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ASSEMBLY BILL NO. 293—ASSEMBLYMEN HANSEN, PAUL  
ANDERSON; CARRILLO, DUNCAN, FIORE, GRADY AND  
WHEELER

MARCH 15, 2013

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JOINT SPONSORS: SENATORS CEGAVSKE,  
GUSTAVSON AND SETTELMAYER

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Referred to Committee on Transportation

SUMMARY—Revises provisions relating to off-highway vehicles.  
(BDR 43-619)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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.

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AN ACT relating to off-highway vehicles; making failure to register an off-highway vehicle a secondary offense; providing for the temporary registration of an off-highway vehicle by officers of the Department of Motor Vehicles and other peace officers under certain circumstances; providing for exclusive enforcement of provisions governing off-highway vehicles by certain officers of this State; revising provisions relating to renewal of the registration of an off-highway vehicle; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the operator of an off-highway vehicle is required to  
2 register the vehicle and to ensure that the registration sticker or decal is attached to  
3 the vehicle. (NRS 490.082, 490.130) **Section 2** of this bill makes failure to register  
4 an off-highway vehicle or display the sticker or decal on the vehicle a secondary  
5 offense and authorizes an officer of the Department of Motor Vehicles or a peace  
6 officer of this State to issue a citation for such a violation only if the violation is  
7 discovered when the off-highway vehicle is halted or its operator is arrested for  
8 another alleged violation or offense. **Section 2** also requires an officer of the  
9 Department or a peace officer, before issuing a citation to the operator of an off-  
10 highway vehicle for a violation of the registration requirement, to offer instead to  
11 allow the operator of the vehicle to fill out an application for registration of the



\* A B 2 9 3 \*

12 vehicle and pay the registration fee to the officer. The officer shall then issue to the  
13 operator a receipt which is deemed a temporary certificate of registration of the  
14 vehicle that expires 30 days after issuance. The officer is then required to submit  
15 the application for registration and the fee to the Department in a timely manner.  
16 **Section 2** additionally requires the Department to make available to its officers and  
17 to all peace officers in this State applications for off-highway vehicle registration  
18 and receipt forms. **Section 3** of this bill requires the Department, upon receipt of an  
19 application and fee from such officers, to send to the applicant an acknowledgment  
20 of receipt of the application and fee, along with a list of any other documents or  
21 evidence required by the Department to complete the registration process. Upon  
22 receipt of such documents or evidence, the Department is required to register the  
23 off-highway vehicle and send to the applicant a registration sticker or decal.

24 **Section 4** of this bill limits the application of the provisions governing off-  
25 highway vehicles to only those off-highway vehicles that are propelled by an  
26 engine which has a displacement of 500 cubic centimeters or more. (NRS 490.060)

27 Existing law requires all officers of the Department and all peace officers in  
28 this State to enforce the provisions governing off-highway vehicles. (NRS 490.065)  
29 **Section 5** of this bill provides that those officers are the only persons authorized to  
30 enforce those provisions and that the State does not authorize the Federal  
31 Government to enforce those provisions.

32 Existing law requires the registration and an annual renewal of the registration  
33 of off-highway vehicles and requires that such registration be in the form of a  
34 sticker or decal that is approximately the size of a license plate for a motorcycle.  
35 (NRS 490.082, 490.083) **Section 6** of this bill revises the registration renewal  
36 period from once a year to every 3 years. **Section 7** of this bill revises the size  
37 requirement of the registration sticker or decal, providing that it must be smaller  
38 than the size of a license plate for a motorcycle.

