

SENATE BILL NO. 338—SENATOR FLORES

MARCH 20, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to off-highway vehicles.
(BDR 43-678)

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 off-highway vehicles; revising provisions relating to the operation of certain off-highway vehicles on certain streets and highways; authorizing the Commission on Off-Highway Vehicles to designate a portion of certain highways for use by off-highway vehicles; revising certain duties of an operator of an off-highway vehicle being driven on a highway; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law defines a “large all-terrain vehicle” as any all-terrain vehicle that
2 includes seating capacity for at least two people abreast and: (1) total seating
3 capacity for at least four people; or (2) a truck bed. (NRS 490.043) Under existing
4 law, a person may operate a large all-terrain vehicle that meets certain requirements
5 on: (1) any portion of a highway designated as a general country road or minor
6 country road; and (2) any city street within a city whose population is less than
7 25,000 (currently all cities except Carson City, Henderson, Las Vegas, North Las
8 Vegas, Reno and Sparks) or on a portion of a highway that has been designated as a
9 main county road. Under existing law, the governing body of a city or county
10 which contains all or a portion of a highway designated as a general county road or
11 minor county road may prohibit the operation of a large all-terrain vehicle on any
12 portion of such a road. (NRS 490.105) **Section 7** of this bill revises these provisions
13 to apply to a utility vehicle, instead of a large all-terrain vehicle. **Section 1** of this
14 bill defines the term “utility vehicle” to mean any all-terrain vehicle that includes
15 seating capacity for at least two people abreast. **Sections 3, 5 and 11** of this bill
16 make conforming changes to replace the term “large all-terrain vehicle” with
17 “utility vehicle.” **Section 2** of this bill makes a conforming change to indicate the
18 proper placement of **section 1** in the Nevada Revised Statutes.

19 **Section 7** also: (1) removes the authority of a governing body of a city or
20 county to prohibit the operation of a large all-terrain vehicle on any portion of a



21 designated street or highway; and (2) prohibits, with certain exceptions, the
22 operation of a utility vehicle on any designated street or highway with a speed limit
23 of more than 45 miles per hour.

24 Existing law requires a large all-terrain vehicle that will be operated on
25 designated streets and highways to be registered with the Department of Motor
26 Vehicles. (NRS 490.0825, 490.105) **Section 4** of this bill requires the Department
27 to register a utility vehicle upon the request of the owner of the vehicle.

28 Existing law authorizes a city or county to designate any portion of a highway
29 within the city or county as permissible for the operation of off-highway vehicles
30 for the purpose of allowing off-highway vehicles to reach a private or public area
31 that is open for use by off-highway vehicles. (NRS 490.100) **Section 6** of this bill
32 instead authorizes the Commission on Off-Highway Vehicles to make such
33 designations. **Sections 8 and 9** of this bill make conforming changes to reflect the
34 authority of the Commission to make such designations.

35 Existing law requires the operator of an off-highway vehicle that is being
36 driven on a highway in this State to: (1) comply with all traffic laws; (2) ensure the
37 registration or special plate is attached to the vehicle; and (3) wear a helmet. (NRS
38 490.130) **Sections 7 and 10** of this bill clarify that, consistent with other provisions
39 of existing law, the operator is also required to hold a valid driver's license.
40 (NRS 490.110)

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

1 **Section 1.** Chapter 490 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *“Utility vehicle” means any all-terrain vehicle that includes*
4 *seating capacity for at least two people abreast.*

5 **Sec. 2.** NRS 490.010 is hereby amended to read as follows:

6 490.010 As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in NRS 490.020 to 490.062,
8 inclusive, *and section 1 of this act* have the meanings ascribed to
9 them in those sections.

10 **Sec. 3.** NRS 490.060 is hereby amended to read as follows:

11 490.060 1. “Off-highway vehicle” means a motor vehicle
12 that is designed primarily for off-highway and all-terrain use. The
13 term includes, but is not limited to:

14 (a) An all-terrain vehicle, including, without limitation, a ~~large~~
15 ~~all-terrain~~ *utility* vehicle without regard to whether that ~~large-all-~~
16 ~~terrain~~ *utility* vehicle is registered by the Department in accordance
17 with NRS 490.0825 as a motor vehicle intended to be operated upon
18 the highways of this State;

19 (b) An all-terrain motorcycle;

20 (c) A dune buggy;

21 (d) A snowmobile; and

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

24 2. The term does not include:



- 1 (a) A motor vehicle designed primarily for use in water;
- 2 (b) A motor vehicle that is registered by the Department in
- 3 accordance with chapter 482 of NRS;
- 4 (c) A low-speed vehicle as defined in NRS 484B.637; or
- 5 (d) Special mobile equipment, as defined in NRS 482.123.

6 **Sec. 4.** NRS 490.0825 is hereby amended to read as follows:

7 490.0825 1. Upon the request of an owner of a ~~large-all-~~
8 ~~terrain~~ utility vehicle, the Department shall register the ~~large-all-~~
9 ~~terrain~~ utility vehicle to operate on the roads specified in
10 NRS 490.105.

11 2. The owner of a ~~large-all-terrain~~ utility vehicle wishing to
12 apply for registration or renewal of registration pursuant to this
13 section must obtain and maintain insurance on the vehicle that meets
14 the requirements of NRS 485.185.

15 3. If an owner of a ~~large-all-terrain~~ utility vehicle applies to
16 the Department for the registration of the vehicle pursuant to this
17 section, the owner shall submit to the Department:

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

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

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

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

29 **Sec. 5.** NRS 490.083 is hereby amended to read as follows:

30 490.083 1. Each registration of an off-highway vehicle must:

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

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

35 (c) Include the unique vehicle identification number, serial
36 number or distinguishing number obtained pursuant to NRS
37 490.0835 for the off-highway vehicle.

