

**ADOPTED REGULATION OF THE
COMMISSION ON OFF-HIGHWAY VEHICLES**

LCB File No. R050-12

Effective July 1, 2012

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

AUTHORITY: §§1 and 2, NRS 490.084.

A REGULATION relating to off-highway vehicles; setting forth the fee for the annual registration of an off-highway vehicle; and providing other matters properly relating thereto.

Section 1. Chapter 490 of NAC is hereby amended by adding thereto a new section to read as follows:

The fee for the annual registration of an off-highway vehicle is \$20.

Sec. 2. This regulation becomes effective on July 1, 2012.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Motor Vehicles adopted regulations assigned LCB File No. R050-12, which pertain to chapter number 490 of the Nevada Administrative Code, on May 31, 2012. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
LCB FILE NO. R050-12
May 31, 2012

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 490:

1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulation, notices of workshop and notices of intent to act upon the regulations were sent out for posting by electronic mail to all DMV offices and county libraries where there is not a DMV office. Notices were also sent via email to industry dealers, OHV Commission members and other interested parties. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm.

A Public Workshop was noticed on April 2, 2012, and held on April 18, 2012 at the Legislative Counsel Bureau, State Legislative Building, Carson City, Nevada and video-conferenced to the Legislative Counsel Bureau at the Grant Sawyer Building, Las Vegas, Nevada. Six members of the general public or business industry attended the workshop. No testimony was submitted. No written comments were submitted.

A Notice of Intent to Act upon the Regulations was noticed on April 24, 2012, and a public hearing was held on May 24, 2012 at the Legislative Counsel Bureau, State Legislative Building in Carson City, Nevada. The hearing was video-conferenced to the Grant Sawyer Building in Las Vegas, and to Great Basin College in Elko. Twelve members of the general public or business industry attended the hearing. No testimony was submitted. No written comments were submitted.

A recording of the Public Workshop and Notice of Intent to Act upon the Regulations is on file at the Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711. Copies of these minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

2. The number of persons who:

(a) Attended the workshop; 19

In attendance in Carson City – 15

Mike Caltagione, Backcountry Hunters and Anglers
Allen Underhill, Copact, Inc.
Keith Serpa, Carson Motorsports
Terry McTimmonds, The Outdoor Toy Store
Kathleen Dye, Michael's Cycle Works
Rhonda Bavaro, Department of Motor Vehicles
Teri Baltisberger, Department of Motor Vehicles
Ann Yukish-Lee, Department of Motor Vehicles
Terri Carter, Department of Motor Vehicles
Martin Hefner, Department of Motor Vehicles (Workshop Hearings Officer)
Andy McCool, Department of Motor Vehicles
Pete Olson, Department of Motor Vehicles
John Lee, Department of Motor Vehicles
Natalie Vargas-Murray, Department of Motor Vehicles
Laurie Vandebroke, Department of Motor Vehicles
Rachel Reynolds, Department of Motor Vehicles

In attendance in Las Vegas – 3

Robert Adams, OHV Commission
Kevin Malone, Department of Motor Vehicles
Adriane Roberts-Larson, Department of Motor Vehicles

(b) Testified at the workshop; 0

(c) Submitted to the agency written statements; 0

(d) Attended the hearing; 24

In attendance in Carson City – 19

Paul Jackson, OHV Commission
Gary Lambert, OHV Commission
Darin Elmore, OHV Commission
Shannon Hogan, Holland & Hart
Tom Clark, Holland & Hart, Attorney for Black Rock
Rob Brenarlici, Department of Wildlife
Kristy Knight, Department of Wildlife
Julie Lamm, Michael's Reno PowerSports
John Reed
Jude Hurin, Department of Motor Vehicles (Hearings Officer)
Teri Baltisberger, Department of Motor Vehicles
Rhonda Bavaro, Department of Motor Vehicles
Andy McCool, Department of Motor Vehicles
Pete Olson, Department of Motor Vehicles
Ann Yukish-Lee, Department of Motor Vehicles