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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 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *An officer of the Department or a peace officer in*  
4 *this State who is authorized to enforce the provisions of this*  
5 *chapter may not stop an off-highway vehicle for a violation of*  
6 *subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130.*  
7 *Except as otherwise provided in subsection 2, a citation may be*  
8 *issued for such a violation only if the violation is discovered when*  
9 *the off-highway vehicle is halted or its operator arrested for*  
10 *another alleged violation or offense.*

11 **2.** *Before issuing a citation for a violation of subsection 1 of*  
12 *NRS 490.082 or subsection 2 of NRS 490.130, an officer of the*  
13 *Department or a peace officer in this State shall allow the operator*  
14 *of the off-highway vehicle to, in lieu of receiving a citation, fill out*  
15 *an application provided by the officer for registration of the off-*  
16 *highway vehicle and pay to the officer the fee required pursuant to*  
17 *NRS 490.084. The officer, upon receipt of the application and fee,*  
18 *shall:*



1 (a) Issue to the operator a receipt which bears the date of  
2 issuance and includes a statement that the receipt shall be deemed  
3 a temporary certificate of registration for the off-highway vehicle  
4 that expires 30 days after issuance; and

5 (b) Submit to the Department, in a timely manner, the  
6 application and fee.

7 3. If the operator does not fill out the application and does  
8 not pay the fee pursuant to subsection 2, the officer may issue a  
9 citation for the violation of subsection 1 of NRS 490.082 or  
10 subsection 2 of NRS 490.130, as applicable.

11 4. The Department shall make available to its officers and all  
12 peace officers in this State the applications for registration of an  
13 off-highway vehicle and receipts required by this section in a form  
14 that is prescribed by the Department.

15 **Sec. 3. 1.** Upon receipt of an application for registration of  
16 an off-highway vehicle and the fee from an officer of the  
17 Department or a peace officer in this State pursuant to section 2 of  
18 this act, the Department shall send to the applicant:

19 (a) An acknowledgment of receipt of the application for  
20 registration and the fee required pursuant to NRS 490.084;

21 (b) A list of any other documents or evidence required by the  
22 Department for registration of the off-highway vehicle pursuant to  
23 NRS 490.082; and

24 (c) The mailing addresses of the Department.

25 2. Upon receipt by the Department of the documents or  
26 evidence required pursuant to paragraph (b) of subsection 1 from  
27 the applicant, the Department shall register the off-highway  
28 vehicle and mail to the applicant the registration sticker or decal  
29 for the off-highway vehicle pursuant to NRS 490.083.

30 **Sec. 4.** NRS 490.060 is hereby amended to read as follows:

31 490.060 1. "Off-highway vehicle" means a motor vehicle  
32 that is designed primarily for off-highway and all-terrain use **H** and  
33 is propelled by an engine which has a displacement of 500 cubic  
34 centimeters or more. The term includes, but is not limited to:

35 (a) An all-terrain vehicle;

36 (b) An all-terrain motorcycle;

37 (c) A dune buggy;

38 (d) A snowmobile; and

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

41 2. The term does not include:

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

43 (b) A motor vehicle that is registered by the Department;

44 (c) A low-speed vehicle as defined in NRS 484B.637; or

45 (d) Special mobile equipment, as defined in NRS 482.123.



1       **Sec. 5.** NRS 490.065 is hereby amended to read as follows:

2       490.065 The Department, all officers thereof and all peace  
3 officers in this State shall enforce , *and are the only persons*  
4 *authorized to enforce*, the provisions of this chapter. *The State of*  
5 *Nevada does not authorize the Federal Government or any*  
6 *representative thereof to enforce the provisions of this chapter.*

7       **Sec. 6.** NRS 490.082 is hereby amended to read as follows:

8       490.082 1. An owner of an off-highway vehicle that is  
9 acquired:

10       (a) Before the effective date of this section:

11           (1) May apply for, to the Department by mail or to an  
12 authorized dealer, and obtain from the Department, a certificate of  
13 title for the off-highway vehicle.

14           (2) Except as otherwise provided in subsection 3 ~~H~~ *and*  
15 *section 2 of this act*, shall, within 1 year after the effective date of  
16 this section, apply for, to the Department by mail or to an authorized  
17 dealer, and obtain from the Department, the registration of the off-  
18 highway vehicle.

19       (b) On or after the effective date of this section, shall, within 30  
20 days after acquiring ownership of the off-highway vehicle:

21           (1) Apply for, to the Department by mail or to an authorized  
22 dealer, and obtain from the Department, a certificate of title for the  
23 off-highway vehicle.

24           (2) Except as otherwise provided in subsection 3 ~~H~~ *and*  
25 *section 2 of this act*, apply for, to the Department by mail or to an  
26 authorized dealer, and obtain from the Department, the registration  
27 of the off-highway vehicle.

