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ASSEMBLY BILL NO. 448—COMMITTEE ON NATURAL  
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE LEGISLATIVE COMMITTEE  
ON PUBLIC LANDS)

MARCH 27, 2017

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions relating to the carrying of a loaded rifle or shotgun and the discharge of a firearm on certain highways and roads. (BDR 45-334)

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 wildlife; authorizing a person, under certain circumstances, to carry a loaded rifle or loaded shotgun in or on a vehicle which is standing on or along, or is being driven on or along, a county road or a state highway or state route for the purpose of hunting certain species of wildlife; authorizing the discharge of a firearm upon, over or across a county road or a state highway or route for the purpose of hunting those species of wildlife under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law creates a board of county highway commissioners for each county  
2 whose population is less than 100,000 and authorizes those boards to make rules  
3 and regulations for the enforcement of the provisions of chapter 403 of NRS  
4 governing county roads, highways and bridges, including, without limitation, the  
5 designation of main, general and minor county roads. In all counties, regardless of  
6 population, the board of county commissioners may lay out, control and manage  
7 public roads within the county unless the jurisdiction of the county is limited by  
8 law. (NRS 244.155, 403.005, 403.010, 403.050) Existing law additionally creates  
9 the Department of Transportation and authorizes: (1) the Department to construct,  
10 improve and maintain state highways; and (2) the Director of the Department to  
11 designate other highways as state routes. (NRS 408.106, 408.285)



12 Existing law: (1) makes it unlawful for a person to carry a loaded rifle or loaded  
13 shotgun in or on any vehicle which is standing on or along, or is being driven on or  
14 along, any public highway or any other way open to the public; and (2) prohibits a  
15 person from discharging a firearm from, upon, over or across any federal highway,  
16 state highway or main or general county road. (NRS 503.165, 503.175) Existing  
17 law also prohibits a person who is in, on or under a structure or vehicle from  
18 maliciously or wantonly discharging a firearm or causing the discharge of a firearm  
19 within or from the structure or vehicle. (NRS 202.287)

20 Under existing law, a person who hunts or fishes any wildlife without having  
21 first procured a license or permit to do so is guilty of a misdemeanor, except that  
22 the Board of Wildlife Commissioners may adopt regulations setting forth the  
23 species of wildlife which may be hunted or trapped without a license or permit.  
24 (NRS 502.010)

25 **Section 1** of this bill authorizes a person to carry a loaded rifle or loaded  
26 shotgun in or on any vehicle which is standing on or along, or is being driven on or  
27 along a main, general or minor county road or a state highway or state route for the  
28 purpose of hunting a species of wildlife which the Board of Wildlife  
29 Commissioners has determined may be hunted without a license or permit. For the  
30 purpose of hunting those species of wildlife, **section 1** requires: (1) the board of  
31 highway commissioners of each county whose population is less than 100,000 and  
32 the board of county commissioners in each county whose population is 100,000 or  
33 more to determine which main, general and minor county roads are appropriate for  
34 a person to carry a loaded rifle or loaded shotgun in or on a vehicle which is  
35 standing on or along, or is being driven on or along, those county roads; and (2) the  
36 Department of Transportation to determine which state highways and state routes  
37 are appropriate for a person to carry a loaded rifle or loaded shotgun in that manner  
38 on those state highways and state routes. **Section 2** of this bill sets forth similar  
39 duties and authority concerning the discharge of a firearm from, upon, over or  
40 across a main, general or minor county road or a state highway or state route.  
41 **Section 3** of this bill sets forth an exception from the prohibition against  
42 maliciously or wantonly discharging a firearm or causing the discharge of a firearm  
43 within, on or under a vehicle or structure for certain persons who lawfully  
44 discharge a firearm for the purpose of hunting those species of wildlife.

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

1 **Section 1.** NRS 503.165 is hereby amended to read as follows:

2 503.165 1. It is unlawful to carry a loaded rifle or loaded  
3 shotgun in or on any vehicle which is standing on or along, or is  
4 being driven on or along, any public highway or any other way open  
5 to the public.

6 2. A rifle or shotgun is loaded, for the purposes of this section,  
7 when there is an unexpended cartridge or shell in the firing  
8 chamber, but not when the only cartridges or shells are in the  
9 magazine.

