehicles for certain purposes; providing for the registration of certain off-road vehicles; requiring the collection of certain fees; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 480.420 is hereby amended to read as follows:
2 480.420 “Off-road vehicle” ~~means a vehicle which is intended~~
3 ~~for recreational or industrial use and which is not intended or~~



~~designed for use on a public highway.]~~ *has the meaning ascribed to it in section 4 of this act.*

Sec. 2. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 17, inclusive, of this act.

Sec. 3. *“Authorized dealer” means a dealer authorized by the Department to issue certificates of operation for off-road vehicles pursuant to section 5 of this act.*

Sec. 4. 1. *“Off-road vehicle” means a motor vehicle that is designed primarily for off-road and all-terrain use. The term includes, but is not limited to:*

(a) An all-terrain vehicle;

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; and

(e) Any motor vehicle used on public lands for the purpose of recreation.

2. *The term does not include:*

(a) A motor vehicle designed primarily for use in water;

(b) A motorcycle that is registered pursuant to this chapter; or

(c) A low-speed vehicle as defined in NRS 484.527.

Sec. 5. 1. *Upon the request of a dealer of off-road vehicles, the Department may authorize the dealer to:*

(a) Accept applications for certificates of operation for off-road vehicles; and

(b) Issue such certificates to applicants who satisfy the requirements of this chapter.

2. *Each certificate of operation for an off-road vehicle issued by an authorized dealer must be in the form of a sticker approved by the Department.*

3. *An authorized dealer shall:*

(a) Submit the applications he receives to the Department each month;

(b) Except as otherwise provided in subsection 5, submit to the Department all fees he collects from the applicants and properly account for them each month;

(c) Comply with the regulations adopted pursuant to subsection 6; and

(d) Bear any cost of equipment which is required to issue certificates of operation, including any computer software or hardware.

4. *An authorized dealer is not entitled to receive compensation from the Department for the performance of those services.*



1 5. An authorized dealer may charge and collect a fee in an
2 amount that does not exceed the cost of issuing a certificate of
3 operation, in addition to the fee required pursuant to section 8 of
4 this act, for each certificate of operation or renewal issued by the
5 authorized dealer.

6 6. The Director shall adopt regulations to carry out the
7 provisions of this section. The regulations must include, without
8 limitation, provisions for:

9 (a) The expedient and secure issuance of certificates of
10 operation and forms for application from the Department to
11 authorized dealers; and

12 (b) The revocation of the authorization granted to a dealer
13 pursuant to subsection 1 if the authorized dealer fails to comply
14 with the regulations.

15 **Sec. 6. 1.** Except as otherwise provided in subsection 4, a
16 person shall not operate an off-road vehicle in this State unless he
17 has:

18 (a) Obtained a certificate of operation for the off-road vehicle;
19 and

20 (b) Attached the certificate to the off-road vehicle in the
21 manner specified by the Department.

22 2. Except as otherwise provided in subsection 4, each owner
23 of an off-road vehicle shall, not more than 30 days after he
24 acquires ownership of the off-road vehicle, apply to an authorized
25 dealer for the issuance of a certificate of operation for the off-road
26 vehicle.

27 3. If a certificate of operation for an off-road vehicle expires,
28 the owner of the off-road vehicle may renew the certificate by
29 applying for the issuance of a new certificate of operation from an
30 authorized dealer.

31 4. A certificate of operation is not required for an off-road
32 vehicle which:

33 (a) Is owned and operated by:

34 (1) A federal agency;

35 (2) An agency of this State; or

36 (3) A county, incorporated city or unincorporated town in
37 this State;

38 (b) Has an engine having a displacement of not more than 90
39 cubic centimeters;

40 (c) Is used solely for racing on a private or closed race course;

41 (d) Except if used for the purpose of demonstration, is part of
42 the inventory of a dealer of off-road vehicles; or

43 (e) Is registered or certified in another state and is located in
44 this State for not more than 90 days.



1 5. If a person violates the provisions of this section, the
2 Department shall impose an administrative fine of not more than
3 \$500.

4 Sec. 7. An owner of an off-road vehicle that is purchased on
5 or after January 1, 2006, shall, within 30 days after acquiring
6 ownership of the off-road vehicle, apply to the Department for
7 issuance of a certificate of title for the off-road vehicle.