Laurie Vandebroke, Department of Motor Vehicles
Rachel Reynolds, Department of Motor Vehicles
Martin Hefner, Department of Motor Vehicles
Gordon Rogers, Department of Motor Vehicles

In attendance in Las Vegas – 4

Robert Adams, OHV Commission
Bruce Silverman, Dealer
Kevin Malone, Department of Motor Vehicles
Adriane Roberts-Larson, Department of Motor Vehicles

In attendance in Elko - 3

John Glenn, OHV Commission
Penny Kennedy, Department of Motor Vehicles
Donna Fogleman, Department of Motor Vehicles

(e) Testified at the hearing – 0

(f) Submitted to the agency written statements - 0

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited using electronic mail and postings as described in Question 1 for both the Workshop and the Hearing. No written comments were submitted for either the Workshop or the Hearing. Copies of the minutes may be obtained by written request to Attention Pete Olson, Department of Motor Vehicles, Management Services and Programs Division, 555 Wright Way, Carson City, Nevada 89711.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The regulation was submitted to the Legislative Counsel Bureau for review in December 2011, prior to the workshop and hearing.

- 5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Both adverse and beneficial effects; and

There is no economic effect on businesses. The \$20 proposed fee for the annual registration of off-highway vehicles has an economic effect on owners of off-highway vehicles.

(b) Both immediate and long-term effects.

There is no economic effect on businesses. The \$20 proposed fee for the annual registration of off-highway vehicles has an economic effect on owners of off-highway vehicles.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no cost to the Department of Motor Vehicles for the enforcement of the adopted regulations.

7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or federal government agency regulations that are duplicated or overlapped by the adopted regulations.

8. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

There are no federal regulations that regulate the same activity as addressed in the adopted regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation provides a new fee of \$20 for the annual registration of an off-highway vehicle.

Fiscal Year 13: Estimated Revenue Collections
Based on 2010 OHV Projections and a \$20 annual registration fee

	Total		Commission
Vehicles currently in the state as of 6/30/12	\$4,200,420	15% to Fund for Off-Highway Vehicles; administered by the Off-Highway Vehicle Commission.	\$630,063
Vehicles: new sales after 7/1/12	\$146,740	15% to Fund for Off-Highway Vehicles; administered by the Off-Highway Vehicle Commission.	\$22,011
Total FY 13	\$4,347,160		\$652,074

Fiscal Year 14: Estimated Revenue Collections
Based on \$20 annual registration fee

	Total		Commission
Vehicles currently in the state as of 6/30/12	\$4,242,420	85% to Fund for Off-Highway Vehicles; administered by the Off-Highway Vehicle Commission.	\$3,606,057
Vehicles: new sales after 7/1/12	\$148,200	85% to Fund for Off-Highway Vehicles; administered by the Off-Highway Vehicle Commission.	\$125,970
Total FY 14	\$4,390,620		\$3,732,027

NRS 490.069: Money in the Fund for Off-Highway Vehicles collected in the first year will be used for administrative costs of the Commission and public awareness of the requirements of chapter 490 of NRS.

Money in the Fund for Off-Highway Vehicles collected after the first year will be used as follows:

- Up to 5% for administrative costs
- Up to 20% for law enforcement
- Up to 60% for projects relating to:
 1. Studies and planning for trails
 2. Trail and facilities mapping and signage
 3. Acquisition of land for trails
 4. Enhancement and maintenance of trails and facilities
 5. Construction of trails and facilities
 6. Restoration of land damaged by off-highway vehicles
- Up to 15% for safety training and education

No more than 30% may be spent on any one of the project categories listed above.

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business? What methods did the agency use in determining the impact of the regulation on small business?

The Department of Motor Vehicles has determined that the adopted regulation does not impose a direct and significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses. This is a fee that owners of off-highway vehicles will pay. There will be no effect on small business.