

Amendment No. 106

Senate Amendment to Senate Bill No. 205	(BDR 43-546)
Proposed by: Senate Committee on Growth and Infrastructure	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 205 (§ 1.5 & NRS 490.084).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date					
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/JFD



Date: 4/24/2023

S.B. No. 205—Revises provisions relating to the registration of off-highway vehicles. (BDR 43-546)



SENATE BILL NO. 205—SENATORS HANSEN, STONE, TITUS, GOICOECHEA; KRASNER AND SEEVERS GANSERT

MARCH 2, 2023

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to the registration of off-highway vehicles. (BDR 43-546)

FISCAL NOTE: Effect on Local Government: No.
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.

AN ACT relating to off-highway vehicles; revising provisions governing the registration of certain off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law ***: (1)*** requires the annual registration of certain off-highway vehicles, including large all-terrain vehicles, with the Department of Motor Vehicles ~~+~~ ***; and (2) exempts from such requirements an off-highway vehicle which is registered or certified in another state and is located in this State for not more than 15 days.*** (NRS 490.082, 490.0825) ***Section 1.5*** of this bill ~~replaces the requirement~~ ***authorizes the owners of such vehicles*** to register such vehicles ~~annually with a requirement to register such vehicles every 3 years.~~ ***for a 1-year or 3-year period. Section 1.5 also provides that the existing exemption from registration for off-highway vehicles which are registered or certified in another state applies only if the off-highway vehicle is registered or certified in a state which provides a similar exemption from registration for off-highway vehicles registered in this State.***

Existing law requires the Commission on Off-Highway Vehicles within the State Department of Conservation and Natural Resources to determine the fee for the annual registration of an off-highway vehicle. (NRS 490.084) Section 2 of this bill ~~makes a conforming change to replace a reference to annual registration with a reference~~ ***additionally requires the Commission to determine the fee for the triennial registration*** ~~+~~ ***of an off-highway vehicle. Section 1 of this bill makes a conforming change to reflect the new fee structure.***

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

Section 1. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

1 (a) Issuance of certificates of title and registration for off-highway vehicles;
2 and

3 (b) Renewal of registration for off-highway vehicles.

4 2. An authorized dealer shall:

5 (a) Except as otherwise provided in subsection 4, submit to the State Treasurer
6 for allocation to the Department all fees collected by the authorized dealer from
7 each applicant and properly account for those fees each month;

8 (b) Comply with the regulations adopted pursuant to subsection 5; and

9 (c) Bear any cost of equipment which is required to receive and submit to the
10 Department the applications described in subsection 1, including any computer
11 software or hardware.

12 3. Except as otherwise provided in subsection 4, an authorized dealer is not
13 entitled to receive compensation for the performance of any services pursuant to
14 this section.

15 4. An authorized dealer may charge and collect a fee of not more than \$2 for
16 each application for a certificate of title or registration received by the authorized
17 dealer pursuant to this section. An authorized dealer may retain any fee collected by
18 the authorized dealer pursuant to this subsection.

19 5. The Department shall adopt regulations to carry out the provisions of this
20 section. The regulations must include, without limitation, provisions for:

21 (a) The expedient and secure issuance of:

22 (1) Forms for applying for the issuance of certificates of title for, or
23 registration of, off-highway vehicles;

24 (2) Certificates of title and registration by the Department to each applicant
25 whose application is approved by the Department; and

26 (3) Renewal notices for registrations before the date of expiration of the
27 registrations;

28 (b) The renewal of registrations by mail or the Internet;

29 (c) The collection of a fee ~~[of not less than \$20 or more than \$30]~~ *in the*
30 *amount established pursuant to NRS 490.084* for the renewal of a registration of
31 an off-highway vehicle pursuant to NRS 490.082 or 490.0825;

32 (d) The submission by mail or electronic transmission to the Department of an
33 application for:

34 (1) The issuance of a certificate of title for, or registration of, an off-
35 highway vehicle; or

36 (2) The renewal of registration of an off-highway vehicle;

37 (e) The replacement of a lost, damaged or destroyed certificate of title or
38 registration certificate, sticker or decal; and

39 (f) The revocation of the authorization granted to a dealer pursuant to
40 subsection 1 if the authorized dealer fails to comply with the regulations.

41 ~~[Section 1.]~~ *Sec. 1.5.* NRS 490.082 is hereby amended to read as follows:

42 490.082 1. An owner of an off-highway vehicle that is acquired:

43 (a) Before July 1, 2011:

44 (1) May apply for, to the Department by mail or to an authorized dealer,
45 and obtain from the Department, a certificate of title for the off-highway vehicle.

46 (2) Except as otherwise provided in subsection 3, shall, within 1 year after
47 July 1, 2011, apply for, to the Department by mail or to an authorized dealer, and
48 obtain from the Department, the registration of the off-highway vehicle.

49 (b) On or after July 1, 2011, shall, within 30 days after acquiring ownership of
50 the off-highway vehicle:

51 (1) Apply for, to the Department by mail or to an authorized dealer, and
52 obtain from the Department, a certificate of title for the off-highway vehicle.

1 (2) Except as otherwise provided in subsection 3, apply for, to the
2 Department by mail or to an authorized dealer, and obtain from the Department, the
3 registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

4 2. If an owner of an off-highway vehicle applies to the Department or to an
5 authorized dealer for:

6 (a) A certificate of title for the off-highway vehicle, the owner shall submit to
7 the Department or to the authorized dealer proof prescribed by the Department that
8 he or she is the owner of the off-highway vehicle.

