

**NEVADA POWERSPORT
DEALERS ASSOCIATION**
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**Comments submitted by NPDA on NDOW's
Off Highway Vehicle Proposed Amendments to NRS 490**
Susan Fisher, Executive Director, NPDA

NPDA Request: Regulation & oversight should be under the authority of the *Nevada Division of State Parks* (NDSP). All references to NDOW should be changed to NDSP.

Justification: (Definition of NDPS from the State of Nevada website):
Division of State Parks resource management duties include; state park land acquisition, protection, statewide recreation planning duties; resource management duties; coordination with federal government.

As the committee is aware from prior testimony, NPDA fully supports an OHV registration and titling program in Nevada. This will help us get in step with statutes in the majority of the Western States and more importantly, provide reciprocity between user groups state-to-state and provide an education recourse and oversight process for this huge economic engine in the State of Nevada. The only other state in the West that we are aware of without an OHV registration program is New Mexico. However, we are informed there are efforts underway to correct this.

NDOW's proposal is fairly cumbersome and more inclusive than any previous OHV registration proposal presented to date. Rather than detailing each and every section, we will attempt to address major issues and concepts.

In addition to consideration of having the program administered by the Division of State Parks, NPDA urges the Committee on Public Lands to restrict consideration of a registration program to one that includes an Advisory Council established under a program to elicit, receive and distribute funds and grants.

NPDA would like the Committee on Public Lands to consider:

- 1) All references to NDOW should be changed to NDSP.
Department of State Parks is the preferred agency of record in the surrounding states where the program is truly working to benefit the user groups, dealers, environmental interests and the state.
- 2) NDOW's proposal goes so far as addressing "tire pressure" and "'Motorcycle' means every motor vehicle having a saddle..." This sort of detail in state statute is unnecessary.

EXHIBIT R - LANDS
Document consists of 3 pages.
Entire Exhibit Provided
Meeting Date: 05-26-06

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3) Off-Highway Vehicle Advisory Council.

We propose the council be appointed by State Parks and include a representative from State Parks; representatives from user groups, including but not limited to dirt bike, quad and snowmobile user groups; at least one representative from OHV authorized dealer community; BLM; NDOW; and the Governor's office.

The OHV Advisory Council, as operated through State Parks, will seek to obtain and distribute grants and funds. The council will oversee distribution of funds from state and non-state revenue sources; i.e., federal grants for the purpose of signage, public education, user education, trail maintenance, development on public lands, etc. At this time, NPDA does not support funds being spent to develop trails on private lands.

The program should be developed and implemented statewide and not on a county-by-county piecemeal basis. OHV users enjoy usage across county lines and are an economic boon to virtually all counties in the State of Nevada. Funds should be distributed by the State OHV Advisory Council and not distributed to individual counties to distribute.

4) Gas tax funding.

It may be argued that OHV administration use of gas tax is unconstitutional. However, NPDA contends that OHV users purchase gasoline for their OHVs and pay gas taxes. In addition, under NRS 490, OHV users have the right to access portions of state highways and public roads for limited stretches. OHVs buy and use gas, pay gas taxes and have statutory authority to drive on state and local roads. How do they differ from autos, trucks and other vehicles on the roads? The only difference identified by NPDA is that OHVs pay the same amount of gas tax as "regular" vehicles, however, are limited to two miles of travel on public roads. Same tax, less use, less wear and tear.

NPDA agrees there is a constitutional issue at stake.

5) Certificates of Operation, Titles & Registration.

If Nevada assumes OHV titling and registration, there is no need for a Certificate of Operation (COO). This is an extra step that will cost the state, industry and users funds.

NPDA proposes a biennial registration.

Because the State of Nevada has not required registration in the past, many OHV owners do not have proof of ownership nor proof of taxes paid. NPDA proposes "forgiveness" for purchases prior to January 1, 2006. Since that time, Nevada dealers have been working to inform the public of the requirement to provide proof of payment of sales tax, Dept of Taxation sticker requirements, etc.

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6) Fees.

NPDA wishes to work with NDSP to determine the fees and encourages a comparison study of fees in surrounding states (submitted to LCB staff in separate communication). NDOWs suggested fee of \$35 is excessive by any state's standard.

NPDA suggests authorized dealers willing to provide registration services for NDSP be allowed to collect a minimal fee to cover expenses. In addition, NDOW proposes a "search and rescue" fee of \$1 for each OHV. Without justification and comparison, NPDA objects to said fee.

7) Operation by persons under 12 years of age prohibited.

OHV activities are family activities. Neither the OHV community nor NPDA members suggest letting OHV enthusiasts under the age of 16 have access on paved, public highways without adult supervision. However, to restrict OHV activities to persons over the age of 12 would restrict and end many family outings. NPDA respectfully requests consideration of language to enable "supervised access".

8) Sanctioned races.

Sanctioned races are privately organized and bonded. They need not be addressed in state legislation as each event is evaluated and approved on an individual basis by the appropriate state and/or federal agency.

9) Muffling devices.

The OHV Advisory Council should take this issue under further consideration, if necessary. This should not be a legislative issue as muffling devices are currently required.

10) Hunter and trapper language.

Many hunters and trappers utilize OHVs in the course of their activities. There is no reason they should be exempt from the OHV registration process, nor should hunters and trappers who also happen to be OHV users fall under statutory language different from any other.

11) Permission required for race or organized event.

Redundant language. This is already required by BLM and Forest Service. NDOW's proposal adds another layer of bureaucracy.

12) Safety Programs.

While NPDA fully supports voluntary safety programs and mandatory under-age training certifications, no other state as far as we are aware requires this. A requirement of the scope proposed may be cumbersome and cost prohibitive, primarily in rural areas. NPDA is willing to work with NDSP to develop educational programs and to find volunteers (non-paid) to provide education.

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