

Senate Bill No. 205—Senators Hansen, Stone, Titus, Goicoechea;
Krasner and Seevers Gansert

CHAPTER.....

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 authorizes the owners of such vehicles to register such vehicles 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 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.

Section 2.5 of this bill requires the Director of the Department of Motor Vehicles to notify the Governor and the Director of the Legislative Counsel Bureau when the Director of the Department determines that sufficient resources are available to enable the Department to carry out the provisions of **sections 1, 1.5 and 2** and requires the Director to publish such notice on the Internet website of the Department. Under **section 3** of this bill, the provisions of **sections 1, 1.5 and 2** become effective on the date on which the Director provides such notice.

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

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:

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

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

2. An authorized dealer shall:

(a) Except as otherwise provided in subsection 4, submit to the State Treasurer for allocation to the Department all fees collected by



the authorized dealer from each applicant and properly account for those fees each month;

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

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

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

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

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

(a) The expedient and secure issuance of:

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

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

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

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

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

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

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

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

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

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



Sec. 1.5. NRS 490.082 is hereby amended to read as follows:
490.082 1. An owner of an off-highway vehicle that is acquired:

(a) Before July 1, 2011:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

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

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

(c) Is ~~registered~~ :

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

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

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

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

(f) Was manufactured before January 1, 1976;

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

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

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

(h) Except as otherwise provided in paragraph (d), is operated or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

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

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

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



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

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

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

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

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

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

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

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

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

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



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

Sec. 2.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 3. 1. This section and section 2.5 of this act become effective upon passage and approval.

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

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On the date on which the Director of the Department of Motor Vehicles, pursuant to section 2.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to carry out the amendatory provisions of this act.

