

**PROPOSED REGULATION OF THE
NEVADA TAX COMMISSION**

Explanation – Matter in *italics* is new, matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: NRS 360.090 and SB 400 of the 2005 Session

Section 1. Adding new language to Nevada Administrative Code Chapter 360 as follows:

Sec. 2. 1. The owner of an off-highway vehicle shall:

- a) Affix and display the off-highway vehicle certificate of operation sticker assigned by an authorized dealer on the off-highway vehicle in a manner that is plainly visible from a distance of at least 50 feet during daylight by position, size and color; and maintain the off-highway vehicle certificate of operation sticker in a condition that is free of foreign materials and clearly legible.*
- b) The certificate of operation sticker shall be placed in specific positions on the left side of the off-highway vehicles by the owner as follows:*
 - 1) For an all-terrain vehicle, the sticker shall be placed on the rear guard, fender, or metal frame, and visible from the left.*
 - 2) For an all-terrain motorcycle, not registered with the Department of Motor Vehicles, the sticker shall be placed on the left vertical fork leg, and visible from the left.*
 - 3) For a sand-rail, dune buggy, the sticker shall be placed on the rear guard, fender, or metal frame, and visible from the left.*
 - 4) For a snowmobile, the sticker shall be placed on the left back tunnel, and visible from the left.*
 - 5) For any other motor vehicle used on public lands for purposes of recreation, the sticker shall be placed in a manner that is plainly visible on the left side.*
- c) The off-highway vehicle certificate of operation sticker number shall be:*

- 1) *A unique number using numbers, letters, or combination of numbers and letters to identify the off-highway vehicle;*
 - 2) *Assigned to the off-highway vehicle for the useful life of the off-highway vehicle.*
2. *a) If the off-highway vehicle is purchased from other than an authorized Nevada dealer or private party, the dealer shall collect taxes or require evidence satisfactory that all Sales/Use taxes applicable in this state have been paid. Proof of Sales/Use tax shall include but not limited to:*
 - 1) *Purchase agreement evidencing Sales/Use tax paid to another jurisdiction;*
 - 2) *Sales contract evidencing Sales/Use tax paid to another Jurisdiction;*
 - 3) *Some other sufficient proof of taxes paid; or*
 - 4) *Proof of Sales/Use tax paid directly to another jurisdiction**b) Authorized dealer shall allow a credit toward the amount applicable to this state for taxes paid to another jurisdiction and shall collect the difference if the tax paid was not equal to or greater than this state.*
c) If the purchaser disagrees with the authorized dealer's required Sales/Use tax due, the purchaser may contact the Department for further review.
3. *Proof of ownership is required at the time of the request for certification. Such proof shall include but is not limited to:*
 - a) *Purchase Agreement;*
 - b) *Sales Contract;*
 - c) *Manufacturers Certificate of Origin;*
 - d) *Proof or prior registration or certification from another jurisdiction*
 - e) *Other sufficient proof or ownership; or*
 - f) *Title*
4. *The affidavit for a requestor of the certificate who purchased the off-highway vehicle from an private party shall be on a form approved by the Department and shall include:*
 - a) *Name and address of purchaser;*

- b) *Proof of ownership by seller;*
 - c) *Name and address of seller;*
 - d) *Description of the off-highway vehicle with appropriate vehicle identification number, if applicable;*
 - e) *Date of purchase; and*
 - f) *Purchase price.*
5. *For an entity or person to become an “authorized dealer,” he must:*
- a) *Apply to the Department in writing and receive written confirmation of approval;*
 - b) *Be in compliance with the taxation laws of this State;*
 - c) *Have a place of business located in this State or hold a valid Sales Tax Permit or Certificate of Authority from Nevada;*
 - d) *Make every reasonable effort to provide satisfactory service to the potential certificate holder and the Department of Taxation;*
 - e) *Make timely reports to the Taxation Department of all certificates issued on a form provided by the Department; and*
 - f) *The dealer must maintain possession of all records pertaining to the certificate of operation stickers for a period of 5 years;*
6. *A dealer may lose its authority to issue certificates at the discretion of the Department, and upon such acts and omissions as follows:*
- a) *Not maintaining a proper report of certificates issued or not on a form prescribed by the Department for the period of 5 years;*
 - b) *Refusal and/or failure to issue certificates although proper purchase or ownership documentation has been provided;*
 - c) *Not providing the report of certificates issued by the last day of the month following the quarter in which certification took place;*
 - d) *By failing to allow the Department to inspect records pertaining to the certificate issuance;*
 - e) *By failing to maintain and report accurate and complete information;*
 - f) *Failure to issue certificates in compliance with any regulation or statutes pertaining to off-highway vehicles; or*

- g) *Repeatedly violate any statutes or regulations pertaining to off-highway vehicles.*
- 7. *Private party is defined as “a person, not a retailer.”*
- 8. *If a certificate of operation sticker is lost or destroyed, the owner must provide adequate proof of prior certification before the issuance of a replacement certificate.*
- 9. *Procedures for revocation of an authorized dealer are:*
 - a) *Notice of Intent to revoke the authorization of a dealer shall be served by certified mail to the dealer, addressed to him at the last know address of the dealer maintained by the Department*
 - b) *The authorized dealer may file a written objection of the revocation of his authorization within 30 days after receipt of the Notice of Intent.*
 - c) *The objection shall be referred to a hearing officer for the scheduling of a hearing.*
 - d) *The decision of the hearing officer may be appealed to the Tax Commission within 30 days after the entry of a decision.*
- 10. *A person, owner, or authorized dealer may not:*
 - a) *Knowingly falsify an application for a certificate of operation, affidavit of ownership, or bill of sale for any off-highway vehicle;*
 - b) *Alter, deface, or remove any manufacturer’s serial number on any off-highway vehicle;*
 - c) *Use or permit the use or display of any certificate of operation sticker upon an off-highway vehicle or in the operation of any off-highway vehicle other than the vehicle for which it was issued or assigned; or*
 - d) *Alter or deface a certificate of operation sticker issued or assigned to an off-highway vehicle.*
- 11. *Duplicate certificate of operation stickers.*
 - a) *If a certificate of operation sticker is lost, stolen, or becomes illegible, the owner of the off-highway vehicle shall immediately apply for and obtain a replacement sticker.*