28       2. If an owner of an off-highway vehicle applies to the  
29 Department or to an authorized dealer for:

30           (a) A certificate of title for the off-highway vehicle, the owner  
31 shall submit to the Department or to the authorized dealer proof  
32 prescribed by the Department that he or she is the owner of the off-  
33 highway vehicle.

34           (b) The registration of the off-highway vehicle, *except as*  
35 *otherwise provided in section 2 of this act*, the owner shall submit:

36           (1) If ownership of the off-highway vehicle was obtained  
37 before the effective date of this section, proof prescribed by the  
38 Department:

39               (I) That he or she is the owner of the off-highway vehicle;  
40 and

41               (II) Of the unique vehicle identification number, serial  
42 number or distinguishing number obtained pursuant to NRS  
43 490.0835 for the off-highway vehicle; or

44           (2) If ownership of the off-highway vehicle was obtained on  
45 or after the effective date of this section:



1 (I) Evidence satisfactory to the Department that he or she  
2 has paid all taxes applicable in this State relating to the purchase of  
3 the off-highway vehicle, or submit an affidavit indicating that he or  
4 she purchased the vehicle through a private party sale and no tax is  
5 due relating to the purchase of the off-highway vehicle; and

6 (II) Proof prescribed by the Department that he or she is  
7 the owner of the off-highway vehicle and of the unique vehicle  
8 identification number, serial number or distinguishing number  
9 obtained pursuant to NRS 490.0835 for the off-highway vehicle.

10 3. Registration of an off-highway vehicle is not required if the  
11 off-highway vehicle:

12 (a) Is owned and operated by:

13 (1) A federal agency;

14 (2) An agency of this State; or

15 (3) A county, incorporated city or unincorporated town in  
16 this State;

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

18 (c) Is registered or certified in another state ; ~~and is located in~~  
19 ~~this State for not more than 60 days;~~

20 (d) Is used solely for husbandry on private land or on public  
21 land that is leased to or used under a permit issued to the owner or  
22 operator of the off-highway vehicle;

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

25 (f) Was manufactured before January 1, 1976.

26 4. ~~The~~ *Except as otherwise provided in section 2 of this act,*  
27 *the* registration of an off-highway vehicle expires ~~1 year~~ *3 years*  
28 after its issuance. If an owner of an off-highway vehicle fails to  
29 renew the registration of the off-highway vehicle before it expires,  
30 the registration may be reinstated upon the payment to the  
31 Department of the ~~annual~~ renewal fee and a late fee of \$25. Any  
32 late fee collected by the Department must be deposited with the  
33 State Treasurer for credit to the Revolving Account for the  
34 Administration of Off-Highway Vehicle Titling and Registration  
35 created by NRS 490.085.

36 5. If a certificate of title or registration for an off-highway  
37 vehicle is lost or destroyed, the owner of the off-highway vehicle  
38 may apply to the Department by mail, or to an authorized dealer, for  
39 a duplicate certificate of title or registration. *The Department shall*  
40 *not replace a temporary registration issued pursuant to section 2*  
41 *of this act.* The Department may collect a fee to replace a certificate  
42 of title or registration certificate, sticker or decal that is lost,  
43 damaged or destroyed. Any such fee collected by the Department  
44 must be:

45 (a) Set forth by the Department by regulation; and



1 (b) Deposited with the State Treasurer for credit to the  
2 Revolving Account for the Administration of Off-Highway Vehicle  
3 Titling and Registration created by NRS 490.085.

4 6. The provisions of subsections 1 to 5, inclusive, do not apply  
5 to an owner of an off-highway vehicle who is not a resident of this  
6 State.

7 **Sec. 7.** NRS 490.083 is hereby amended to read as follows:

8 490.083 ~~Each~~ *Except as otherwise provided in section 2 of*  
9 *this act, each* registration of an off-highway vehicle must:

10 1. Be in the form of a sticker or decal, as prescribed by the  
11 Department.

12 2. Be ~~approximately~~ *smaller than* the size of a license plate  
13 for a motorcycle, as set forth by the Department.

