

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:**

1 Existing law requires every owner of a motor vehicle intended to be operated  
2 upon the highways of this State to obtain the registration of the motor vehicle,  
3 except for certain vehicles such as implements of husbandry, electric bicycles and  
4 golf carts. (NRS 482.205, 482.210) A person who has purchased a vehicle from a  
5 person who is not a dealer may apply for a permit from the Department of Motor  
6 Vehicles to operate the unregistered vehicle for a limited period until the expiration  
7 of the permit or the issuance of a new permit or certificate of registration for the  
8 vehicle. (NRS 482.396) **Section 4** of this bill newly provides that, instead of  
9 obtaining a permit from the Department, a resident of this State who has purchased  
10 a vehicle from a person who is not a dealer may operate the unregistered vehicle for  
11 not more than 21 days after the date on which the vehicle is purchased if certain  
12 conditions are met. A person operating an unregistered vehicle in such a manner  
13 must have insurance and must, upon demand, provide to a peace officer proof of  
14 ownership of the vehicle. **Sections 1, 3 and 5** of this bill make conforming changes.  
15 Existing law imposes certain duties on the Commission on Off-Highway  
16 Vehicles. (NRS 490.068) **Section 7** of this bill requires the Commission to solicit  
17 and participate in meetings and other forms of communication with other states and  
18 national and regional organizations to encourage and facilitate cooperation and



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

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

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

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

1 **Section 1.** NRS 482.210 is hereby amended to read as follows:  
2 482.210 1. The provisions of this chapter requiring the  
3 registration of certain vehicles do not apply to:

- 4 (a) Special mobile equipment.
- 5 (b) Implements of husbandry.
- 6 (c) Any mobile home or commercial coach subject to the  
7 provisions of chapter 489 of NRS.
- 8 (d) Electric bicycles.
- 9 (e) Golf carts which are:

10 (1) Traveling upon highways properly designated by the  
11 appropriate city or county as permissible for the operation of golf  
12 carts; and

13 (2) Operating pursuant to a permit issued pursuant to this  
14 chapter.

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

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

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

20 2. For the purposes of this section, “motorized conveyance for  
21 a wheelchair” means a vehicle which:

- 22 (a) Can carry a wheelchair;



1 (b) Is propelled by an engine which produces not more than 3  
2 gross brake horsepower, has a displacement of not more than 50  
3 cubic centimeters or produces not more than 2250 watts final  
4 output;

5 (c) Is designed to travel on not more than three wheels; and

6 (d) Can reach a speed of not more than 30 miles per hour on a  
7 flat surface with not more than a grade of 1 percent in any direction.

8 ↪ The term does not include a tractor.

9 **Sec. 2.** NRS 482.272 is hereby amended to read as follows:

10 482.272 1. Each license plate for a motorcycle, ~~or~~ moped  
11 *or off-highway vehicle* may contain a number of characters,  
12 including numbers and letters, as determined necessary by the  
13 Director. Only one plate may be issued for a motorcycle, ~~or~~  
14 moped ~~or~~ *or off-highway vehicle*.

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

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

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

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

26 482.3955 1. The Department shall issue to any dealer,  
27 distributor, rebuilder or other person, upon request, and upon  
28 payment of a fee of \$8.25, a special permit, in a form to be  
29 determined by the Department, for the movement of any vehicle to  
30 sell outside the State of Nevada, or for the movement outside the  
31 State of any vehicle purchased by a nonresident. The permit must be  
32 affixed to the vehicle to be so moved in a manner and position to be  
33 determined by the Department, and expires 15 days after its  
34 issuance.

