

**ADOPTED REGULATION OF THE
DEPARTMENT OF MOTOR VEHICLES**

LCB File No. R130-11

Effective July 1, 2012

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

AUTHORITY: §§1-15, 17, 31, 39, 42-48, 50, 51, 57, 59, 79-88 and 90-93, NRS 481.051 and 490.066; §§16, 18-30, 38, 40 and 49, NRS 481.051, 490.066 and 490.070; §32, NRS 481.051, 490.066, 490.070, 490.082, 490.084 and 490.450; §33, NRS 490.066, 490.070 and 490.310; §§34-37, NRS 481.051, 490.066, 490.440 and 490.500; §§41 and 89, NRS 481.051, 490.066 and 490.510; §§52-56, NRS 481.051, 490.066 and 490.240; §58, NRS 481.051, 490.066 and 490.210; §§60-77, NRS 481.051, 490.066 and 490.410; §78, NRS 481.051, 490.066, 490.310 and 490.410.

A REGULATION relating to off-highway vehicles; setting forth the circumstances under which an off-highway vehicle dealer may become an authorized dealer; providing for the issuance of a certificate of title and registration decal for an off-highway vehicle; providing for the issuance of a certificate of title for an off-highway vehicle in beneficiary form; providing for the assignment by the Department of Motor Vehicles of an identification number for an off-highway vehicle; setting forth certain fees that the Department will charge and collect concerning an off-highway vehicle; setting forth certain grounds for the revocation of the authority of an authorized dealer or the license of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer; specifying the information that must be included in an off-highway vehicle dealer's report of sale; requiring a secured party who holds a certificate of title for an off-highway vehicle to deliver the certificate of title to the person legally entitled thereto after the termination or release of the security interest; providing for the expiration of the registration decal issued for an off-highway vehicle upon the transfer of ownership or the destruction of the off-highway vehicle; prohibiting an off-highway vehicle dealer from exhibiting, displaying for sale or selling an off-highway vehicle at a temporary location without first obtaining a temporary license issued by the Department; imposing certain requirements and restrictions upon the advertising of an off-highway vehicle and a security interest in an off-highway vehicle; repealing certain provisions governing certificates of operation; and providing other matters properly relating thereto.

Section 1. Chapter 490 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 89, inclusive, of this regulation.

Sec. 2. *“Advertisement” means any oral or printed statement disseminated by the seller or lessor of an off-highway vehicle to induce, or which is likely to induce, the purchase or lease of the off-highway vehicle, including, but not limited to, a statement:*

- 1. Made in a newspaper or other publication or on radio or television;*
- 2. Set forth in any notice, handbill, sign, catalog or letter; or*
- 3. Printed on any tag or label attached to or accompanying the off-highway vehicle.*

Sec. 3. *“Authorized representative” means a person designated by a principal owner or officer of a business at which a sale or lease of an off-highway vehicle for which the documentation and fees required to be submitted pursuant to sections 34 to 37, inclusive, of this regulation occurs.*

Sec. 4. *“Display an off-highway vehicle for sale” means to display one or more off-highway vehicles owned or controlled by a licensed off-highway vehicle dealer at a temporary location at which:*

- 1. A salesperson or representative of the licensed off-highway vehicle dealer is present;*
and
- 2. A telephone or any other device for communication with a salesperson or representative of the licensed off-highway vehicle dealer is provided.*

Sec. 5. *“Distributor” means a person, other than a manufacturer, who is engaged in the business of selling new off-highway vehicles to off-highway vehicle dealers.*

Sec. 6. *“Document” means an application, notice, report, statement or other record relating to the issuance or renewal of a registration decal or the issuance of a certificate of title for an off-highway vehicle pursuant to this chapter and chapter 490 of NRS.*

Sec. 7. *“Down payment” means an amount a seller receives in cash or trade from the purchaser of an off-highway vehicle that is used to reduce the cash price of the off-highway vehicle.*

Sec. 8. *“Exhibit off-highway vehicles” means to display three or more off-highway vehicles owned or controlled by a licensed off-highway vehicle dealer at a single temporary location at which:*

1. The licensed off-highway vehicle dealer’s name is displayed on or about each off-highway vehicle;

2. Any solicitation or sale is prohibited;

3. An off-highway vehicle salesperson or representative of the licensed off-highway vehicle dealer is not present; and

4. A telephone or any other device for communication with an off-highway vehicle salesperson or representative of the licensed off-highway vehicle dealer is not provided.

Sec. 9. *“Identification number” means a unique identification or serial number placed on one or more of the essential parts of an off-highway vehicle by the manufacturer of the off-highway vehicle or a distinguishing number assigned to an off-highway vehicle by the Department pursuant to NRS 490.0835.*

Sec. 10. *“Lienholder” means a person who holds a security interest in an off-highway vehicle and whose name appears on the certificate of title.*

Sec. 11. *“Owner” means a person who holds the legal title of an off-highway vehicle and whose name appears on the certificate of title, and any lienholder whose name appears on the certificate of title. If an off-highway vehicle is the subject of an agreement for the conditional sale or lease thereof with or without the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of an off-highway vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.*

Sec. 12. *“Purchase price” means:*

1. If no security interest is taken, retained, created or in existence because of a sale of an off-highway vehicle in this State, the price of the off-highway vehicle plus any additional included amounts for taxes, official fees, registration decal fees, transfer of title fees, delivery charges, installation charges, servicing charges, repair charges, alteration charges and improvement charges, or any of them.

2. If a security interest is taken, retained, created or in existence because of a sale of an off-highway vehicle in this State, the amounts specified in subsection 1 plus any time price differential included in the security agreement or the obligation which it secures.

Sec. 13. *“Registered owner” means the person whose name appears in the files of the Department as the person to whom the registration decal is issued for an off-highway vehicle.*

Sec. 14. *1. “Resident” includes, but is not limited to, a person:*

(a) Whose legal residence is in this State;

(b) Who physically resides in this State and engages in a trade, profession or occupation or accepts gainful employment in this State; or

(c) Who declares himself or herself to be a resident of this State for the purpose of obtaining any privilege not ordinarily extended to a nonresident of this State.

2. The term does not include a person who is a tourist, an out-of-state student, a border state employee or a seasonal resident.

Sec. 15. *“Security interest” means an interest in an off-highway vehicle reserved or created by agreement, which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. For the purpose of this section, whether a lease is intended as security must be determined by the facts of each case, but:*

1. The inclusion of an option to purchase does not of itself make the lease one intended for security; and

2. An agreement that upon compliance with the terms of the lease the lessee becomes or has the option to become the owner of the off-highway vehicle for no additional consideration does make the lease one intended for security.

Sec. 16. *1. An off-highway vehicle dealer who is licensed pursuant to this chapter and chapter 490 of NRS and who submits to the Department a request to engage in activities as an authorized dealer pursuant to NRS 490.070 shall be deemed to be an authorized dealer upon receipt of the request by the Department.*

2. Each authorized dealer shall make reasonable efforts to provide satisfactory service to each person who requests the issuance of a registration decal, duplicate registration decal, certificate of title, duplicate certificate of title or any other service provided by the authorized dealer.

Sec. 17. *Except as otherwise provided in NRS 239.0115, 481.063, 485.316 and 490.310, all personal information maintained in the records of the Department concerning registration decals and licensing pursuant to this chapter and chapter 490 of NRS is confidential and will not be disclosed by the Department.*

Sec. 18. *The Department and the officers and deputies thereof will, and authorized dealers shall, examine, and to the best of their ability determine the genuineness and regularity of, every registration decal issued for an off-highway vehicle pursuant to this chapter to prevent any person not entitled thereto from obtaining a registration decal for an off-highway vehicle. The Department or an authorized dealer may require any applicant to furnish such information in addition to that set forth in the application as may be necessary to satisfy the Department of the truth and regularity of the application.*

Sec. 19. *Upon request, the Department will furnish free of charge:*

- 1. A form for applying for the issuance of a certificate of title or registration decal for an off-highway vehicle; or*
- 2. Any other form required pursuant to this chapter.*

Sec. 20. *1. Except as otherwise provided in subsection 2, each application for a registration decal must be made to the Department by mail or to an authorized dealer.*

2. Each application for renewal of a registration decal must be made to the Department by mail, to an authorized dealer or electronically via the Internet website established and maintained by the Department.

3. Each application must be made upon the appropriate form furnished by the Department pursuant to section 19 of this regulation and include:

- (a) The signature of the owner;*

(b) His or her residential address;

(c) His or her mailing address, if different from the residential address;

(d) A brief description of the off-highway vehicle to be registered, including the name of the manufacturer and the identification number of the off-highway vehicle; and

(e) Any other information required by the Department or authorized dealer.