8 Sec. 8. A certificate of operation issued pursuant to section 6
9 of this act:

10 1. Except as otherwise provided in subsection 3 or 4, is a class
11 1 certificate of operation if the owner of the off-road vehicle
12 provides proof to the authorized dealer that the owner has
13 obtained a certificate of title from the Department for the off-road
14 vehicle. The fee for a class 1 certificate of operation is \$12.50, not
15 including any fee charged and collected by the authorized dealer
16 pursuant to section 5 of this act. A class 1 certificate of operation
17 is valid for 2 years after the date the certificate is issued by the
18 authorized dealer.

19 2. Except as otherwise provided in subsection 3 or 4, is a class
20 2 certificate of operation if the owner of the off-road vehicle has
21 not obtained a certificate of title from the Department for the off-
22 road vehicle. Before obtaining a class 2 certificate of operation,
23 the owner must provide proof to the authorized dealer that the
24 owner has obtained from the Department a certificate of
25 verification of the vehicle identification number. The Department
26 may charge and collect a fee for a certificate of verification of the
27 vehicle identification number in an amount that is not more than
28 the fee charged for a certificate of title. The fee for a class 2
29 certificate of operation is \$12.50, not including any fee charged
30 and collected by the authorized dealer pursuant to section 5 of this
31 act. A class 2 certificate of operation is valid for 2 years after the
32 date the certificate is issued by the authorized dealer.

33 3. Is a class 3 certificate of operation if the off-road vehicle is
34 used solely for husbandry on private land or public land that is
35 leased to the owner or operator of the off-road vehicle. To obtain a
36 class 3 certificate of operation, the owner must provide proof to
37 the authorized dealer that the owner has obtained from the
38 Department a certificate of title or a certificate of verification of
39 the vehicle identification number. The fee for a class 3 certificate
40 of operation is \$2.50, not including any fee charged and collected
41 by the authorized dealer pursuant to section 5 of this act. A class 3
42 certificate of operation does not expire.

43 4. Is a class 4 certificate of operation if the off-road vehicle is
44 part of the inventory of a dealer of off-road vehicles and is used
45 for demonstration purposes. The fee for a class 4 certificate of



1 operation is \$2.50, not including any fee charged and collected by
2 the authorized dealer pursuant to section 5 of this act. A class 4
3 certificate of operation does not expire.

4 **Sec. 9.** *In addition to any fee collected pursuant to section 8*
5 *of this act, each authorized dealer shall charge and collect from*
6 *each person who is issued:*

7 1. *A class 1 or class 2 certificate of registration, a fee in the*
8 *amount of \$12.50; or*

9 2. *A class 3 or class 4 certificate of registration, a fee in the*
10 *amount of \$2.50.*

11 **Sec. 10.** 1. *The Fund for Off-Road Vehicles is hereby*
12 *created and must be administered by the Committee on Off-Road*
13 *Vehicles. All money received from the payment of fees pursuant to*
14 *section 9 of this act must be deposited into the Fund.*

15 2. *Except as otherwise provided in subsection 3, the money in*
16 *the Fund must only be used by the Committee on Off-Road*
17 *Vehicles in accordance with section 12 of this act.*

18 3. *The Committee on Off-Road Vehicles may use not more*
19 *than 10 percent of the money in the Fund for the reasonable*
20 *administrative costs of the Committee.*

21 **Sec. 11.** 1. *The Committee on Off-Road Vehicles is hereby*
22 *created within the Department.*

23 2. *The Committee consists of seven voting members who have*
24 *participated in the field they will represent for at least 5 years, own*
25 *that type of vehicle and live in this State as follows:*

26 (a) *Two members who represent persons who own or operate*
27 *all-terrain vehicles, one from northern Nevada and one from*
28 *southern Nevada;*

29 (b) *Two members who represent persons who own or operate*
30 *motorcycles, one from northern Nevada and one from southern*
31 *Nevada;*

32 (c) *One member who represents persons who own or operate*
33 *dune buggies;*

34 (d) *One member who represents persons who own or operate*
35 *snowmobiles; and*

36 (e) *One member who represents persons who own or operate*
37 *registered four-wheel-drive vehicles.*