9 (b) Except as otherwise provided in NRS 490.0825, the registration of the off-
10 highway vehicle, the owner shall submit:

11 (1) If ownership of the off-highway vehicle was obtained before July 1,
12 2011, proof prescribed by the Department:

13 (I) That he or she is the owner of the off-highway vehicle; and

14 (II) Of the unique vehicle identification number, serial number or
15 distinguishing number obtained pursuant to NRS 490.0835 for the off-highway
16 vehicle; or

17 (2) If ownership of the off-highway vehicle was obtained on or after July 1,
18 2011:

19 (I) Evidence satisfactory to the Department that he or she has paid all
20 taxes applicable in this State relating to the purchase of the off-highway vehicle, or
21 submit an affidavit indicating that he or she purchased the vehicle through a private
22 party sale and no tax is due relating to the purchase of the off-highway vehicle; and

23 (II) Proof prescribed by the Department that he or she is the owner of
24 the off-highway vehicle and of the unique vehicle identification number, serial
25 number or distinguishing number obtained pursuant to NRS 490.0835 for the off-
26 highway vehicle.

27 3. Registration of an off-highway vehicle is not required if the off-highway
28 vehicle:

29 (a) Is owned and operated by:

30 (1) A federal agency;

31 (2) An agency of this State; or

32 (3) A county, incorporated city or unincorporated town in this State;

33 (b) Is part of the inventory of a dealer of off-highway vehicles and is affixed
34 with a special plate provided to the off-highway vehicle dealer pursuant to NRS
35 490.0827;

36 (c) Is ~~registered~~ :

37 (1) Located in this State for not more than 15 days; and

38 (2) Registered or certified in another state ~~and is located~~ that allows off-
39 highway vehicles that are registered in this State to operate within the boundaries
40 of that state without being registered or certified for not ~~more~~ less than 15 days;

41 (d) Is used solely for husbandry on private land or on public land that is leased
42 to or used under a permit issued to the owner or operator of the off-highway
43 vehicle;

44 (e) Is used for work conducted by or at the direction of a public or private
45 utility;

46 (f) Was manufactured before January 1, 1976;

47 (g) Is operated solely in an organized race, festival or other event that is
48 conducted:

49 (1) Under the auspices of a sanctioning body; or

50 (2) By permit issued by a governmental entity having jurisdiction;

51 (h) Except as otherwise provided in paragraph (d), is operated or stored on
52 private land or on public land that is leased to the owner or operator of the off-

1 highway vehicle, including when operated in an organized race, festival or other
2 event;

3 (i) Is used in a search and rescue operation conducted by a governmental entity
4 having jurisdiction; or

5 (j) Has a displacement of not more than 70 cubic centimeters.

6 ➤ As used in this subsection, “sanctioning body” means an organization that
7 establishes a schedule of racing events, grants rights to conduct those events and
8 establishes and administers rules and regulations governing the persons who
9 conduct or participate in those events.

10 4. ~~[(The)]~~ At the time of the registration or renewal of registration of an off-
11 highway vehicle pursuant to this section or NRS 490.0825 ~~[expires 1 year 3 years~~
12 ~~after its issuance.]~~ , the owner of the off-highway vehicle may register the off-
13 highway vehicle for a 1-year or 3-year period. If an owner of an off-highway
14 vehicle fails to renew the registration of the off-highway vehicle before it expires,
15 the registration may be reinstated upon the payment to the Department of the
16 annual or triennial renewal fee, a late fee of \$10 and, if applicable, proof of
17 insurance required pursuant to NRS 490.0825. Any late fee collected by the
18 Department must be deposited with the State Treasurer for credit to the Revolving
19 Account for the Administration of Off-Highway Vehicle Titling and Registration
20 created by NRS 490.085.

21 5. If a certificate of title or registration for an off-highway vehicle is lost or
22 destroyed, the owner of the off-highway vehicle may apply to the Department by
23 mail, or to an authorized dealer, for a duplicate certificate of title or registration.
24 The Department may collect a fee to replace a certificate of title or registration
25 certificate, sticker or decal that is lost, damaged or destroyed. Any such fee
26 collected by the Department must be:

27 (a) Set forth by the Department by regulation; and

28 (b) Deposited with the State Treasurer for credit to the Revolving Account for
29 the Administration of Off-Highway Vehicle Titling and Registration created by
30 NRS 490.085.

31 6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of
32 an off-highway vehicle who is not a resident of this State.

33 **Sec. 2.** NRS 490.084 is hereby amended to read as follows:

34 490.084 1. The Department shall determine the fee for issuing a certificate
35 of title for an off-highway vehicle, but such fee must not exceed the fee imposed for
36 issuing a certificate of title pursuant to NRS 482.429. ~~[Money received from the~~
37 ~~payment of the fees described in this subsection must be deposited with the State~~
38 ~~Treasurer for credit to the Revolving Account for the Administration of Off-~~
39 ~~Highway Vehicle Titling and Registration created by NRS 490.085.]~~

40 2. The Commission shall determine the fee for the annual or triennial
41 registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but
42 such fee must not be ~~[less]~~ :

43 (a) Less than \$20 or more than \$30 ~~[+] if the off-highway vehicle is registered~~
44 for a 1-year period; and

45 (b) Less than \$60 or more than \$90 if the off-highway vehicle is registered
46 for a 3-year period.

47 3. Money received from the payment of the fees described in this ~~[subsection]~~
48 section must be deposited with the State Treasurer for credit to the Revolving
49 Account for the Administration of Off-Highway Vehicle Titling and Registration
50 created by NRS 490.085.

51 **Sec. 3.** 1. This section becomes effective upon passage and approval.

52 2. Sections 1, 1.5 and 2 of this act become effective:

- 1 (a) Upon passage and approval for the purpose of adopting any regulations and
2 performing any other preparatory administrative tasks that are necessary to carry
3 out the provisions of this act; and
4 (b) On January 1, 2024, for all other purposes.