Sec. 21. 1. *If the off-highway vehicle to be registered was not previously registered in this State, the application for a registration decal must be accompanied by an off-highway vehicle inspection certificate signed by:*

(a) A peace officer; or

(b) An authorized dealer.

2. *As used in this section, “peace officer” means any employee, volunteer or designee of a law enforcement agency in this State acting in an official capacity.*

Sec. 22. 1. *If an application is made to the Department to register an off-highway vehicle which was purchased outside this State and which was not previously registered in this State and:*

(a) The owner of the off-highway vehicle was not a resident of or employed in this State at the time of purchase, the owner shall submit the evidence required by the Department pursuant to NRS 490.082 concerning the payment of any applicable taxes or an affidavit specified in that section indicating that no tax is due.

(b) The owner of the off-highway vehicle was a resident of this State or employed in this State at the time of purchase, it is presumed that the off-highway vehicle was purchased for use in this State and the owner shall submit the evidence or affidavit specified in paragraph (a).

2. Until all applicable taxes and fees are collected, the Department will not register the off-highway vehicle.

Sec. 23. The Department will not issue a registration decal for an off-highway vehicle if the applicant:

- 1. Is not entitled thereto pursuant to the provisions of this chapter or chapter 490 of NRS;*
- 2. Has neglected or refused to furnish the Department with the information required in the appropriate form or reasonable additional information required by the Department; or*
- 3. Has failed to pay any required fees.*

Sec. 24. 1. The Department will cancel the registration decal of an off-highway vehicle whenever the registered owner makes or allows to be made any unlawful use of the registration decal or allows the use of the registration decal by a person who is not entitled thereto.

2. The Department will cancel a certificate of title or registration decal which is issued erroneously or improperly or obtained illegally.

3. Upon cancellation of a certificate of title or registration decal, the cancelled certificate of title or registration decal must be returned to the Department upon receipt of a notice of cancellation from the Department.

Sec. 25. The Department will file each application received and register the off-highway vehicle therein described and the owner thereof in a suitable database as follows:

- 1. Under the number of the registration decal issued for the off-highway vehicle; and*
- 2. Numerically under the identification number of the off-highway vehicle.*

Sec. 26. Any statement, fee or certificate of title or other document of title required by NRS 490.450 must be submitted to the Department by mail or to an authorized dealer.

Sec. 27. 1. *Each certificate of title will set forth upon the face of the certificate:*

(a) The date of issuance;

(b) The name and address of the registered owner and the owner or lienholder, if any;

(c) A description of the off-highway vehicle;

(d) Any entries required pursuant to this chapter;

(e) The information required pursuant to subsection 4 of section 28 of this regulation if the certificate of title is a certificate of title in beneficiary form; and

(f) Any other information specified by the Department.

2. *Each certificate of title will set forth on the reverse side of the certificate a form for providing notice to the Department of a transfer of title or interest of the owner or lienholder.*

If a new certificate of title is issued for an off-highway vehicle, the new certificate of title will include the same information as the replaced certificate of title, except to the extent that the information has changed after the issuance of the replaced certificate of title.

Sec. 28. 1. *Each owner or joint owner of an off-highway vehicle may request the Department to issue a certificate of title in beneficiary form for the off-highway vehicle, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.*

2. *A request made pursuant to subsection 1 must be submitted on an application furnished by the Department pursuant to section 19 of this regulation and be accompanied by the fee for the issuance of a certificate of title required by section 32 of this regulation.*

3. *The Department will not issue a certificate of title in beneficiary form to a person who holds his or her interest in an off-highway vehicle as a tenant in common with another person.*

4. *A certificate of title in beneficiary form will include after the name of the owner or after the names of the joint owners the words “transfer on death to” or the abbreviation “TOD” followed by the name of the beneficiary.*

5. *During the lifetime of a sole owner or before the death of the last surviving joint owner:*

(a) *The signature or consent of the beneficiary is not required for any transaction relating to an off-highway vehicle for which a certificate of title in beneficiary form is issued; and*

(b) *The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:*

(1) *Sale of the off-highway vehicle with an assignment and delivery of the certificate of title to another person; or*

(2) *Filing an application with, and paying the required fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.*

6. *The interest of the beneficiary in an off-highway vehicle on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the sole owner or joint owners of the off-highway vehicle were subject during their lifetime.*

7. *Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by a will, any other instrument or a change in circumstances, or otherwise changed or revoked.*

8. *The Department will, upon:*

(a) *Proof of death of one of the owners, of two or more joint owners or of a sole owner;*

(b) Surrender of the outstanding certificate of title in beneficiary form; and

(c) Application and payment of the fee for a certificate of title,

↪ issue a new certificate of title for the off-highway vehicle to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purpose of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of an off-highway vehicle pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) “Beneficiary” means each person designated to become an owner of an off-highway vehicle on the death of the preceding owner or owners.

(b) “Certificate of title in beneficiary form” means a certificate of title of an off-highway vehicle that indicates each present owner of the off-highway vehicle and designates a beneficiary.

Sec. 29. 1. *The registration decal of each off-highway vehicle expires at midnight on the day specified on the registration decal unless the day falls on a Saturday, Sunday or legal holiday or any other day the Department is scheduled for closure. If the day specified on the registration decal is a Saturday, Sunday or legal holiday or any other day the Department is scheduled for closure, the registration decal of the off-highway vehicle expires at midnight on the next judicial day.*

2. Before the expiration of each registration decal, the Department will mail to the holder of the registration decal a notice to renew the registration decal for the next period of

registration. The Department will mail each notice in sufficient time to allow the holder of the registration decal to submit the fee for renewal of the registration decal to the Department by mail before the expiration of the registration decal. The holder of the registration decal may submit the fee for renewal:

(a) To any authorized dealer;

(b) By mail to the Department of Motor Vehicles, 555 Wright Way, Attention OHV Section, Carson City, Nevada 89711-0700; or

(c) Electronically on the Internet website established and maintained by the Department.

Sec. 30. *Each holder of a registration decal, upon changing his or her name, place of residence or mailing address, shall notify the Department of the change within 30 days after the change and shall include in the notice both the old and new names and addresses.*

Sec. 31. *At the time the owner of an off-highway vehicle presents his or her off-highway vehicle to obtain an identification number, the Department will:*

1. Assign as the identification number for the off-highway vehicle:

(a) The identification number placed on the frame of the off-highway vehicle by the manufacturer or previously by the Department, if the frame of the off-highway vehicle is not replaced;

(b) The identification number for the off-highway vehicle if the off-highway vehicle has had its frame replaced with a frame that:

(1) Is manufactured for or by the original manufacturer of that off-highway vehicle;

(2) Is supplied by the manufacturer; and

(3) Does not have an identification number placed on it by the manufacturer; or

(c) A distinguishing number assigned by the Department pursuant to NRS 490.0835.

2. Record the identification number in the records of the Department in accordance with section 25 of this regulation.

3. Permanently stamp or attach the identification number, or confirm that the identification number is permanently stamped or attached, to:

(a) The frame of the off-highway vehicle in an area prescribed by the Department; or

(b) If the off-highway vehicle is a motorcycle, the frame of the motorcycle, as near as possible to the right-side down tube.

Sec. 32. 1. The Department will charge and collect the following fees:

For each certificate of title issued for an off-highway vehicle present or registered in this State	\$20.00
For each duplicate certificate of title issued for an off-highway vehicle	20.00
For each certificate of title issued for an off-highway vehicle not present or registered in this State	35.00
For the processing of each off-highway vehicle dealer's report of sale submitted to the Department	8.25
For the processing of each long-term lessor's report of sale submitted to the Department.....	8.25
For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used off-highway vehicle in this State by a person who is not an off-highway vehicle dealer	8.25
For each duplicate registration decal issued for an off-highway vehicle	5.00

2. In addition to the fees charged and collected pursuant to subsection 1, the Department will:

(a) Charge and collect the fee for the annual registration of an off-highway vehicle established by the Commission on Off-highway Vehicles pursuant to NRS 490.084; and

(b) Distribute those fees in accordance with that section.

Sec. 33. *In addition to the grounds specified in NRS 490.310, the Department may revoke the authority of an off-highway vehicle dealer to engage in activities as an authorized dealer or revoke the license of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer issued or renewed pursuant to this chapter and chapter 490 of NRS on any of the following grounds:*

1. The failure of the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer to engage in activities as an authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer in this State.

2. The receipt by the Department of a complaint against the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

3. The failure of the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer to maintain in force any deposit in lieu of a bond required pursuant to NRS 490.280.

4. The imposition of any administrative fine pursuant to NRS 490.510 or the taking of any other administrative action against the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer by the Department for a violation of this chapter or chapter 598 of NAC or chapter 490 or 598 of NRS.

