

## CHAPTER 490 - OFF-HIGHWAY VEHICLES

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## GENERAL PROVISIONS

**SECTION 490.010 Definitions.** As used in this chapter, unless the context otherwise requires, the words and terms defined in [SECTION 490.020](#) to [490.062](#), inclusive, have the meanings ascribed to them in those sections.

**SECTION 490.020 “Authorized dealer” defined.** “Authorized dealer” means a dealer authorized by the Department to receive and submit to the Department applications for the issuance of certificates of title for, and registrations of, off-highway vehicles pursuant to [SECTION 490.070](#).

**SECTION 490.022 “Commission” defined.** “Commission” means the Commission on Off-Highway Vehicles created by [SECTION 490.067](#).

**SECTION 490.024 “Consignee” defined.** “Consignee” means any person licensed pursuant to this chapter to sell or lease off-highway vehicles or any person who holds himself or herself out as being in the business of selling, leasing or consigning off-highway vehicles.

**SECTION 490.026 “Consignment” defined.** “Consignment” means any transaction whereby the registered owner or lienholder of an off-highway vehicle subject to registration pursuant to this chapter agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell, exchange, negotiate or attempt to negotiate a sale or an exchange of the interest of the registered owner or lienholder in the off-highway vehicle, whether or not for compensation.

**SECTION 490.028 “Consignment contract” defined.** “Consignment contract” means a written agreement between a registered owner or lienholder of an off-highway vehicle and a consignee to whom the off-highway vehicle has been entrusted by consignment for the purpose of sale that specifies the terms and conditions of the consignment and sale.

**SECTION 490.030 “Department” defined.** Repealed. (See chapter 504, Statutes of Nevada 2009, at page 3104.)

**SECTION 490.035 “Fund” defined.** “Fund” means the Fund for Off-Highway Vehicles created by [SECTION 490.069](#).

**SECTION 490.040 “Highway” defined.** “Highway” has the meaning ascribed to it in [SECTION 482.045](#).

**SECTION 490.045 “Manufacturer” defined.** “Manufacturer” means every person engaged in the business of manufacturing off-highway vehicles.

**SECTION 490.050 “Motor vehicle” defined.** “Motor vehicle” has the meaning ascribed to it in [SECTION 482.075](#).

**SECTION 490.060 “Off-highway vehicle” defined.**

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;
- (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;
- (c) A low-speed vehicle as defined in [SECTION 484B.637](#); or
- (d) Special mobile equipment, as defined in [SECTION 482.123](#).

**SECTION 490.065 Enforcement of chapter.** The Department, all officers thereof and all peace officers in this State, or Reservation, shall enforce the provisions of this chapter.

## COMMISSION ON OFF-HIGHWAY VEHICLES

### REQUIRED CERTIFICATES

**SECTION 490.083 Form, size, number and display of registration.** Each registration of an off-highway vehicle must:

1. Be in the form of a sticker or decal, as prescribed by the Department.
2. Be approximately the size of a license plate for a motorcycle, as set forth by the Department.
3. Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to [SECTION 490.0835](#) for the off-highway vehicle.
4. Be displayed on the off-highway vehicle in the manner set forth by the Commission.

**SECTION 490.0835 Department may assign distinguishing number under certain circumstances.**

1. The Department may assign a distinguishing number to any off-highway vehicle if:
  - (a) The off-highway vehicle does not have a unique vehicle identification number or serial number provided by the manufacturer of the vehicle;
  - (b) The unique vehicle identification number or serial number provided by the manufacturer of the off-highway vehicle has been removed, defaced, altered or obliterated; or
  - (c) The off-highway vehicle is homemade.
2. Any off-highway vehicle to which there is assigned a distinguishing number pursuant to subsection 1 must be registered, if required pursuant to [NRS 490.082](#), under the distinguishing number.

3. The number by which an off-highway vehicle is registered pursuant to [NRS 490.082](#) must be permanently stamped or attached to the vehicle. False attachment or willful removal, defacement, alteration or obliteration of such a number with intent to defraud is a **Category D Offense**.

## **RULES OF OPERATION**

**SECTION 490.090 Operation on undesignated paved highways generally prohibited; exceptions; operation on public land, trails, ways or unpaved county roads authorized unless prohibited by governmental entity having jurisdiction; authority of governmental entities having jurisdiction to distribute information concerning prohibited areas and to erect signs designating prohibited areas.** Except as otherwise provided in [SECTION 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. 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.

4. A governmental entity specified in subsection 3 may, unless prohibited by [SECTION 486.352, SECTION 486.353, SECTION 486.354, OR SECTION 486.355](#).

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

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

**SECTION 490.100 Authority of Tribal Council or county to designate portion of highway for off-highway vehicle use; approval of Department of Transportation regarding state highways; 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 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 a city, county, or Reservation designates a highway for the operation of off-highway vehicles, the city, county, or Reservation 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 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.

#### **SECTION 490.110 Authorized and unauthorized operation on highway.**

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 [SECTION 490.090](#) to [490.130](#), inclusive.

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

(a) On a paved highway on the Reservation for more than 500 feet.

**SECTION 490.120 Required equipment for operation on highway.** In addition to the requirements set forth in [SECTION 490.070](#), a person shall not operate an off-highway vehicle on a highway pursuant to [SECTION 490.090](#) to [490.130](#), inclusive, unless the off-highway vehicle has:

1. At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;
2. At least one tail lamp that is visible from at least 500 feet behind the vehicle;
3. At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;
4. A stop lamp on the rear of the vehicle; and
5. A muffler which is in working order and which is in constant operation when the vehicle is running.

**SECTION 490.130 Duties of operator when operating off-highway vehicle on highway.** The operator of an off-highway vehicle that is being driven on a highway on the Reservation in accordance with [SECTION 490.090](#) to [490.130](#), inclusive, shall:

1. Comply with all traffic laws of this State and Reservation;
2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with [SECTION 490.083](#); and
3. Wear a helmet.

4. If a city, county, or Reservation designates a highway for the operation of off-highway vehicles, the city, county, or Reservation 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 under the direct visual supervision of a person who is at least 18 years of age.

**SECTION 486.352 Prohibition.** It is unlawful for any person to drive or operate a motorcycle, or any other motor-powered vehicles commonly known to be “off-road” type vehicles used principally for sport or hunting purposes on any vacant lands not a public street or right-of-way when such vacant land is within one thousand (1,000) feet of any residential area (listed in EST 486 also).