10 3. The provisions of this section do not apply to ~~paraplegics~~ :  
11 *(a) Paraplegics*, persons with one or both legs amputated or  
12 who have suffered a paralysis of one or both legs which severely  
13 impedes walking, or peace officers and members of the Armed



1 Forces of this State or the United States while on duty or going to or  
2 returning from duty.

3 *(b) A person who carries a loaded rifle or loaded shotgun in or*  
4 *on a vehicle which is standing on or along, or is being driven on*  
5 *or along, a main, general or minor county road or state highway*  
6 *or state route for the purpose of hunting a species of wildlife*  
7 *which the Board of Wildlife Commissioners has determined may*  
8 *be hunted without a license or permit pursuant to NRS 502.010.*  
9 *For the purposes of this section:*

10 *(1) The board of county highway commissioners of each*  
11 *county whose population is less than 100,000 and the board of*  
12 *county commissioners of each county whose population is 100,000*  
13 *or more shall determine which main, general and minor county*  
14 *roads in that county are appropriate for a person to carry a loaded*  
15 *rifle or loaded shotgun in or on a vehicle which is standing on or*  
16 *along, or is being driven on or along, those county roads; and*

17 *(2) The Department of Transportation shall determine*  
18 *which state highways and state routes are appropriate for a person*  
19 *to carry a loaded rifle or loaded shotgun in or on a vehicle which*  
20 *is standing on or along, or is being driven on or along, those state*  
21 *highways or state routes.*

22 **Sec. 2.** NRS 503.175 is hereby amended to read as follows:

23 503.175 **1.** Unless a greater penalty is provided in NRS  
24 202.287, a person who discharges a firearm from, upon, over or  
25 across any federal highway, state highway as described in NRS  
26 408.285, or main or general county road as designated in NRS  
27 403.170, is guilty of a misdemeanor.

28 **2.** *The provisions of this section do not apply to a person who*  
29 *discharges a firearm from, upon, over or across a main, general or*  
30 *minor county road or a state highway or state route for the*  
31 *purpose of hunting a species of wildlife which the Board of*  
32 *Wildlife Commissioners has determined may be hunted without a*  
33 *license or permit pursuant to NRS 502.010. For the purposes of*  
34 *this subsection:*

35 *(a) The board of county highway commissioners of each*  
36 *county whose population is less than 100,000 and the board of*  
37 *county commissioners of each county whose population is 100,000*  
38 *or more shall determine which main, general and minor county*  
39 *roads in that county are appropriate to discharge a firearm upon,*  
40 *over or across; and*

41 *(b) The Department of Transportation shall determine which*  
42 *state highways and state routes are appropriate to discharge a*  
43 *firearm upon, over or across.*



1       **Sec. 3.** NRS 202.287 is hereby amended to read as follows:

2       202.287 1. A person who is in, on or under a structure or  
3 vehicle and who maliciously or wantonly discharges or maliciously  
4 or wantonly causes to be discharged a firearm within or from the  
5 structure or vehicle:

6       (a) If the structure or vehicle is not within an area designated by  
7 city or county ordinance as a populated area for the purpose of  
8 prohibiting the discharge of weapons, is guilty of a misdemeanor.

9       (b) If the structure or vehicle is within an area designated by city  
10 or county ordinance as a populated area for the purpose of  
11 prohibiting the discharge of weapons, is guilty of a category B  
12 felony and shall be punished by imprisonment in the state prison for  
13 a minimum term of not less than 2 years and a maximum term of not  
14 more than 15 years, or by a fine of not more than \$5,000, or by both  
15 fine and imprisonment.

16       2. If a firearm is discharged within or out of any vehicle that is  
17 in motion or at rest and it cannot with reasonable certainty be  
18 ascertained in what county the crime was committed, the offender  
19 may be arrested and tried in any county through which the vehicle  
20 may have run on the trip during which the firearm was discharged.

21       3. The provisions of this section do not apply to:

22       (a) A person who lawfully shoots at a game mammal or game  
23 bird pursuant to subsection 2 of NRS 503.010.

24       (b) A peace officer while engaged in the performance of his or  
25 her official duties.

26       (c) A person who discharges a firearm in a lawful manner and in  
27 the course of a lawful business, event or activity.

28       (d) *A person specified in subsection 2 of NRS 503.175 who*  
29 *lawfully discharges a firearm for the purpose of hunting a species*  
30 *of wildlife which the Board of Wildlife Commissioners has*  
31 *determined may be hunted without a license or permit pursuant to*  
32 *NRS 502.010.*

33       4. As used in this section:

34       (a) "Structure" means any temporary or permanent structure,  
35 including, but not limited to, any tent, house, room, apartment,  
36 tenement, shop, warehouse, store, mill, barn, stable, outhouse or  
37 other building.

38       (b) "Vehicle" means any motor vehicle or trailer designed for  
39 use with a motor vehicle, whether or not it is self-propelled,  
40 operated on rails or propelled by electric power obtained from  
41 overhead wires.