Sec. 34. *1. An off-highway vehicle dealer's report of sale completed and executed pursuant to NRS 490.440 for the sale of a new off-highway vehicle must include:*

(a) A description of the off-highway vehicle;

- (b) The name and address of the seller;*
- (c) The business license number of the seller; and*
- (d) The name and address of the buyer.*

2. A completed and executed manufacturer's certificate of origin or statement of origin for the off-highway vehicle must be submitted together with the report of sale pursuant to subsection 1.

3. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the off-highway vehicle, the name and address of the secured party or his or her assignee must be entered on the report of sale and on the manufacturer's certificate of origin or statement of origin.

4. Unless an extension of time is granted by the Department pursuant to section 46 of this regulation, the seller shall:

(a) Collect the fees required for:

(1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to section 32 of this regulation; and

(2) The processing of the off-highway vehicle dealer's report of sale pursuant to section 32 of this regulation; and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale which includes the manufacturer's certificate of origin or statement of origin; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

5. *To establish compliance with the period required by paragraph (b) of subsection 4, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.*

6. *Upon execution of all documents required to complete the sale of a new off-highway vehicle, including, without limitation, any financial documents, the seller shall execute the report of sale and furnish a copy of the report of sale to the buyer not more than 10 days after the date imprinted or otherwise indicated on the report of sale.*

Sec. 35. 1. *An off-highway vehicle dealer's report of sale completed and executed pursuant to NRS 490.440 for the lease of a new off-highway vehicle by a long-term lessor must include:*

(a) A description of the off-highway vehicle;

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the off-highway vehicle; and

(c) The business license number of the long-term lessor.

2. *A completed and executed manufacturer's certificate of origin or statement of origin for the off-highway vehicle must be submitted together with the report of sale pursuant to subsection 1.*

3. *Unless an extension of time is granted by the Department pursuant to section 46 of this regulation, the long-term lessor shall:*

(a) Collect the fees required for:

(1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to section 32 of this regulation; and

(2) The processing of the off-highway vehicle dealer's report of sale pursuant to section 32 of this regulation; and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale which includes the manufacturer's certificate of origin or statement of origin; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

4. To establish compliance with the period required by paragraph (b) of subsection 3, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

5. Upon execution of all documents required to complete the lease of the off-highway vehicle, including, without limitation, any financial documents, the long-term lessor shall execute the report of sale and furnish a copy of the report of sale to the long-term lessee not more than 10 days after the date imprinted or otherwise indicated on the report of sale.

Sec. 36. 1. *An off-highway vehicle dealer's report of sale completed and executed pursuant to NRS 490.440 for the sale of a used off-highway vehicle must include:*

(a) A description of the off-highway vehicle;

(b) The name and address of the seller;

(c) The business license number of the seller; and

(d) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in

the off-highway vehicle, the name and address of the secured party must be included in the report of sale.

3. Unless an extension of time is granted by the Department pursuant to section 46 of this regulation, the seller shall:

(a) Collect the fees required for:

(1) A certificate of title for an off-highway vehicle present or registered in this State pursuant to section 32 of this regulation; and

(2) The processing of the report of sale pursuant to section 32 of this regulation; and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale and the endorsed certificate of title previously issued for the off-highway vehicle; and

(2) Remit to the Department by mail the fees collected pursuant to paragraph (a).

4. To establish compliance with the period required by paragraph (b) of subsection 3, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

5. Upon execution of all documents required to complete the sale of the off-highway vehicle, including, without limitation, any financial documents, the seller shall execute the report of sale and furnish a copy of the report of sale to the buyer not more than 10 days after the date imprinted or otherwise indicated on the report of sale.

Sec. 37. 1. *An off-highway vehicle dealer's report of sale completed and executed pursuant to NRS 490.440 for the lease of a used off-highway vehicle by a long-term lessor must include:*

(a) A description of the off-highway vehicle;

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the off-highway vehicle; and

(c) The business license number of the long-term lessor.

2. Unless an extension of time is granted by the Department pursuant to section 46 of this regulation, the long-term lessor shall:

(a) Collect the fees required for:

(1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to section 32 of this regulation; and

(2) The processing of the off-highway vehicle dealer's report of sale pursuant to section 32 of this regulation; and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the endorsed certificate of title previously issued for the off-highway vehicle; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

3. To establish compliance with the period required by paragraph (b) of subsection 2, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

4. Upon execution of all documents required to complete the lease of the off-highway vehicle, including, without limitation, any financial documents, the long-term lessor shall execute the report of sale and furnish a copy of the report of sale to the long-term lessee not less than 10 days after the date imprinted or otherwise indicated on the report of sale.

Sec. 38. *1. Upon receipt of all documents required pursuant to this chapter and chapter 490 of NRS for a certificate of title for an off-highway vehicle and the payment of any fees*

required pursuant to section 32 of this regulation, the Department will issue a certificate of title for the off-highway vehicle.

2. If no security interest is created or exists in connection with the sale of an off-highway vehicle, the Department will issue the certificate of title to the buyer.

3. If a security interest is created in connection with the sale of an off-highway vehicle, the Department will issue the certificate of title to the secured party or to the assignee of the secured party.

Sec. 39. *1. Whenever a security interest is created in an off-highway vehicle, other than a security interest required to be entered pursuant to section 34 or 36 of this regulation or NRS 490.450, the certificate of title must be delivered to the Department together with a statement signed by the debtor setting forth the date of the security agreement and the name and address of the debtor and the secured party.*

2. The Department will issue and deliver to the secured party a certificate of title which includes the name and address of the secured party noted thereon.

Sec. 40. *Upon receipt of all documents required pursuant to this chapter and chapter 490 of NRS for the registration of an off-highway vehicle and the payment of any fees required pursuant to section 32 of this regulation, the Department will issue a registration decal for the off-highway vehicle.*

Sec. 41. *1. Within 15 days after the terms of a contract or security agreement are fully performed, the seller or other secured party who holds a certificate of title for an off-highway vehicle shall deliver the certificate of title to the person legally entitled thereto, together with evidence of the termination or release of the security interest.*

2. *Upon receipt of a written complaint alleging a violation of subsection 1, the Department will conduct an investigation of the alleged violation.*

3. *If the Department determines that the seller or other secured party has violated the provisions of subsection 1, the Department will impose an administrative fine of \$25 for each day that the seller or other secured party is in violation of those provisions. Any request for a hearing pursuant to NRS 490.510 must be made within 30 days after the Department imposes the administrative fine.*

Sec. 42. *Compliance with the applicable provisions of sections 34 to 41, inclusive, of this regulation is sufficient for the perfection and release of a security interest in an off-highway vehicle and for exemption from the requirement of filing a financing statement under the provisions of NRS 104.9311. In all other respects, the rights and duties of the debtor and secured party are governed by the Uniform Commercial Code - Secured Transactions and chapter 97 of NRS, to the extent applicable.*

Sec. 43. *Sections 34 to 41, inclusive, of this regulation do not apply to a security interest in any off-highway vehicle which:*

1. *Constitutes inventory held for sale; or*
2. *Is not required to be registered under this chapter.*

↪ *Security interests in all such off-highway vehicles are governed by NRS 104.9101 to 104.9708, inclusive.*

Sec. 44. *No right of action exists in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of sections 34 to 41, inclusive, of this regulation or in giving or failing to give any*

information concerning the legal ownership of an off-highway vehicle or the existence of a security interest therein.

Sec. 45. An off-highway vehicle dealer or any other person shall not, with the intent to defraud, obtain a duplicate certificate of title for any off-highway vehicle in which he or she grants a security interest to secure a present or future debt, obligation or liability of any nature arising from a loan or other extension of credit made in connection with the financing of the inventory of the off-highway vehicles of the off-highway vehicle dealer, or engage in any other similar practice commonly known as “flooring.”

Sec. 46. 1. A seller or a long-term lessor who wishes to obtain an extension of time to submit to the Department any documents and fees that he or she is required to submit pursuant to this chapter or chapter 490 of NRS must submit or have an authorized representative submit a request for an extension of time to the Department before the expiration of the period for submitting the required documents and fees. The request must be submitted on a form furnished by the Department pursuant to section 19 of this regulation and must include:

(a) The name under which the seller or long-term lessor does business at the location where the sale or lease of the off-highway vehicle for which the documentation and fees are required occurred;

(b) The mailing address of that location;

(c) The number of the license issued by the Department to the licensee of the business for that location;

(d) A description of the off-highway vehicle that was sold or leased, including, without limitation, the year, make and identification number;

(e) A copy of the off-highway vehicle dealer's report of sale or the off-highway vehicle long-term lessor's report of sale, as applicable; and

(f) A statement setting forth the reason for the extension of time, including, without limitation, the reason that the seller or the long-term lessor is unable to obtain the original manufacturer's certificate of origin or statement of origin, or the endorsed certificate of title previously issued for the off-highway vehicle.

