

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-highway vehicles.
(BDR 32-426)

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.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to off-highway vehicles; providing for the issuance of certificates of operation for off-highway vehicles by authorized dealers; prohibiting a person from operating an off-highway vehicle without a certificate of operation under certain circumstances; prohibiting a person from operating an off-highway vehicle on a paved highway under certain circumstances; authorizing a city or county to designate a portion of a highway within the city or county as permissible for the operation of off-highway vehicles for certain purposes; 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.** Chapter 360 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 13, inclusive, of this
3 act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, the words and terms defined in NRS 360.005 and*
6 *sections 3 to 6, inclusive, of this act have the meanings ascribed to*
7 *them in those sections.*



1 **Sec. 3. "Authorized dealer" means a dealer authorized by the**
2 **Department to issue certificates of operation for off-highway**
3 **vehicles pursuant to section 7 of this act.**

4 **Sec. 4. "Highway" has the meaning ascribed to it in**
5 **NRS 482.045.**

6 **Sec. 5. "Motor vehicle" has the meaning ascribed to it in**
7 **NRS 482.075.**

8 **Sec. 6. 1. "Off-highway vehicle" means a motor vehicle**
9 **that is designed primarily for off-highway and all-terrain use. The**
10 **term includes, but is not limited to:**

11 **(a) An all-terrain vehicle;**

12 **(b) An all-terrain motorcycle;**

13 **(c) A dune buggy;**

14 **(d) A snowmobile; and**

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

17 **2. The term does not include:**

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

19 **(b) A motor vehicle that is licensed by the Department of**
20 **Motor Vehicles; or**

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

22 **Sec. 7. 1. Upon the request of a dealer of off-highway**
23 **vehicles, the Department may authorize the dealer to issue**
24 **certificates of operation for off-highway vehicles pursuant to**
25 **subsection 3.**

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

29 **3. An authorized dealer shall:**

30 **(a) Upon the sale of an off-highway vehicle, issue to the**
31 **purchaser of the off-highway vehicle a certificate of operation for**
32 **the off-highway vehicle;**

33 **(b) Upon request, issue a certificate of operation to a person**
34 **who purchased the off-highway vehicle before January 1, 2006;**

35 **(c) Issue a certificate of operation to the owner of an off-**
36 **highway vehicle that was purchased outside this State on or after**
37 **January 1, 2006, if the owner:**

38 **(1) Requests the certificate of operation; and**

39 **(2) Pays or submits evidence satisfactory to the authorized**
40 **dealer that he has paid all taxes applicable in this State to the**
41 **purchase of the off-highway vehicle or submits an affidavit**
42 **indicating that he purchased the vehicle through a private party**
43 **sale and no tax is due relating to the purchase of the off-highway**
44 **vehicle;**



1 (d) Comply with the regulations adopted pursuant to
2 subsection 6; and

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

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

9 5. An authorized dealer shall not charge or collect a fee for
10 issuing a certificate of operation.

11 6. The Department shall adopt regulations to carry out the
12 provisions of this section. The regulations must include, without
13 limitation, provisions for:

14 (a) The expedient and secure issuance of certificates of
15 operation by the Department to authorized dealers; and

16 (b) The revocation of the authorization granted to a dealer
17 pursuant to subsection 1 if the authorized dealer fails to comply
18 with the regulations.

19 **Sec. 8. 1.** Except as otherwise provided in subsection 4, a
20 person shall not operate an off-highway vehicle on a highway
21 pursuant to sections 9 to 13, inclusive, of this act unless he has:

22 (a) Obtained a certificate of operation for the off-highway
23 vehicle; and

24 (b) Attached the certificate to the off-highway vehicle in the
25 manner specified by the Department.

26 2. If a certificate of operation for an off-highway vehicle is
27 lost or destroyed, the owner of the off-highway vehicle may
28 request a new certificate of operation from an authorized dealer.

29 3. If the owner of an off-highway vehicle sells or otherwise
30 transfers ownership of the off-highway vehicle, the certificate of
31 operation remains valid.