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

40 2. The registration sticker or decal of a ~~large-all-terrain~~ utility
41 vehicle registered pursuant to NRS 490.0825 must be
42 distinguishable from the sticker or decal of an off-highway vehicle
43 registered pursuant to NRS 490.082 in a manner to be determined
44 by the Department.



Sec. 6. NRS 490.100 is hereby amended to read as follows:

490.100 1. Except as otherwise provided in subsection 2, ~~the~~ *Commission* 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 ~~the~~ *Commission* designates any portion of a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the ~~city or county~~ *Commission* must obtain approval for the designation from the Department of Transportation. The Department of Transportation 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 ~~the~~ *Commission* designates a highway for the operation of off-highway vehicles, the ~~city or county~~ *Commission* may adopt ~~an ordinance~~ *regulations* 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 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.

Sec. 7. NRS 490.105 is hereby amended to read as follows:

490.105 1. ~~Except as otherwise provided in subsection 2, a~~ *person who holds a valid driver's license* may operate a ~~large all-terrain~~ *utility* vehicle 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~~ :

(a) *The utility* vehicle:

~~(a)~~ (1) Meets the requirements set forth in NRS 490.120; and

~~(b)~~ (2) 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 ~~;~~ and

(b) *Except as otherwise provided in subsection 2 of NRS 490.090, the posted speed limit on the highway is not more than 45 miles per hour.*

2. ~~The governing body of a city or 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 on any portion of such a road.~~

~~—3.]~~ A person may operate a ~~large all terrain~~ utility vehicle on a city street ~~[within a city whose population is less than 25,000]~~ or on a portion of a highway that has been designated as a main county road if:

(a) The ~~large all terrain~~ utility vehicle satisfies the requirements of ~~[paragraphs]~~ paragraph (a) ~~[and (b)]~~ of subsection 1; and

(b) The ~~[governing body of the city or the governing body of the county having jurisdiction over]~~ posted speed limit of the street or highway ~~[enacts an ordinance or resolution authorizing the operation of large all terrain vehicles on any portion of such a street or highway.]~~ is not more than 45 miles per hour.

Sec. 8. 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; *or*

~~[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~~ utility vehicle registered pursuant to NRS 490.0825 and being operated in accordance with NRS 490.105.

Sec. 9. NRS 490.120 is hereby amended to read as follows:

490.120 1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:

(a) At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

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

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

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

(e) A muffler which is in working order and which is in constant operation when the vehicle is running.



1 2. The provisions of paragraphs (a) and (b) of subsection 1 do
2 not apply to an off-highway vehicle which is operated during
3 daylight hours on a highway designated by ~~[a-county]~~ *the*
4 *Commission* pursuant to NRS 490.100 for the operation of the off-
5 highway vehicle without at least one headlamp specified in
6 paragraph (a) of subsection 1 or without at least one tail lamp
7 specified in paragraph (b) of that subsection.

8 **Sec. 10.** NRS 490.130 is hereby amended to read as follows:

9 490.130 The operator of an off-highway vehicle that is being
10 driven on a highway in this State in accordance with NRS 490.090
11 to 490.130, inclusive : ~~[, shall:]~~

12 1. ~~[Comply]~~ *Shall comply* with all traffic laws of this State;

13 2. ~~[Ensure]~~ *Shall ensure* that the registration of the off-
14 highway vehicle is attached to the vehicle in accordance with NRS
15 490.083 or a special plate issued pursuant to NRS 490.0827 is
16 attached to the vehicle; ~~[and]~~

17 3. ~~[Wear]~~ *Shall wear* a helmet ~~[,]~~ ; and

18 4. *Must hold a valid driver's license.*

19 **Sec. 11.** NRS 490.520 is hereby amended to read as follows:

20 490.520 1. It is a gross misdemeanor for any person
21 knowingly to falsify:

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

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

27 2. It is a misdemeanor for any person to violate any of the
28 provisions of NRS 490.200 to 490.450, inclusive.

29 3. Except as otherwise provided in subsections 4 and 5, it is a
30 civil infraction punishable pursuant to NRS 484A.703 to 484A.705,
31 inclusive, for any person to violate any of the provisions of this
32 chapter unless the violation is by this section or other provision of
33 this chapter or other law of this State declared to be a misdemeanor,
34 gross misdemeanor or felony.

35 4. Except as otherwise provided in subsection 5, a person who
36 violates a provision of this chapter relating to the registration or
37 operation of an off-highway vehicle is guilty of a civil infraction
38 punishable pursuant to NRS 484A.703 to 484A.705, inclusive, and
39 shall be punished by a civil penalty not to exceed \$100.

40 5. Any person who registers a ~~[large-all-terrain]~~ *utility* vehicle
41 pursuant to NRS 490.0825 and who:

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



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

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

7 ↪ is guilty of a civil infraction punishable pursuant to NRS
8 484A.703 to 484A.705, inclusive, and shall be punished by a civil
9 penalty not to exceed \$100.

10 **Sec. 12.** Notwithstanding the amendatory provisions of section
11 5 of this act, a sticker or decal issued before January 1, 2024, for the
12 registration of an off-highway vehicle remains valid for the period
13 for which the sticker or decal is issued.

14 **Sec. 13.** NRS 490.043 is hereby repealed.

15 **Sec. 14.** 1. This section becomes effective upon passage and
16 approval.

17 2. Sections 1 to 13, inclusive, of this act become effective:

18 (a) Upon passage and approval for the purpose of adopting any
19 regulations and performing any other preparatory administrative
20 tasks that are necessary to carry out the provisions of this act; and

21 (b) On January 1, 2024, for all other purposes.

TEXT OF REPEALED SECTION

NRS 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.