2. A request for an extension of time must be submitted by mail to the Department of Motor Vehicles, Division of Compliance Enforcement, Business Programs Section, 555 Wright Way, Carson City, Nevada 89711. A request that is mailed shall be deemed to be submitted on the date of the postmark that appears on the envelope in which the request is mailed, if postage is prepaid and the envelope is addressed to the Department.

3. A seller, long-term lessor or authorized representative may submit more than one request for an extension of time to submit the same documents and fees. Except as otherwise provided in subsection 4, the Department will approve a second or subsequent request for an extension of time if the Department determines that the request is justified.

4. If a seller, long-term lessor or authorized representative submits three or more requests for an extension of time concerning the submission of the same documents and fees, the Department will ensure that the third request, or any request subsequent to the third request, is forwarded to the Division of Compliance Enforcement of the Department for review by that Division. The Department will not approve the third request, or any request subsequent to the third request, unless the Division of Compliance Enforcement of the Department first approves the request.

5. If the Department grants a request for an extension of time pursuant to this section, the seller or long-term lessor has 30 days after the date on which the Department approves the request to submit the documents and fees he or she is required to submit pursuant to this chapter or chapter 490 of NRS.

Sec. 47. 1. The Department will deny a request for an extension of time submitted to the Department pursuant to section 46 of this regulation if:

(a) For an initial request, the seller, long-term lessor or authorized representative submits the request to the Department after the expiration of the period for submitting the required documents and fees, unless the request is made after the Department returns a document to the seller or long-term lessor pursuant to subsection 3;

(b) For the second request or any request subsequent to the second request, the seller, long-term lessor or authorized representative submits the request to the Department after the expiration of the 30-day period granted by the Department pursuant to a previously approved extension of time;

(c) The request is incomplete or contains inaccurate information; or

(d) The request is not completed on a form furnished by the Department pursuant to section 19 of this regulation.

2. If the Department denies a request for an extension of time pursuant to paragraph (c) or (d) of subsection 1, the Department will return the request to the seller, long-term lessor or authorized representative. The seller, long-term lessor or authorized representative may resubmit a request for an extension of time that is returned to him or her if he or she resubmits the request before the expiration of the later of:

(a) The period for submitting the required documents and fees pursuant to this chapter or chapter 490 of NRS; or

(b) The 30-day period specified in subsection 3 if the Department returns a document described in that subsection to the seller or long-term lessor.

3. The Department will return a report of sale or any other document submitted to the Department pursuant to sections 34 to 37, inclusive, of this regulation to a seller or long-term lessor, as applicable, if the document is incomplete or contains inaccurate information. The seller or long-term lessor may resubmit the returned document within 30 days after the date on which the Department returns the document to him or her. A seller or long-term lessor who fails to resubmit a document that is returned to him or her pursuant to this subsection within the 30-day period specified in this subsection shall be deemed to be in violation of the applicable provision of this chapter or chapter 490 of NRS, unless he or she requests an extension of time pursuant to section 46 of this regulation before the expiration of the 30-day period.

Sec. 48. 1. Upon the transfer of the ownership of or an interest in any off-highway vehicle by any holder of a registration decal issued for the off-highway vehicle, or upon destruction of the off-highway vehicle, the registration decal expires.

2. The holder of the original registration decal may not transfer the registration decal to another off-highway vehicle.

Sec. 49. 1. Except as otherwise provided in this section and section 28 of this regulation, upon a transfer of the title to or the interest of an owner in an off-highway vehicle registered or issued a certificate of title pursuant to the provisions of this chapter and chapter 490 of NRS, each person whose title or interest is to be transferred and the transferee shall

write his or her signature with pen and ink upon the certificate of title issued for the off-highway vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the certificate.

2. If the transferee is an off-highway vehicle dealer who intends to resell the off-highway vehicle, the off-highway vehicle dealer is not required to obtain a registration decal or pay a fee for the transfer.

3. If the transferee consigns the off-highway vehicle to a wholesale off-highway vehicle auctioneer:

(a) The transferee shall, within 30 days after the consignment, provide the wholesale off-highway vehicle auctioneer with the certificate of title for the off-highway vehicle, executed pursuant to subsection 1, and any other document required to obtain another certificate of title for the off-highway vehicle.

(b) The wholesale off-highway vehicle auctioneer shall be deemed a transferee of the off-highway vehicle for the purpose of subsection 2. The wholesale off-highway vehicle auctioneer is not required to comply with the provisions of subsection 1 if he or she:

(1) Does not take an ownership interest in the off-highway vehicle;

(2) Auctions the off-highway vehicle to an off-highway vehicle dealer; and

(3) Stamps his or her name, his or her license number as an off-highway vehicle dealer and the date of the auction on the certificate of title, bill of sale and any other document of transfer for the off-highway vehicle.

4. A charitable organization that intends to sell an off-highway vehicle which is donated to the charitable organization is not required to register or pay a fee for a registration decal for the off-highway vehicle. When the off-highway vehicle is sold by the charitable

organization, the purchaser shall apply for a registration decal as provided in section 20 of this regulation.

5. As used in this section, “wholesale off-highway vehicle auctioneer” means an off-highway vehicle dealer who:

(a) Is engaged in the business of auctioning consigned off-highway vehicles to off-highway vehicle dealers who are licensed pursuant this chapter and chapter 490 of NRS or in another state; and

(b) Does not, in the ordinary course of that business, buy, sell or own any off-highway vehicle he or she auctions.

Sec. 50. Whenever an application is submitted to the Department to register an off-highway vehicle previously registered pursuant to this chapter and the applicant is unable to present the registration decal or certificate of title previously issued for the off-highway vehicle because the registration decal or certificate of title is lost, unlawfully detained by a person in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. If the Department is satisfied that the applicant is entitled to a new registration decal and certificate of title, the Department will register the applicant’s off-highway vehicle and issue a new registration decal and certificate of title to each person entitled thereto.

Sec. 51. In the event of a transfer by operation of law of the title or interest of an owner of an off-highway vehicle, including, without limitation, a transfer by inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, transfer on death pursuant to section 28 of this regulation or otherwise, the registration decal issued for the off-highway

vehicle expires and the off-highway vehicle must not be operated unless the person entitled thereto applies for and obtains a registration decal for the off-highway vehicle.

Sec. 52. A licensed off-highway vehicle dealer shall not exhibit off-highway vehicles, display an off-highway vehicle for sale or sell an off-highway vehicle at a temporary location without first obtaining a temporary license issued by the Department pursuant to subsection 4 of NRS 490.240 for each temporary location at which he or she intends to exhibit off-highway vehicles, display an off-highway vehicle for sale or sell an off-highway vehicle.

Sec. 53. 1. In accordance with the provisions of this section and subsection 4 of NRS 490.240, the Department will issue a temporary license to:

(a) Exhibit off-highway vehicles; or

(b) Display an off-highway vehicle for sale,

↳ to a licensed off-highway vehicle dealer who applies to conduct the business at a temporary location.

2. At least 3 days before the commencement of a business at a temporary location, an applicant must submit to the Department an application for a temporary license on a form furnished by the Department pursuant to section 19 of this regulation.

3. The applicant must indicate in his or her application whether he or she is applying for a temporary license to exhibit off-highway vehicles or to display an off-highway vehicle for sale.

4. The Department may require an applicant to submit any additional information the Department deems necessary to evaluate the application.

5. The applicant must submit to the Department with his or her application:

(a) A fee of:

(1) Twenty-five dollars for each temporary license to exhibit off-highway vehicles; or

(2) Seventy-five dollars for each temporary license to display an off-highway vehicle for sale; and

(b) Evidence that he or she has complied with any applicable zoning restrictions and any applicable requirements for obtaining a business license.

Sec. 54. 1. A temporary license to:

(a) Exhibit off-highway vehicles is valid for not more than 21 days after the date on which it is issued.

(b) Display an off-highway vehicle for sale is valid for not more than 7 days after the date on which it is issued.

2. A temporary license to exhibit off-highway vehicles will state that a licensed off-highway vehicle dealer is prohibited from:

(a) Making any solicitation or sale;

(b) Having his or her salesperson or representative present; or

(c) Providing a telephone or any other device for communication with his or her salesperson or representative,

↳ at the temporary location.

3. A temporary license is not transferable by the licensed off-highway vehicle dealer and is valid only for the temporary location and person named in the license.