38 3. *After the initial terms, each member of the Committee*
39 *serves for a term of 2 years. A vacancy on the Committee must be*
40 *filled in the same manner as the original appointment. Not less*
41 *than 30 days before the expiration of the term of a member of the*
42 *Committee, the organization that nominated the member, or its*
43 *successor organization, shall submit to the Governor a written list*
44 *of two persons for appointment to the Committee. The Governor*
45 *shall appoint to the Committee a member from that list. If the list*



1 *is not submitted to the Governor within that period, the Governor*
2 *may appoint any person who meets the requirements of*
3 *subsection 2.*

4 *4. Members may not serve more than two consecutive terms*
5 *on the Committee.*

6 *5. Members serve without compensation but are entitled to*
7 *receive, if money is available for that purpose from the fees*
8 *collected pursuant to section 8 of this act, the per diem allowance*
9 *and travel expenses provided for state officers and employees*
10 *generally.*

11 **Sec. 12.** *1. The Committee on Off-Road Vehicles shall:*

12 *(a) Elect a Chairman, Vice Chairman, Secretary and*
13 *Treasurer from among its members;*

14 *(b) Meet at the call of the Chairman;*

15 *(c) Meet at least four times each year;*

16 *(d) Select three nonvoting advisers to the Committee as*
17 *follows:*

18 *(1) One adviser from the Bureau of Land Management;*

19 *(2) One adviser from the United States Forest Service; and*

20 *(3) One additional adviser from a federal or state agency*
21 *determined by the Committee;*

22 *(e) Adopt standards for receiving requests for grants from the*
23 *Fund for Off-Road Vehicles; and*

24 *(f) Adopt standards for awarding grants from the Fund for*
25 *Off-Road Vehicles. Grants may be awarded for projects relating to*
26 *obtaining, enhancing and maintaining trails and other*
27 *opportunities to use off-road vehicles, and for law enforcement,*
28 *restoration, safety training and education relating to off-road*
29 *vehicles.*

30 *2. The Director may adopt regulations required for the*
31 *operation of the Committee.*

32 **Sec. 13.** *1. Except as otherwise provided in subsection 2 or*
33 *section 14 or 15 of this act, a person shall not operate an off-road*
34 *vehicle on a paved highway that is not designated for use by off-*
35 *road vehicles.*

36 *2. A person may operate an off-road vehicle on a paved*
37 *highway that is not otherwise designated for use by off-road*
38 *vehicles:*

39 *(a) If the off-road vehicle is operated on the highway for the*
40 *purpose of crossing the highway, comes to a complete stop before*
41 *crossing and crosses as close as practicable to perpendicular to the*
42 *direction of travel on the highway;*

43 *(b) If the off-road vehicle is operated on the highway for the*
44 *purpose of loading or unloading the off-road vehicle onto or off of*



1 *another vehicle or trailer, if the loading or unloading is as close as*
2 *practicable to the place of operation of the off-road vehicle;*

3 *(c) During an emergency if it is impossible or impracticable to*
4 *use another vehicle or if a peace officer directs the operation of*
5 *the off-road vehicle; or*

6 *(d) If the off-road vehicle is operated on a portion of a*
7 *highway that is designated as a trail connector for a trail*
8 *authorized for use by off-road vehicles.*

9 **Sec. 14.** 1. *Except as otherwise provided in subsection 2, a*
10 *city or county may designate any highway within the city or county*
11 *as permissible for the operation of off-road vehicles for the*
12 *purpose of allowing off-road vehicles to reach a private or public*
13 *area that is open for use by off-road vehicles.*

14 2. *The highway designated for operation of off-road vehicles*
15 *pursuant to subsection 1 may not consist of any portion of an*
16 *interstate highway.*

17 3. *If a city or county designates a highway for the operation*
18 *of off-road vehicles, the city or county may adopt an ordinance*
19 *requiring a person who is less than 16 years of age and who is*
20 *operating the off-road vehicle on a designated highway to be*
21 *under the direct visual supervision of a person who is at least 18*
22 *years of age.*

23 4. *A person operating an off-road vehicle on a highway*
24 *designated for operation of off-road vehicles pursuant to*
25 *subsection 1 may not operate the off-road vehicle on the highway*
26 *for any purpose other than to travel to or from the private or*
27 *public area as described in subsection 1.*

28 **Sec. 15.** 1. *Notwithstanding any provision of this chapter to*
29 *the contrary, an off-road vehicle that meets the requirements of*
30 *section 16 of this act may be registered in the manner provided for*
31 *motorcycles pursuant to this chapter.*