14 3. Include the unique vehicle identification number, serial  
15 number or distinguishing number obtained pursuant to NRS  
16 490.0835 for the off-highway vehicle.

17 4. Be displayed on the off-highway vehicle in the manner set  
18 forth by the Commission.

19 **Sec. 8.** NRS 490.084 is hereby amended to read as follows:

20 490.084 1. The Department shall determine the fee for  
21 issuing a certificate of title for an off-highway vehicle, but such fee  
22 must not exceed the fee imposed for issuing a certificate of title  
23 pursuant to NRS 482.429. Money received from the payment of the  
24 fees described in this subsection must be deposited with the State  
25 Treasurer for credit to the Revolving Account for the Administration  
26 of Off-Highway Vehicle Titling and Registration created by  
27 NRS 490.085.

28 2. The Commission shall determine the fee for the ~~annual~~  
29 registration of an off-highway vehicle, but such fee must not be less  
30 than \$20 or more than \$30. Money received from the payment of the  
31 fees described in this subsection *and from the payment of fees*  
32 *pursuant to section 2 of this act* must be distributed as follows:

33 (a) During the period beginning on July 1, 2012, and ending on  
34 June 30, 2013:

35 (1) Eighty-five percent must be deposited with the State  
36 Treasurer for credit to the Revolving Account for the Administration  
37 of Off-Highway Vehicle Titling and Registration created by  
38 NRS 490.085.

39 (2) To the extent that any portion of the fee for registration is  
40 not for the operation of the off-highway vehicle on a highway, 15  
41 percent must be deposited into the Fund.

42 (b) On or after July 1, 2013:

43 (1) Fifteen percent must be deposited with the State  
44 Treasurer for credit to the Revolving Account for the Administration



1 of Off-Highway Vehicle Titling and Registration created by  
2 NRS 490.085.

3 (2) To the extent that any portion of the fee for registration is  
4 not for the operation of the off-highway vehicle on a highway, 85  
5 percent must be deposited into the Fund.

6 **Sec. 9.** NRS 490.110 is hereby amended to read as follows:

7 490.110 1. Except as otherwise provided in subsection 2, if  
8 an off-highway vehicle meets the requirements of this chapter and  
9 the operator holds a valid driver's license and operates the off-  
10 highway vehicle in accordance with the requirements of those  
11 sections, the off-highway vehicle may be operated on a highway in  
12 accordance with NRS 490.090 to 490.130, inclusive ~~†~~ , and  
13 *sections 2 and 3 of this act.*

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

16 (a) On an interstate highway;

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

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

20 **Sec. 10.** NRS 490.120 is hereby amended to read as follows:

21 490.120 In addition to the requirements set forth in NRS  
22 490.070, a person shall not operate an off-highway vehicle on a  
23 highway pursuant to NRS 490.090 to 490.130, inclusive, and  
24 *sections 2 and 3 of this act*, unless the off-highway vehicle has:

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

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

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

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

32 5. A muffler which is in working order and which is in  
33 constant operation when the vehicle is running.

34 **Sec. 11.** NRS 490.130 is hereby amended to read as follows:

35 490.130 The operator of an off-highway vehicle that is being  
36 driven on a highway in this State in accordance with NRS 490.090  
37 to 490.130, inclusive, *and sections 2 and 3 of this act*, shall:

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

39 2. ~~Ensure~~ *Except as otherwise provided in section 2 of this*  
40 *act, ensure* that the registration of the off-highway vehicle is  
41 attached to the vehicle in accordance with NRS 490.083; and

42 3. Wear a helmet.

43 **Sec. 12.** NRS 490.520 is hereby amended to read as follows:

44 490.520 1. It is a gross misdemeanor for any person  
45 knowingly to falsify:



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

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

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

11 3. ~~Any~~ *Except as otherwise provided in subsection 2 of*  
12 *section 2 of this act, any* person who violates a provision of this  
13 chapter relating to the registration or operation of an off-highway  
14 vehicle is guilty of a misdemeanor and shall be punished by a fine  
15 not to exceed \$100.

16 **Sec. 13.** This act becomes effective on July 1, 2013.