Sec. 55. The Department will not issue a temporary license if:

1. The applicant is not in compliance with any provision of this chapter or chapter 490 of NRS; or

2. *The temporary location requested in the application violates any applicable zoning restrictions or any applicable requirements for obtaining a business license.*

Sec. 56. 1. *A licensed off-highway vehicle dealer shall post his or her temporary license in a conspicuous place at the temporary location in such a manner that the temporary license is visible to members of the public.*

2. *In addition to the requirements set forth in subsection 1, if a licensed off-highway vehicle dealer is issued a temporary license to display an off-highway vehicle for sale, he or she shall display a sign at the temporary location which:*

(a) *Is at least 2 square feet in size; and*

(b) *States the name of the licensed off-highway vehicle dealer.*

Sec. 57. *A licensed long-term lessor who also holds a license as an off-highway vehicle dealer may, for the period those licenses remain in effect, sell, exchange, buy, offer or display for sale, negotiate or attempt to negotiate the sale or exchange of, or induce or attempt to induce any person to buy or exchange an interest in, an off-highway vehicle that is registered with the Department, or is registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country, if the long-term lessor:*

1. *Maintains an established place of business in this State which:*

(a) *Is in a location that is zoned for such activities;*

(b) *Includes an office and lot facilities with sufficient space to meet the needs of his or her customers; and*

(c) *Includes a facility for repairing and performing maintenance work on off-highway vehicles;*

*2. Maintains all other state and local licenses and permits required for such activities;
and*

3. Forwards to the registered owner of an off-highway vehicle sold by him or her any notice received from the manufacturer of the off-highway vehicle regarding a defect in the off-highway vehicle.

Sec. 58. The amount of the fee required pursuant to NRS 490.210 for the processing of an applicant's fingerprints will equal the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for their reports on the applicant's fingerprints.

Sec. 59. 1. An authorization for the disclosure of financial records required by the Department pursuant to subsection 3 of NRS 490.310 must be submitted on a form furnished by the Department pursuant to section 19 of this regulation.

2. In addition to the requirements of NRS 239A.090, the form will include, without limitation, a statement that the financial records and any information concerning the financial records:

(a) Will only be used to assist the Division of Compliance Enforcement of the Department to determine the suitability of an applicant or licensee for initial or continued licensure pursuant to NRS 490.200 to 490.430, inclusive; and

(b) Will not be disclosed or disseminated to any person other than an employee of the Department who is authorized to issue a license to an applicant pursuant to NRS 490.200 to 490.430, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

Sec. 60. 1. Sections 60 to 77, inclusive, of this regulation do not apply to:

(a) Any radio or television broadcasting station or broadcaster; or

(b) Any publisher, printer, distributor or owner, any newspaper or magazine, billboard or other advertising medium, or any owner, operator, agent or employee of any advertising agency or other business engaged in preparing or disseminating advertising for public consumption on behalf of any other person when the advertising is in good faith and he or she is without knowledge of its untrue, deceptive or misleading character.

2. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall provide a copy of sections 60 to 77, inclusive, of this regulation to:

(a) Any advertising agent or agency or other business engaged in preparing or disseminating advertisements for the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer; and

(b) Each employee assigned to preparing or disseminating advertisements for the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

Sec. 61. *An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer who holds a license issued pursuant to this chapter and chapter 490 of NRS, or any agent or employee of the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, shall not publish, disseminate, display or cause directly or indirectly to be used, published, disseminated, displayed or made in any newspaper, magazine or other publication, by any radio, television or other advertising medium or any other advertising device, or by public outcry, proclamation or declaration, or in any other manner or means or method, including, but not limited to, solicitation or dissemination by mail, telephone or door-to-door contacts, any statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading, in order to:*

1. Induce any person to purchase, sell, lease, dispose of, use or acquire any ownership, title or interest in any off-highway vehicle or to enter into any obligation or transaction relating thereto; or

2. Include such a statement as a part of a plan or scheme which intentionally misstates the cost or price of an off-highway vehicle for the purpose of producing an erroneous belief by any person that the actual cost or price is the same as stated in the advertisement.

Sec. 62. *1. Any advertised statement and offer for the sale or lease of a specific off-highway vehicle indicating the condition, equipment and price of the off-highway vehicle and the terms of the sale or lease must be clearly set forth and based upon facts. Such an advertisement must clearly indicate that only one off-highway vehicle is being offered for sale or lease. Except as otherwise provided in subsection 2, the off-highway vehicle must be identified by the year and make of the off-highway vehicle and by not less than the last six digits of the identification number or by stock number.*

2. An advertisement for off-highway vehicles which have the same make, model, year and price and are similarly equipped is not required to list a stock number or the last six digits of the identification number for each off-highway vehicle if the advertisement includes the make, model, year and price of the off-highway vehicles. If the number of off-highway vehicles which are advertised is limited, the advertisement must state the number of off-highway vehicles which are available at the advertised price.

3. An advertisement must not present information that is erroneous or misleading regarding which off-highway vehicle or group of off-highway vehicles is being offered for sale at the price indicated in the advertisement.

4. If an advertisement includes the terms of the sale of an off-highway vehicle:

(a) The terms must not be presented in a misleading or inaccurate manner; and

(b) Any provision which qualifies the terms must be:

(1) If the advertisement is a printed advertisement, printed in at least 8-point type in a type face that may be read without additional effort; and

(2) Except as otherwise provided in this subparagraph, located in close proximity to the terms that are qualified. If the qualifying provision is not located in that manner, the advertisement must clearly indicate the part of the advertisement which contains the qualifying provisions.

5. The price and terms of the sale included in an advertisement must remain available until the off-highway vehicle is sold, unless a date of expiration is included in the advertisement.

Sec. 63. 1. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall not use any "bait and switch" advertising or selling practices. Each off-highway vehicle advertised for sale must, unless otherwise stated, be in the possession of the off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer, owner or advertiser as advertised at the address given. Unless otherwise stated, each off-highway vehicle must be in a condition to be demonstrated and be willingly shown and sold at the advertised price and terms. The advertiser shall, upon request, present evidence to the prospective purchaser that the advertised off-highway vehicle has been sold.

2. As used in this section, "bait and switch" advertising has the meaning ascribed to it in NRS 490.410.

Sec. 64. 1. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises the price of an off-highway vehicle, the price must include all

charges known to the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, including, but not limited to:

(a) Delivery charges imposed by the manufacturer or distributor of the off-highway vehicle; and

(b) Charges for servicing the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

↪ The price may exclude charges for the preparation of documents related to the sale of the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, if the charges are separately identified in the advertisement and the amount of the charges is indicated.

2. Except as otherwise provided in this subsection, any advertisement which includes the term “manufacturer’s suggested retail price,” “MSRP,” “factory price” or a similar term must include the price of the off-highway vehicle which includes any fee charged by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer and any manufacturer’s discounts included on the off-highway vehicle. The price may exclude taxes, fees for licenses and charges for the preparation of documents related to the sale of the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

3. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall not advertise a new off-highway vehicle at a price which does not include the standard equipment and any additional equipment which is listed on the invoice.

4. Statements such as “at cost,” “below cost” or “below invoice” must be construed literally. “Cost” is the actual cash or invoice price paid by the off-highway vehicle dealer,

long-term lessor, short-term lessor or manufacturer for each off-highway vehicle offered. If an advertisement contains a statement such as “at cost,” “below cost” or “below invoice,” the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall, upon request, present to the prospective purchaser the actual invoice.

5. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer uses specific claims of savings in an advertisement, the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall, upon request, explain to the prospective purchaser the manner in which the savings are calculated. The term “wholesale” must not be used in the business firm’s name, signs or display signs.

6. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer uses the term “wholesale price” or “low book price” in an advertisement, the price must correspond to the appropriate value set forth for the off-highway vehicle in a recognized reference publication.

7. As used in this section:

(a) “Invoice” means a written itemized statement received by an off-highway vehicle dealer, long-term lessor or short-term lessor from a manufacturer of an off-highway vehicle listing the price of the off-highway vehicle, the price of any optional equipment included with the off-highway vehicle and the amount of any additional charges imposed by the manufacturer.

(b) “Manufacturer’s suggested retail price” or “MSRP” means the total price of an off-highway vehicle.

(c) “Recognized reference publication” includes, without limitation, the NADA Official Used Car Guide and any other publication of similar scope and reputation.

Sec. 65. *If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a loan for the purchase of an off-highway vehicle and includes in the advertisement:*

- 1. The amount of the down payment;*
- 2. The amount of the periodic payment;*
- 3. The number of payments or the period over which payments must be made; or*
- 4. The amount of the finance charge,*

↳ he or she shall include in the advertisement any other terms of the loan related to the cost of the loan, including the annual percentage rate.

