

ASSEMBLY BILL NO. 302—ASSEMBLYMEN GOEDHART; GRADY,
HAMBRICK, KITE, MCARTHUR AND SHERWOOD

MARCH 17, 2011

JOINT SPONSORS: SENATORS GUSTAVSON AND SETTELMEYER

Referred to Committee on Transportation

SUMMARY—Authorizes off-highway vehicles to be operated on
highways under certain circumstances. (BDR 43-893)

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 off-highway vehicles; authorizing off-highway
vehicles to be operated on highways under certain
circumstances; providing a penalty; and providing other
matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally prohibits the operation of off-highway vehicles on paved highways but makes certain exceptions for the crossing of highways, the loading or unloading of off-highway vehicles, emergency situations, the use of highways designated as trail connectors and the use of highways designated by local governments as permissible for the operation of off-highway vehicles. (NRS 490.090, 490.100) Under existing law, an off-highway vehicle generally may not be operated on a paved highway for a distance greater than 2 miles and may not be operated on an interstate highway. (NRS 490.090, 490.110) Existing law provides that when an off-highway vehicle is operated on a highway, the off-highway vehicle must have certain equipment, and the operator of the off-highway vehicle must hold a valid driver's license, wear a helmet, comply with all traffic laws of the State and ensure that the registration of the off-highway vehicle is properly attached. (NRS 490.110, 490.120, 490.130)

Section 1 of this bill eliminates the general prohibition against operating an off-highway vehicle on a paved highway. **Section 2** of this bill clarifies that an off-highway vehicle, in addition to being prohibited from operating on an interstate highway, may also not be operated on a controlled access freeway. Under the provisions of **section 2**, a person may operate an off-highway vehicle on any highway other than an interstate highway or controlled access freeway, provided that the person operates the off-highway vehicle in a manner that: (1) is reasonable



and proper, having due regard for the traffic, surface and width of the highway, the weather and other conditions; (2) does not impede the normal and reasonable movement of traffic; and (3) does not threaten the safety of any other traffic, persons or animals. This bill does not alter existing law with respect to the licensure and registration required to operate an off-highway vehicle on a highway.

Section 3 of this bill clarifies which equipment is required to operate an off-highway vehicle on a highway by making clear that requirements for equipment applicable to all vehicles (for example, brakes) do not cease to apply to off-highway vehicles simply because the chapter on off-highway vehicles does not address such equipment specifically. **Section 4** of this bill repeals the authority of local governments to designate particular portions of highway as permissible for the operation of off-highway vehicles, because such authority is unnecessary given the elimination by **section 1** of the general prohibition against operating an off-highway vehicle on a highway.

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

Section 1. NRS 490.090 is hereby amended to read as follows:

490.090 ~~[Except as otherwise provided in NRS 490.100 or 490.110:~~

~~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 2 miles.~~

~~—3.]~~

1. 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.



1 ~~[4-]~~ 2. A governmental entity specified in subsection ~~[3]~~ 1 may:

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

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

8 **Sec. 2.** NRS 490.110 is hereby amended to read as follows:

9 490.110 1. Except as otherwise provided in subsection 2, ~~[if]~~
10 an off-highway vehicle ~~[meets the requirements of this chapter and~~
11 ~~the operator holds a valid driver's license and operates the off-~~
12 ~~highway vehicle in accordance with the requirements of those~~
13 ~~sections, the off highway vehicle]~~ may be operated on a highway in
14 accordance with NRS 490.090 to 490.130, inclusive ~~[, if:~~

15 *(a) The off-highway vehicle meets the requirements of this*
16 *chapter;*

17 *(b) The operator holds a valid driver's license; and*

18 *(c) The operator operates the off-highway vehicle:*

19 *(1) In accordance with the requirements of this chapter;*
20 *and*

21 *(2) In a manner that:*

22 *(I) Is reasonable and proper, having due regard for the*
23 *traffic, surface and width of the highway, the weather and other*
24 *conditions;*

25 *(II) Does not impede the normal and reasonable*
26 *movement of traffic; and*

27 *(III) Does not threaten the safety of any other traffic,*
28 *persons or animals.*

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

31 *(a) On a controlled access freeway, as that term is defined in*
32 *NRS 410.365; or*

33 *(b) On an interstate highway ~~[;~~*

34 ~~—(b) On a paved highway in this State for more than 2 miles; or~~

35 ~~—(c) Unless the highway is specifically designated for use by off-~~
36 ~~highway vehicles in a city whose population is 100,000 or more.],~~
37 *as that term is defined in NRS 410.060.*

38 **Sec. 3.** NRS 490.120 is hereby amended to read as follows:

39 490.120 1. In addition to the requirements set forth in NRS
40 490.070, a person shall not operate an off-highway vehicle on a
41 highway pursuant to NRS 490.090 to 490.130, inclusive, unless the
42 off-highway vehicle has:

43 ~~[1-]~~ *(a)* At least one headlamp that illuminates objects at least
44 500 feet ahead of the vehicle;



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~~(2)-(b)~~ (b) At least one tail lamp that is visible from at least 500 feet behind the vehicle;

~~(3)-(c)~~ (c) At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

~~(4)-(d)~~ (d) A stop lamp on the rear of the vehicle; ~~and~~

~~—5-(e)~~ (e) A muffler which is in working order and which is in constant operation when the vehicle is running ~~(f); and~~

(f) *Such other equipment as may be required by regulation of the Director.*

2. *The provisions of this section:*

(a) *Supersede the provisions of NRS 484D.100 to 484D.545, inclusive, to the extent that this section sets forth particular requirements for particular equipment.*

(b) *Do not supersede the provisions of NRS 484D.100 to 484D.545, inclusive, with respect to equipment that is not described in this section.*

Sec. 4. NRS 490.100 is hereby repealed.

TEXT OF REPEALED SECTION

490.100 Authority of city or county to designate portion of highway for off-highway vehicle use; approval of Department regarding highways; interstate highways excluded; supervision of certain minors; limitation on purpose of use.

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

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

3. If a city or county designates a highway for the operation of off-highway vehicles, the city or county may adopt an ordinance requiring a person who is less than 16 years of age and who is operating the off-highway vehicle on a designated highway to be



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under the direct visual supervision of a person who is at least 18 years of age.

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