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

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



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

2       482.396 1. A ~~[person]~~ *resident of this State* who is not a  
3 dealer, manufacturer or rebuilder *and who purchases a vehicle* may  
4 ~~[apply to the Department for a permit to]~~ operate ~~[a]~~ *the* vehicle  
5 ~~[which:]~~ *on the highways of this State for not more than 21 days*  
6 *after the resident purchases the vehicle if the vehicle:*

7       (a) Is not subject to the provisions of NRS 482.390, 482.395 and  
8 706.801 to 706.861, inclusive; and

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

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

14       ~~—3. Each permit must:~~

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

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

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

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

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

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

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

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

31       485.187 1. Except as otherwise provided in subsection 5, the  
32 owner of a motor vehicle shall not:

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

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

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



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

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

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

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

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

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

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

21 4. A court:

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

27 (b) Except as otherwise provided in paragraph (a), may impose a  
28 fine of not more than \$1,000 for a violation of paragraph (a), (b) or  
29 (c) of subsection 1, and suspend the balance of the fine on the  
30 condition that the person presents proof to the court each month for  
31 12 months that the insurance required by NRS 485.185 is currently  
32 in effect.

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

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

40 490.060 1. "Off-highway vehicle" means a motor vehicle  
41 that is designed primarily for off-highway and all-terrain use. The  
42 term includes, but is not limited to:

43 (a) An all-terrain vehicle ; ~~[, including, without limitation, a~~  
44 ~~large all-terrain vehicle without regard to whether that large all-~~  
45 ~~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;



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

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

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

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

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

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

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

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

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

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

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

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

32 490.0825 1. Upon the request of an owner of ~~[a large all-~~  
33 ~~terrain] an off-highway~~ vehicle ~~[,]~~ *that meets the requirements of*  
34 *this section*, the Department shall register the ~~[large all-terrain] off-~~  
35 ~~highway~~ vehicle to operate on the roads specified in NRS 490.105.

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

39 (a) *A rear view mirror;*

40 (b) *A horn; and*

41 (c) *Flashing turn signal indicator lights.*

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



1 ~~{3.}~~ 4. If an owner of ~~{a large all terrain}~~ *an off-highway*  
2 vehicle applies to the Department for the registration of the vehicle  
3 pursuant to this section, the owner shall submit to the Department:

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

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

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

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

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

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

18 490.083 1. ~~{Each}~~ *Except as otherwise provided in this*  
19 *section and NRS 490.0825, each* registration of an off-highway  
20 vehicle must:

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

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

25 (c) Include the unique vehicle identification number, serial  
26 number or distinguishing number obtained pursuant to NRS  
27 490.0835 for the off-highway vehicle.

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

30 2. The ~~{registration sticker or decal of a large all terrain}~~  
31 *license plate for an off-highway* vehicle registered pursuant to NRS  
32 490.0825 must be ~~{distinguishable}~~ :

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

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

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

40 490.105 1. Except as otherwise provided in subsection 2, a  
41 person may operate ~~{a large all terrain}~~ *an off-highway* vehicle  
42 *registered pursuant to NRS 490.0825* on any portion of a highway  
43 that has been designated in accordance with NRS 403.170 as a  
44 general county road or minor county road if the ~~{large all terrain}~~  
45 vehicle:





1 (a) Meets the requirements set forth in NRS 490.120 ~~and~~ **and**  
2 **490.0825**; and

3 (b) Is registered by the Department in accordance with NRS  
4 490.0825 as a motor vehicle intended to be operated upon the  
5 highways of this State.

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

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

14 490.110 1. Except as otherwise provided in subsection 2, if  
15 an off-highway vehicle meets the requirements of this chapter and  
16 the operator holds a valid driver's license and operates the off-  
17 highway vehicle in accordance with the requirements of those  
18 sections, the off-highway vehicle may be operated on a highway in  
19 accordance with NRS 490.090 to 490.130, inclusive.

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

22 (a) On an interstate highway;

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

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

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

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

30 490.130 The operator of an off-highway vehicle that is being  
31 driven on a highway in this State in accordance with NRS 490.090  
32 to 490.130, inclusive, shall:

33 1. Comply with all traffic laws of this State;

34 2. Ensure that the registration **or license plate** of the off-  
35 highway vehicle is attached to the vehicle in accordance with NRS  
36 490.083 or a special plate issued pursuant to NRS 490.0827 is  
37 attached to the vehicle; and

38 3. Wear a helmet.

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

40 490.520 1. It is a gross misdemeanor for any person  
41 knowingly to falsify:

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



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

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

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

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

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

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

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

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

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

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

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### TEXT OF REPEALED SECTION

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**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.