Sec. 66. *1. The amount of payments and down payments must not be stated in a manner that gives the impression that either amount is the selling price of the off-highway vehicle.*

2. The statement “no money down” or others of similar import mean that the advertiser will deliver the off-highway vehicle described to the purchaser without payment of any nature or without a trade-in.

3. Unless the advertiser clearly indicates that there is a down payment, the amount quoted as the weekly, monthly or other periods of installment payments must be understood to include the down payment.

Sec. 67. *1. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a line of credit for the purchase of an off-highway vehicle and includes in the advertisement:*

- (a) The periodic rate used to compute the annual percentage rate;*
- (b) The date the finance charge begins to accrue;*

- (c) The method of determining the balance upon which the finance charge is imposed;*
- (d) The method of determining the finance charge; or*
- (e) The amount of any fee included in the line of credit,*

↳ he or she shall include in the advertisement all fees that will be charged for the line of credit, including any membership or participation fees, and the annual percentage rate.

2. If an advertisement includes the annual percentage rate for a line of credit, the advertisement must be identified using the term “annual percentage rate” or “APR.” If the rate included in the advertisement is a variable periodic rate, that fact must be disclosed in the advertisement.

Sec. 68. *A specific amount or range of amounts must not be stated in an advertisement as an offer for a trade-in if the amount or range of amounts stated is contingent upon the condition, model or age of the prospective purchaser’s off-highway vehicle, unless those conditions are stated in the advertisement. The use of phrases such as “up to” or “as much as,” or those of similar meaning, is not a sufficient explanation for the purposes of this section.*

Sec. 69. *If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer offers an off-highway vehicle for lease, an advertisement for that off-highway vehicle must include a statement that the off-highway vehicle is being offered for lease. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer includes a term of the lease in the advertisement, he or she shall include in the advertisement:*

- 1. The total amount required before the off-highway vehicle is delivered;*
- 2. The number, period and amount of payments;*

3. *If an option to buy the off-highway vehicle is included in the lease, the price of the option or the method of determining the price of the option;*

4. *If an option to buy the off-highway vehicle is not included in the lease, a statement indicating that fact; and*

5. *The amount or method of determining the amount of any charges imposed at the termination of the lease.*

Sec. 70. 1. *The phrases “no finance charge” or “no carrying charge,” or similar expressions, must not be used when there is a charge for placing the transaction on a time-payment basis.*

2. *Terms featuring weekly, semimonthly or other periodic payments must not be used unless purchasers are given contracts payable in accordance with those terms. For example, weekly or semimonthly payments must not be featured unless actually available.*

3. *Advertised claims such as “everybody financed,” “no credit rejected” and “we finance anyone,” and other similar statements, must not be used.*

4. *Advertised terms based upon payments extending more than 36 months must clearly state the number of months and any other special considerations required to obtain those terms.*

Sec. 71. 1. *If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a rebate on an off-highway vehicle, an advertisement for the sale of that off-highway vehicle must include:*

(a) *The amount of the rebate; and*

(b) If the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer is required to make a contribution toward the rebate, the statement “Dealer participation may affect price of off-highway vehicle.”

2. As used in this section, “rebate” means a monetary incentive offered by a manufacturer to a prospective purchaser to induce him or her to purchase an off-highway vehicle.

Sec. 72. *1. The words “finance,” “loan,” “discount” or similar expressions must not be used in the firm name, signs or trade style of a company offering off-highway vehicles for sale unless the company is actually engaged in the finance business and offering only bona fide, repossessed off-highway vehicles.*

2. The words “repo,” “repossessed” or “repossession” must not be used in the company’s name or trade style, signs or display signs. The words “repo,” “repossessed” or “repossession” may be used through other means of advertising, including, without limitation, radio, television, newspapers or magazines, but only when:

(a) The company identifies the off-highway vehicle by identification number or the off-highway vehicle is identifiable as a repossessed off-highway vehicle; and

(b) The off-highway vehicle will be sold for the unpaid balance and actual repossession costs incurred.

Sec. 73. *The term “repossessed” may be used only to describe an off-highway vehicle presently and directly taken back from the purchaser. An advertiser offering repossessed off-highway vehicles for sale shall provide written proof of repossessions. The amount quoted as the unpaid balance and actual repossession costs incurred must be the full selling price.*

Sec. 74. 1. *If a used off-highway vehicle of a current year model is advertised, the first line of the advertisement must contain the word “used” or the text must clearly indicate that the off-highway vehicle offered is used.*

2. *The term “demonstrator,” if used in advertising, must refer to an off-highway vehicle which has never been registered, including, without limitation, an off-highway vehicle used by a new off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer or his or her off-highway vehicle salesperson for demonstrating the performance ability of the off-highway vehicle. The term must not refer to an off-highway vehicle purchased by an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson and used as his or her personal off-highway vehicle.*

Sec. 75. 1. *An executive or official off-highway vehicle, when referred to in advertising, must have been used by an executive or employee of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer and must not have been registered.*

2. *An off-highway vehicle that was owned by the Federal Government, a state or by a city, county or other political subdivision must be identified as such in its advertising. The word “commercial” or a similar ambiguous term must not be used to describe the off-highway vehicle.*

Sec. 76. 1. *An off-highway vehicle owned or in the possession of an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson must not be advertised to convey the impression that the off-highway vehicle is being offered by a private party. Clarification must be made by adding to the advertisement the term “dealer” or “dlr” and the license number of the off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson.*

2. *Phrases such as “take over payments” and “can be purchased by paying storage bill and taking over payments,” and similar phrases conveying an appeal made by a private party or distress appeals, must not be used by an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson.*

3. *Descriptions of ownership made by an off-highway vehicle dealer in any advertising of consigned off-highway vehicles must be based on facts.*

Sec. 77. 1. *Unsupported claims of underselling are not in the public interest and must not be used.*

2. *Use of cards, circulars or other advertising with offers such as “would you take \$.....,” or “if I could get you \$..... for your off-highway vehicle” must not be used.*

3. *Any equipment, accessories or other merchandise must not be described as “free” if the advertised off-highway vehicle may be purchased at a discount or lesser price without the articles. “Free” offers which require any other purchase, a contractual obligation or the performance of a service must describe the conditions under which the “free” offer may be obtained.*

4. *When words such as “guaranteed” and “warranty,” or other terms implying protection, are used in advertising one or more specified off-highway vehicles by radio, television, newspaper, magazines, display signs or any other type of advertising and the warranty referred to does not apply to all off-highway vehicles advertised, an explanation must be given in clear and concise language, specifying each off-highway vehicle to which the warranty or guarantee applies. The time and coverage of the warranty or guarantee must be clearly stated in the advertising. The purchaser of an off-highway vehicle covered by a guarantee or warranty must be provided with a written document stating the specific terms and coverage.*

5. *Statements such as “write your own deal,” “name your own price,” “name your own monthly payments” and “appraise your own car,” and similar phrases, must not be used.*

Sec. 78. *1. A violation of sections 60 to 77, inclusive, of this regulation may constitute grounds for the denial, suspension or revocation of or the refusal to renew the license of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer pursuant to NRS 490.310 or for the imposition of an administrative fine by the Department pursuant to NRS 490.510.*

2. It is sufficient in bringing any action pursuant to sections 60 to 77, inclusive, of this regulation that any statement referred to in section 61 of this regulation has a tendency to deceive or mislead the public because of its false, deceptive or misleading character, regardless of whether a member of the public is actually deceived or misled by the statement.

Sec. 79. *1. Any provision in any security agreement for the sale or lease of an off-highway vehicle to the contrary notwithstanding, at least 10 days’ written notice of intent to sell or again lease a repossessed off-highway vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless the persons have notified the holder in writing of a different address.*

2. The notice:

(a) Must set forth that there is a right to redeem the off-highway vehicle and the total amount required as of the date of the notice to redeem;

(b) May inform the persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;

(c) Must give notice of the holder's intent to resell or again lease the off-highway vehicle upon the expiration of 10 days after the date of giving or mailing the notice;

(d) Must disclose the place at which the off-highway vehicle will be returned to the buyer or lessee upon redemption or reinstatement; and

(e) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, each person liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Each of those persons is liable for any deficiency after sale or lease of the repossessed off-highway vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges as of the date of the notice or state that such a credit may be available against the amount due.

Sec. 80. 1. *Every repossessed off-highway vehicle must be sold in a commercially reasonable manner. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party sells the off-highway vehicle in the usual manner in any recognized market for the off-highway vehicle, sells at the price current in the market at the time of the sale or has otherwise sold in conformity with reasonable commercial practices among off-highway vehicle dealers in the type of off-highway vehicle sold, the secured party has sold in a commercially reasonable manner. A disposition which has been approved in any judicial proceeding shall be deemed conclusively to be commercially reasonable, but such a disposition does not indicate*

that any such approval must be obtained in any case and does not indicate that any disposition not so approved is not commercially reasonable.

