

ASSEMBLY BILL NO. 395—ASSEMBLYMAN EDWARDS

MARCH 21, 2019

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions governing motor vehicles and off-highway vehicles. (BDR 43-617)

FISCAL NOTE: Effect on Local Government: No.
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; authorizing the operation of an unregistered motor vehicle under certain circumstances; revising provisions relating to the Commission on Off-Highway Vehicles; revising provisions relating to the operation of certain off-highway vehicles on certain roads; revising provisions relating to the authority of certain local governing bodies to restrict the operation of off-highway vehicles on certain roads; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every owner of a motor vehicle intended to be operated upon the highways of this State to obtain the registration of the motor vehicle, except for certain vehicles such as implements of husbandry, electric bicycles and golf carts. (NRS 482.205, 482.210) A person who has purchased a vehicle from a person who is not a dealer may apply for a permit from the Department of Motor Vehicles to operate the unregistered vehicle for a limited period until the expiration of the permit or the issuance of a new permit or certificate of registration for the vehicle. (NRS 482.396) **Section 4** of this bill newly provides that, instead of obtaining a permit from the Department, a resident of this State who has purchased a vehicle from a person who is not a dealer may operate the unregistered vehicle for not more than 21 days after the date on which the vehicle is purchased if certain conditions are met. A person operating an unregistered vehicle in such a manner must have insurance and must, upon demand, provide to a peace officer proof of ownership of the vehicle. **Sections 1, 3 and 5** of this bill make conforming changes.

Existing law imposes certain duties on the Commission on Off-Highway Vehicles. (NRS 490.068) **Section 7** of this bill requires the Commission to solicit and participate in meetings and other forms of communication with other states and national and regional organizations to encourage and facilitate cooperation and



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reciprocity among states regarding the operation and registration of off-highway vehicles.

Existing law requires the owner of an off-highway vehicle to register the off-highway vehicle with the Department. (NRS 490.082) Certain larger all-terrain vehicles may be registered for operation on certain general county roads and minor county roads if the vehicle meets certain requirements and the owner of the vehicle provides proof of certain insurance. (490.0825) **Section 8** of this bill allows the owner of any off-highway vehicle to register the vehicle to operate on certain general county roads and minor county roads if the vehicle meets certain equipment requirements and the owner provides proof of insurance that meets the requirements for other vehicles operating on the highways of this State. The Department is required to provide an off-highway vehicle registered in this way with a license plate. **Sections 2, 6, 9 and 11-14** of this bill make conforming changes.

Under existing law, the governing body of a city or county which contains all or a portion of a highway designated as a general county road or a minor county road may prohibit the operation of a large all-terrain vehicle which is registered to operate on such a road or roads. (NRS 490.105) **Section 10** of this bill limits that authorization to the governing body of a county or the governing body of a city whose population is 60,000 or more (currently the cities of Henderson, Las Vegas, North Las Vegas, Reno and Sparks).

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.
- (c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.
- (d) Electric bicycles.
- (e) 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.

(f) Towable tools or equipment as defined in NRS 484D.055.

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

(h) A vehicle which is being operated pursuant to NRS 482.396.

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, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;

(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 482.272 is hereby amended to read as follows:

482.272 1. Each license plate for a motorcycle, ~~or~~ moped *or off-highway vehicle* may contain a number of characters, including numbers and letters, as determined necessary by the Director. Only one plate may be issued for a motorcycle, ~~or~~ moped *or off-highway vehicle*.

2. *The Department shall ensure that the license plate for an off-highway vehicle meets the requirements of NRS 490.083.*

3. The Department shall ensure that the license plate for a moped is distinct in appearance from the license plate for a motorcycle. Such distinction may be provided by, without limitation, the size, color or design of the plate. A license plate produced pursuant to this subsection is not required to have displayed upon it the month and year the registration expires.

4. *As used in this section, "off-highway vehicle" means an off-highway vehicle registered pursuant to NRS 490.0825.*

Sec. 3. NRS 482.3955 is hereby amended to read as follows:

482.3955 1. The Department shall issue to any dealer, distributor, rebuilder or other person, upon request, and upon payment of a fee of \$8.25, a special permit, in a form to be determined by the Department, for the movement of any vehicle to sell outside the State of Nevada, or for the movement outside the State of any vehicle purchased by a nonresident. The permit must be affixed to the vehicle to be so moved in a manner and position to be determined by the Department, and expires 15 days after its issuance.