32 2. *Except as otherwise provided in subsection 3, if an off-road*
33 *vehicle is registered pursuant to subsection 1, meets the*
34 *requirements of section 16 of this act and the operator holds a*
35 *valid driver's license and operates the off-road vehicle in*
36 *accordance with the requirements of section 17 of this act, the off-*
37 *road vehicle may be operated on the highways of this State.*

38 3. *An off-road vehicle may not be operated pursuant to this*
39 *section:*

40 (a) *On an interstate highway;*

41 (b) *On a paved highway in this State for more than 5 miles; or*

42 (c) *Unless the highway is specifically designated for use by off-*
43 *road vehicles in a city whose population is 100,000 or more.*

44 **Sec. 16.** *An off-road vehicle may not be registered pursuant*
45 *to this chapter unless it has:*



1 **1. At least one headlamp that illuminates objects at least 500**
2 **feet ahead of the vehicle;**

3 **2. At least one tail lamp that is visible from at least 500 feet**
4 **behind the vehicle;**

5 **3. At least one red reflector on the rear of the vehicle, unless**
6 **the tail lamp is red and reflective;**

7 **4. A stop lamp on the rear of the vehicle;**

8 **5. A light illuminating the license plate on the rear of the**
9 **vehicle;**

10 **6. A horn that is audible from at least 200 feet away from the**
11 **vehicle;**

12 **7. A muffler which is in working order and which is in**
13 **constant operation when the vehicle is running;**

14 **8. At least one rearview mirror; and**

15 **9. Footrests and a seat for the operator of the vehicle.**

16 **Sec. 17. The operator of an off-road vehicle that is being**
17 **driven on a highway in this State in accordance with section 15 of**
18 **this act shall:**

19 **1. Comply with all traffic laws of this State;**

20 **2. Have on the off-road vehicle or in his possession the**
21 **certificate of registration for the off-road vehicle, his driver's**
22 **license and proof of the insurance required pursuant to NRS**
23 **485.185; and**

24 **3. Wear a helmet.**

25 **Sec. 18. NRS 482.010 is hereby amended to read as follows:**

26 482.010 As used in this chapter, unless the context otherwise
27 requires, the words and terms defined in NRS 482.011 to 482.137,
28 inclusive, **and sections 3 and 4 of this act** have the meanings
29 ascribed to them in those sections.

30 **Sec. 19. 1. Not later than February 1, 2006, each of the**
31 **following organizations shall submit to the Governor a written list**
32 **of two persons for appointment to the Committee on Off-Road**
33 **Vehicles created by section 11 of this act:**

34 (a) The Northern Nevada ATV Association;

35 (b) The Dunes and Trails ATV Club;

36 (c) The Motorcycle Racing Association of Northern Nevada;

37 (d) The Motorcycle Racing Association of Nevada;

38 (e) The Southern Nevada Off-Road Enthusiasts;

39 (f) The Elko Sno-Goers, Inc.; and

40 (g) The Nevada United Four Wheelers Association.

41 **2. Each person included on the written list submitted by:**

42 (a) The Northern Nevada ATV Association must represent
43 persons who own or operate all-terrain vehicles in northern Nevada;

44 (b) The Dunes and Trails ATV Club must represent persons who
45 own or operate all-terrain vehicles in southern Nevada;



1 (c) The Motorcycle Racing Association of Northern Nevada
2 must represent persons who own or operate motorcycles in northern
3 Nevada;

4 (d) The Southern Nevada Off-Road Enthusiasts must represent
5 persons who own or operate dune buggies;

6 (e) The Elko Sno-Goers, Inc., must represent persons who own
7 or operate snowmobiles; and

8 (f) The Nevada United Four Wheelers Association must
9 represent persons who own or operate registered four-wheel-drive
10 vehicles.

11 3. As soon as practicable after March 1, 2006, the members of
12 the Committee on Off-Road Vehicles must be appointed by the
13 Governor from the lists submitted pursuant to subsection 1 to initial
14 terms as follows:

15 (a) Three members to terms that expire on January 1, 2007; and

16 (b) Four members to terms that expire on January 1, 2008.

17 **Sec. 20.** This act becomes effective on January 1, 2006.