2. The proceeds of a disposition must be applied in the following order:

(a) The reasonable expenses of retaking, holding, preparing for sale and selling, and, to the extent provided for in the agreement, the reasonable attorney's fees and legal expenses incurred by the secured party.

(b) The satisfaction of indebtedness secured by the security interest under which the disposition is made.

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his or her interest, and unless he or she does so, the secured party is not required to comply with his or her demand.

(d) The payment of any surplus to the debtor.

3. If it is established that the secured party is not proceeding in accordance with the provisions of this section and section 79 of this regulation, a disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred, the debtor or any person entitled to notification or whose security interest has been made known to the secured party before the disposition has a right to recover from the secured party any loss caused by failure to comply with the provisions of this section. If the disposition was not commercially reasonable, as specified in subsection 1, the debtor has a right to recover double his or her actual damages.

Sec. 81. *Any person who repossesses an off-highway vehicle without the knowledge of the registered owner of the off-highway vehicle shall immediately report the repossession by oral communication to the police of the city or to the sheriff's office of the county where the repossession occurs. The officer to whom the repossession report is made shall forward a copy of the report to the Department.*

Sec. 82. *Whenever the owner of any off-highway vehicle which is stolen or embezzled files with the Department an affidavit alleging the theft or embezzlement of the off-highway vehicle, the Department will immediately suspend the registration of and refuse to reregister the off-highway vehicle until such time as the Department is notified that the owner has recovered the off-highway vehicle. Any notice given pursuant to this section is effective only during the current registration year in which given. If, during the current registration year, the off-highway vehicle is not recovered, a new affidavit may be filed with like effect during the ensuing year. Each owner who files an affidavit of theft or embezzlement shall immediately notify the Department of the recovery of the off-highway vehicle.*

Sec. 83. 1. *Any police officer, without a warrant, may seize and take possession of any off-highway vehicle:*

- (a) Which is being operated with an improper registration decal;*
- (b) Which the officer has probable cause to believe has been stolen; or*
- (c) On which any motor number, manufacturer's number, identification mark or identification number has been falsely attached, removed, defaced, altered or obliterated.*

2. *A law enforcement agency or an employee of the Department whose primary responsibility is to conduct investigations involving the theft of off-highway vehicles shall inspect any off-highway vehicle seized pursuant to paragraph (c) of subsection 1 to determine*

whether the number or mark in question on the off-highway vehicle has been falsely attached, removed, defaced, altered or obliterated and whether any person has presented satisfactory evidence of ownership of the off-highway vehicle. The agency or employee shall prepare a written report which sets forth the results of the inspection within 30 days after the off-highway vehicle is seized.

3. If the results of the report conclude that the number or mark in question has been falsely attached, removed, defaced, altered or obliterated and that there is no satisfactory evidence of ownership, the court shall declare the off-highway vehicle forfeited and proceed in the manner set forth in section 84 of this regulation.

4. A person must not be charged with any criminal act which caused an off-highway vehicle to be seized pursuant to paragraph (c) of subsection 1 until the written report is completed pursuant to subsection 2.

5. As used in this section, "police officer" means:

(a) Any peace officer of the Department;

(b) A sheriff of a county or officer of a metropolitan police department and any deputy of the sheriff or metropolitan police department; and

(c) A marshal or police officer of a city or town.

Sec. 84. 1. *The Department may remove any off-highway vehicle seized pursuant to section 83 of this regulation to:*

(a) A place designated for the storage of seized property.

(b) An appropriate place for disposal if the disposal is specifically authorized by law.

2. If the disposal of the off-highway vehicle is not specifically authorized by law, the off-highway vehicle is subject to forfeiture if it appears to the court having jurisdiction over the

proceedings that the rightful owner of the off-highway vehicle cannot after due diligence be found.

3. If a court declares that an off-highway vehicle seized pursuant to section 83 of this regulation is forfeited, the Department may:

- (a) Retain the off-highway vehicle for official use;*
- (b) Sell the off-highway vehicle; or*
- (c) Remove the off-highway vehicle for disposal.*

4. If at any time after an off-highway vehicle is seized pursuant to section 83 of this regulation the rightful owner of the off-highway vehicle demands its return, the Department will:

- (a) Return the off-highway vehicle to the owner; or*
- (b) If the off-highway vehicle is declared forfeited by a court and subsequently sold or removed for disposal, pay to the owner the fair market value of the off-highway vehicle at the time of the forfeiture.*

Sec. 85. *A person shall not:*

1. Operate, or the owner thereof shall not knowingly permit the operation of, any off-highway vehicle which is not registered or which does not have attached thereto and displayed thereon the registration decal issued by the Department for the off-highway vehicle for the current period of registration or calendar year, subject to the exemption set forth in NRS 490.082.

2. Display, cause or permit to be displayed or have in his or her possession any registration decal, certificate of title or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.

3. *Fail or refuse to surrender to the Department, upon demand, any registration decal which has been suspended, cancelled or revoked.*

4. *Use a false or fictitious name or address in any application for the registration of any off-highway vehicle or for any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application.*

5. *Knowingly operate an off-highway vehicle which:*

(a) *Has a motor number, manufacturer's number, identification number or identification mark which has been falsely attached, removed, defaced, altered or obliterated; or*

(b) *Contains a part which has a motor number, manufacturer's number, identification number or identification mark which has been falsely attached, removed, defaced, altered or obliterated.*

Sec. 86. 1. *A person shall not sell, offer to sell or display for sale any off-highway vehicle unless the person is:*

(a) *The lienholder, owner or registered owner of the off-highway vehicle;*

(b) *A reposessor of the off-highway vehicle, or holder of a statutory lien on the off-highway vehicle, selling the off-highway vehicle on a bid basis; or*

(c) *An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer licensed under the provisions of this chapter and chapter 490 of NRS.*

2. *The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells an off-highway vehicle pursuant to powers or duties granted or imposed by law.*

Sec. 87. 1. *A person shall not intentionally remove, deface, alter or obliterate the identification number of an off-highway vehicle without written authorization from the*

Department or attach to or place or stamp upon an off-highway vehicle any serial, motor or other number or mark other than the identification number of the off-highway vehicle.

2. This section does not prohibit the owner of an off-highway vehicle from restoring the identification number of the off-highway vehicle when the restoration is authorized by the Department, or prevent any manufacturer from placing in the ordinary course of business numbers or marks upon a new off-highway vehicle or new parts thereof.

Sec. 88. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer or any employee of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer who discovers during the course of business that an off-highway vehicle has a motor number, manufacturer's number, identification number or identification mark that is falsely attached, removed, defaced, altered or obliterated shall notify the Department or a local law enforcement agency within 24 hours after discovery.

Sec. 89. 1. The Department may, pursuant to NRS 490.510, impose an administrative fine of not more than \$2,500 against any person who engages in a deceptive trade practice.

2. For the purposes of this section, a person shall be deemed to be engaged in a deceptive trade practice if, in the course of his or her business or occupation, he or she:

(a) Enters into a contract for the sale of an off-highway vehicle on credit with a customer, exercises a valid option to cancel the off-highway vehicle sale and then, after the customer returns the off-highway vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including returning an off-highway vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the off-highway vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of an off-highway vehicle or a security agreement that materially differs from the form prescribed by law.

(c) Engages in any deceptive trade practice, as defined in NRS 598.0915 to 598.0925, inclusive, that involves the purchase and sale or lease of an off-highway vehicle.

(d) Engages in any other activity specified by the Department as a deceptive trade practice.

3. If, in the course of his or her business or occupation, a seller of an off-highway vehicle exercises a valid option to cancel the sale of an off-highway vehicle to a customer, the seller shall not enter into a new agreement with the customer for the sale of the same vehicle on different terms or for the sale of a different vehicle unless the seller first provides the customer with a disclosure on a form furnished by the Department pursuant to section 19 of this regulation and the customer signs the disclosure.

4. Except as otherwise provided in this subsection, the administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The Department will not impose an administrative fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to NRS 598.0903 to 598.0999, inclusive, for the same act. The provisions of this section do not deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

Sec. 90. NAC 490.010 is hereby amended to read as follows:

490.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 490.020 ~~to~~, *490.040 and* 490.050 ~~and sections 2 to 15~~, inclusive, *of this regulation* have the meanings ascribed to them in those sections.

Sec. 91. NAC 490.040 is hereby amended to read as follows:

490.040 “Department” means the Department of ~~Taxation~~ *Motor Vehicles*.