2. ~~The~~ *Except as otherwise provided in NRS 482.396, the* Department may issue a permit to a resident of this State who desires to move an unregistered vehicle within the State upon the payment of a fee of \$8.25. The permit is valid for 24 hours.

3. The Department shall, upon the request of a charitable organization which intends to sell a vehicle which has been donated to the organization, issue to the organization a permit for the operation of the vehicle until the vehicle is sold by the organization. The Department shall not charge a fee for the issuance of the permit.



Sec. 4. NRS 482.396 is hereby amended to read as follows:

482.396 1. A ~~[person]~~ *resident of this State* who is not a dealer, manufacturer or rebuilder *and who purchases a vehicle* may ~~[apply to the Department for a permit to]~~ operate ~~[a]~~ *the* vehicle ~~[which:]~~ *on the highways of this State for not more than 21 days after the resident purchases the vehicle if the vehicle:*

(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and

(b) Is not currently registered in this State, another state or a foreign country ~~[, or]~~ *and* has been purchased by the ~~[applicant]~~ *resident* from a person who is not a dealer.

2. ~~[The Department shall adopt regulations imposing a fee for the issuance of the permit.]~~

~~—3.— Each permit must:~~

~~—(a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;~~

~~—(b) Expire at 5 p.m. not more than 60 days after its date of issuance;~~

~~—(c) Be affixed to the vehicle in the manner prescribed by the Department; and~~

~~—(d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration for the vehicle, whichever occurs first.~~

~~—4.— The Department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.] A person operating an unregistered vehicle pursuant to subsection 1 must:~~

~~(a) Have insurance as required by NRS 485.185; and~~

~~(b) Upon demand, provide to a peace officer proof of ownership of the vehicle.~~

Sec. 5. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 5, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this State, without having insurance as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance. The surrender, upon demand, of an evidence of insurance issued in electronic format does not constitute consent for a peace officer or authorized representative of the Department to access other contents of any device used to display the evidence of insurance and surrendered in compliance with this section.



(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another person unless the person who will operate the motor vehicle:

(a) First ensures that the required evidence of insurance is present in the motor vehicle or available electronically; or

(b) Has his or her own evidence of insurance which covers that person as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 is guilty of a misdemeanor. Except as otherwise provided in this subsection, in addition to any other penalty, a person sentenced pursuant to this subsection shall be punished by a fine of not less than \$600 nor more than \$1,000 for each violation. The fine must be reduced to \$100 for the first violation if the person obtains a motor vehicle liability policy by the time of sentencing, unless:

(a) The person has registered the vehicle as part of a fleet of vehicles pursuant to subsection 5 of NRS 482.215; or

(b) The person has been issued a certificate of self-insurance pursuant to NRS 485.380.

4. A court:

(a) Shall not find a person guilty or fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if the person presents evidence to the court that the insurance required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of not more than \$1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the balance of the fine on the condition that the person presents proof to the court each month for 12 months that the insurance required by NRS 485.185 is currently in effect.

5. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question *is operating pursuant to NRS 482.396 or* displays a valid permit issued by the Department pursuant to subsection 1 or 2 of NRS 482.3955 ~~[-]~~ or NRS ~~[482.396 or]~~ 482.3965 authorizing the movement or operation of that vehicle within the State for a limited time.

Sec. 6. NRS 490.060 is hereby amended to read as follows:

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

(a) An all-terrain vehicle ; ~~[-, including, without limitation, a large all-terrain vehicle without regard to whether that large all-terrain vehicle is registered by the Department in accordance with~~



~~NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State;]~~

(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 motor vehicle that is registered by the Department in accordance with chapter 482 of NRS;
(c) A low-speed vehicle as defined in NRS 484B.637; or
(d) Special mobile equipment, as defined in NRS 482.123.

Sec. 7. NRS 490.068 is hereby amended to read as follows:

490.068 1. The Commission shall:

(a) Elect a Chair and Vice Chair from among its members.
(b) Meet at the call of the Chair.
(c) Meet at least four times each year.
(d) Provide direction to the Off-Highway Vehicles Program created by NRS 232.1585.
(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.

(f) Solicit and participate in meetings and other forms of communication with other states and relevant national and regional organizations to encourage and facilitate cooperation and reciprocity among states regarding the operation and registration of off-highway vehicles.

2. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such an applicant may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any applicant requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;



(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account, including, without limitation, developing criteria:

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

4. The Commission may solicit input regarding applications for grants from a technical advisory committee formed pursuant to NRS 232.1585.

5. For each regular session of the Legislature, the Chair of the Commission shall review the comprehensive report prepared pursuant to NRS 232.1585. Upon approval of the report by the Chair of the Commission, the report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.0825 is hereby amended to read as follows:

490.0825 1. Upon the request of an owner of ~~[a large-all-terrain]~~ *an off-highway* vehicle ~~[]~~ *that meets the requirements of this section*, the Department shall register the ~~[large-all-terrain]~~ *off-highway* vehicle to operate on the roads specified in NRS 490.105.

2. *To be eligible for registration pursuant to this section, an off-highway vehicle must meet the requirements of subsection 1 of NRS 490.120 and must be equipped with:*

(a) A rear view mirror;

(b) A horn; and

(c) Flashing turn signal indicator lights.

3. The owner of ~~[a large-all-terrain]~~ *an off-highway* vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.



~~[3.]~~ 4. If an owner of ~~[a large all terrain]~~ *an off-highway* vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:

(a) The information required for registration pursuant to NRS 490.082;

(b) The fee for registration required pursuant to NRS 490.084;

(c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and

(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.

5. The Department shall issue to the owner of an off-highway vehicle registered pursuant to this section a license plate.

Sec. 9. NRS 490.083 is hereby amended to read as follows:

490.083 1. ~~[Each]~~ *Except as otherwise provided in this section and NRS 490.0825, each* registration of an off-highway vehicle must:

(a) Be in the form of a sticker or decal, as prescribed by the Commission.

(b) Be at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.

(c) Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

(d) Be displayed on the off-highway vehicle in the manner set forth by the Commission.

2. The ~~[registration sticker or decal of a large all terrain]~~ *license plate for an off-highway* vehicle registered pursuant to NRS 490.0825 must be ~~[distinguishable]~~ :

(a) *Distinguished* from the ~~[sticker or decal]~~ *license plate* of ~~[an off-highway vehicle]~~ *a motorcycle or a moped* registered pursuant to *chapter 482 of* NRS ~~[490.082]~~ in a manner to be determined by the Department ~~[.]~~ ; and

(b) *Be attached to the off-highway vehicle in the manner set forth by the Commission.*

Sec. 10. NRS 490.105 is hereby amended to read as follows:

490.105 1. Except as otherwise provided in subsection 2, a person may operate ~~[a large all terrain]~~ *an off-highway* vehicle *registered pursuant to NRS 490.0825* on any portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road if the ~~[large all terrain]~~ vehicle:



(a) Meets the requirements set forth in NRS 490.120 ~~and~~ *490.0825*; and

(b) Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State.

2. The governing body of a city *whose population is 60,000 or more* or a county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road may by ordinance or resolution prohibit the operation of ~~large all-terrain vehicles~~ *off-highway vehicles registered pursuant to NRS 490.0825* on any portion of such a road.

Sec. 11. NRS 490.110 is hereby amended to read as follows:

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

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

(a) On an interstate highway;

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

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

(d) Unless it is ~~a large all-terrain~~ *an off-highway* vehicle registered pursuant to NRS 490.0825 and being operated in accordance with NRS 490.105.

Sec. 12. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the registration *or license plate* of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; and

3. Wear a helmet.

Sec. 13. NRS 490.520 is hereby amended to read as follows:

490.520 1. It is a gross misdemeanor for any person knowingly to falsify:

(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or



(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.

2. Except as otherwise provided in subsections 3 and 4, it is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.

3. Except as otherwise provided in subsection 4, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.

4. Any person who registers ~~{a large all-terrain}~~ *an off-highway* vehicle pursuant to NRS 490.0825 and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;

(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,

➤ is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.

Sec. 14. NRS 490.043 is hereby repealed.

Sec. 15. This act becomes effective on July 1, 2019.

TEXT OF REPEALED SECTION

490.043 “Large all-terrain vehicle” defined. “Large all-terrain vehicle” means any all-terrain vehicle that includes seating capacity for at least two people abreast and:

1. Total seating capacity for at least four people; or
2. A truck bed.