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

34 (a) Is owned and operated by:

35 (1) A federal agency;

36 (2) An agency of this State; or

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

39 (b) Is part of the inventory of a dealer of off-highway vehicles;

40 (c) Is registered or certified in another state and is located in
41 this State for not more than 90 days;

42 (d) Is used solely for husbandry on private land or on public
43 land that is leased to the owner or operator of the off-highway
44 vehicle; or



(e) Is used for work conducted by or at the direction of a public or private utility.

Sec. 9. Except as otherwise provided in section 10 or 11 of this act:

1. A person shall not, except as otherwise provided in subsection 2 or 3, operate an off-highway vehicle on a paved highway that is not otherwise designated for use by off-highway vehicles.

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

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

(b) If the off-highway vehicle is operated on the highway for the purpose of loading or unloading the off-highway vehicle onto or off of another vehicle or trailer, if the loading or unloading is as close as practicable to the place of operation of the off-highway vehicle;

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

(d) If the off-highway vehicle is operated on a portion of a highway that is designated as a trail connector for a trail authorized for use by off-highway vehicles for not more than 5 miles.

3. A person may operate an off-highway vehicle on any public land, trail, way or unpaved county road unless prohibited by the governmental entity which has jurisdiction over the public land, trail, way or unpaved county road.

4. A governmental entity specified in subsection 3 may:

(a) Prepare and distribute upon request a map or other document setting forth each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles; and

(b) Erect and maintain signs designating each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles.

Sec. 10. 1. Except as otherwise provided in subsection 2, a city or county may designate any portion of a highway within the city or county as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. If a city or county designates any portion a state highway



1 as permissible for the operation of off-highway vehicles pursuant
2 to this subsection, the city or county must obtain approval for the
3 designation from the Department of Transportation. The
4 Department of Transportation shall issue a timely decision
5 concerning the request for approval and must not unreasonably
6 deny the request.

7 2. The highway designated for operation of off-highway
8 vehicles pursuant to subsection 1 may not consist of any portion of
9 an interstate highway.

10 3. If a city or county designates a highway for the operation
11 of off-highway vehicles, the city or county may adopt an ordinance
12 requiring a person who is less than 16 years of age and who is
13 operating the off-highway vehicle on a designated highway to be
14 under the direct visual supervision of a person who is at least 18
15 years of age.

16 4. A person operating an off-highway vehicle on a highway
17 designated for operation of off-highway vehicles pursuant to
18 subsection 1 may not operate the off-highway vehicle on the
19 highway for any purpose other than to travel to or from the private
20 or public area as described in subsection 1.

21 **Sec. 11.** 1. Except as otherwise provided in subsection 2, if
22 an off-highway vehicle meets the requirements of sections 2 to 13,
23 inclusive, of this act and the operator holds a valid driver's license
24 and operates the off-highway vehicle in accordance with the
25 requirements of those sections, the off-highway vehicle may be
26 operated on a highway in accordance with sections 9 to 13,
27 inclusive, of this act.

28 2. An off-highway vehicle may not be operated pursuant to
29 this section:

- 30 (a) On an interstate highway;
31 (b) On a paved highway in this State for more than 5 miles; or
32 (c) Unless the highway is specifically designated for use by off-
33 highway vehicles in a city whose population is 100,000 or more.

34 **Sec. 12.** In addition to the requirements set forth in section 7
35 of this act, a person shall not operate an off-highway vehicle on a
36 highway pursuant to sections 9 to 13, inclusive, of this act unless
37 the off-highway vehicle has:

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

40 2. At least one tail lamp that is visible from at least 500 feet
41 behind the vehicle;

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

44 4. A stop lamp on the rear of the vehicle; and



1 **5. A muffler which is in working order and which is in**
2 **constant operation when the vehicle is running.**

3 **Sec. 13. The operator of an off-highway vehicle that is being**
4 **driven on a highway in this State in accordance with sections 9 to**
5 **13, inclusive, of this act shall:**

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

7 **2. Ensure that the certificate of operation for the off-highway**
8 **vehicle is attached to the vehicle in accordance with section 8 of**
9 **this act; and**

10 **3. Wear a helmet.**

11 **Sec. 14.** NRS 360.005 is hereby amended to read as follows:

12 360.005 ~~{As used in this chapter, “retailer”}~~ **“Retailer”** has the
13 meaning ascribed to it in NRS 372.055.

14 **Sec. 15.** This act becomes effective on January 1, 2006.