Sec. 92. NAC 490.030, 490.060, 490.070, 490.080, 490.090, 490.100 and 490.110 are hereby repealed.

Sec. 93. This regulation becomes effective on July 1, 2012.

TEXT OF REPEALED SECTIONS

490.030 “Certificate of operation” defined. (NRS 360.090) “Certificate of operation” means a certificate of operation issued for an off-highway vehicle by an authorized dealer pursuant to this chapter and NRS 490.070.

490.060 Authorized dealer: Application and qualifications for authorization; responsibilities. (NRS 360.090, 490.070)

1. Each application for authorization to become an authorized dealer must be submitted in writing to the Department. A person may qualify for such authorization if the person:

- (a) Complies with all applicable statutes and regulations in this State relating to taxation;
- (b) Maintains his or her place of business in this State or holds a valid permit to collect sales taxes or a certificate of authority issued by the Department; and

(c) Receives written approval of his or her application from the Department.

2. Each authorized dealer shall:

(a) Cooperate with the Department relating to the issuance of certificates of operation and the administration of this chapter and chapter 490 of NRS;

(b) Make reasonable efforts to provide satisfactory service to each person who requests the issuance of or is issued a certificate of operation or a duplicate certificate of operation;

(c) On or before the last day of the month occurring after each calendar quarter, submit a report to the Department relating to each certificate of operation issued by the authorized dealer during that calendar quarter on a form furnished by the Department; and

(d) Maintain a record of each certificate of operation issued by the authorized dealer for at least 5 years.

490.070 Authorized dealer: Revocation of authority. (NRS 360.090, 490.070)

1. The Department may revoke the authority of an authorized dealer to issue certificates of operation upon any of the following grounds:

(a) Failure by the authorized dealer to maintain a record of each certificate of operation in the form required by the Department for at least 5 years;

(b) Failure by the authorized dealer to issue a certificate of operation pursuant to NRS 490.070 after receiving the evidence required pursuant to NAC 490.080;

(c) Failure by the authorized dealer to submit to the Department a report relating to the issuance of certificates of operation within the period required for the submission of the report;

(d) Failure by the authorized dealer to allow the Department to inspect the records of the authorized dealer relating to the issuance of certificates of operation;

(e) Failure by the authorized dealer to maintain and report accurate and complete information required pursuant to this chapter;

(f) Failure by the authorized dealer to issue certificates of operation in compliance with any applicable statute or regulation; or

(g) A repeated violation by the authorized dealer of any applicable statute or regulation relating to the sale or use of off-highway vehicles.

2. Before revoking the authority of an authorized dealer to issue certificates of operation, the Department shall notify the authorized dealer in writing of its intent to revoke the authorization. The notice must be sent by certified mail and addressed to the authorized dealer at the last known address of the authorized dealer as indicated in the records maintained by the Department.

3. An authorized dealer may, within 30 days after receiving a written notice pursuant to subsection 2, file a written objection with the Department. As soon as practicable after receiving a written objection pursuant to this subsection, the Department shall refer the matter to a hearing officer for a hearing.

4. A final decision of a hearing officer in a matter referred to the hearing officer pursuant to this section may be appealed to the Nevada Tax Commission within 30 days after the entry of the final decision.

490.080 Prerequisites to issuance of certificate of operation; determination and dispute of amount of required taxes. (NRS 360.090, 490.070)

1. Except as otherwise provided in this section, if an off-highway vehicle is purchased from a person other than an authorized dealer or private party, the authorized dealer that issues a certificate of operation for the off-highway vehicle shall, before issuing the certificate of operation, collect all taxes applicable in this State to the purchase of the off-highway vehicle or

require the submission of evidence satisfactory to the authorized dealer that those taxes have been paid. Such evidence may include, without limitation:

(a) A purchase agreement or sales contract indicating that all applicable sales or use taxes have been paid in another jurisdiction; and

(b) Any other proof satisfactory to the authorized dealer indicating that the taxes have been paid directly in another jurisdiction.

2. In determining the amount of any taxes that must be paid pursuant to subsection 1, the authorized dealer shall credit the amount of any taxes paid in another jurisdiction against the amount of taxes, if any, that must be paid in this State. If the amount of any taxes paid in another jurisdiction is less than the amount that must be paid in this State, the authorized dealer shall collect the difference from the owner of the off-highway vehicle.

3. If a person disputes the amount of any taxes that an authorized dealer requires him or her to pay pursuant to subsection 1, the person may contact the Department for further consideration of the amount of taxes owed.

4. An authorized dealer shall not issue a certificate of operation for an off-highway vehicle unless the owner of the off-highway vehicle submits proof of ownership satisfactory to the authorized dealer, including, without limitation:

(a) A purchase agreement or sales contract for the off-highway vehicle;

(b) A manufacturer's certificate of origin for the off-highway vehicle;

(c) A certificate of registration or other evidence indicating that the off-highway vehicle has been registered in another jurisdiction;

(d) A certificate of title for the off-highway vehicle; or

(e) Any other proof of ownership specified by the authorized dealer.

5. If the owner of an off-highway vehicle requests a certificate of operation for the off-highway vehicle and wishes to submit an affidavit to the authorized dealer indicating that the person purchased the off-highway vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle, the owner shall ensure that the affidavit is submitted on a form approved by the Department and includes:

- (a) The name and address of the owner of the off-highway vehicle;
- (b) The name and address of the seller of the off-highway vehicle;
- (c) Proof of ownership by the seller of the off-highway vehicle;
- (d) A description of the off-highway vehicle which includes, without limitation, the vehicle identification number for the off-highway vehicle, if any;
- (e) The date of purchase of the off-highway vehicle from the private party; and
- (f) The purchase price of the off-highway vehicle.

6. As used in this section, “private party” does not include a retailer of off-highway vehicles.

490.090 Certificate of operation: Display; assigned number. (NRS 360.090, 490.070, 490.080)

1. Each owner of an off-highway vehicle for which an authorized dealer issues a certificate of operation shall:

- (a) Ensure that the certificate of operation:
 - (1) Is affixed to and displayed on the off-highway vehicle in a manner in which the position, size and color of the certificate of operation is plainly visible during daylight from a distance of at least 50 feet; and
 - (2) Is maintained in a condition that is free of foreign materials and clearly legible; and

(b) Ensure that the certificate of operation is placed on the left side of the off-highway vehicle as follows:

(1) On the rear guard, fender or metal frame and visible from the left, if the off-highway vehicle is an all-terrain motorcycle;

(2) On the left vertical fork leg and visible from the left, if the off-highway vehicle is an all-terrain motorcycle that is not registered by the Department of Motor Vehicles pursuant to chapter 482 of NRS;

(3) On the rear guard, fender or metal frame and visible from the left, if the off-highway vehicle is a sand rail or dune buggy;

(4) On the left back tunnel and visible from the left, if the off-highway vehicle is a snowmobile; or

(5) In any manner that is plainly visible on the left side pursuant to subparagraph (1) of paragraph (a) of subsection 1, if the off-highway vehicle is a motor vehicle that is used on public land for purposes of recreation.

2. Each number assigned to a certificate of operation for an off-highway vehicle:

(a) Must uniquely identify the off-highway vehicle using numbers or letters or a combination of numbers and letters; and

(b) Is valid for the useful life of the off-highway vehicle.

490.100 Certificate of operation: Application for duplicate. (NRS 360.090, 490.070, 490.080)

1. If a certificate of operation becomes illegible or is lost, stolen or destroyed, the owner of the off-highway vehicle shall, immediately upon becoming aware of the loss, theft, destruction or

illegibility of the certificate of operation, apply for the issuance of a duplicate certificate of operation from an authorized dealer.

2. If an owner of an off-highway vehicle applies for the issuance of a duplicate certificate of operation pursuant to subsection 1, the owner must provide evidence satisfactory to the authorized dealer that a certificate of operation has previously been issued for the off-highway vehicle.

490.110 Prohibited acts. (NRS 360.090, 490.070, 490.080) A person or authorized dealer shall not:

1. Knowingly falsify an application for a certificate of operation, affidavit of ownership or bill of sale for an off-highway vehicle;

2. Alter, deface or remove a manufacturer's serial number or vehicle identification number that is placed on an off-highway vehicle;

3. Use or display or allow the use or display of a certificate of operation on an off-highway vehicle or in the operation of an off-highway vehicle other than the off-highway vehicle for which the certificate of operation is issued or assigned; or

4. Alter or deface a certificate of operation.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Motor Vehicles adopted regulations assigned LCB File No. R130-11, 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. R130-11
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. They were also made available on the Department of Motor Vehicles website at www.dmvnv.com/publicmeetings.htm. Notices were also sent via email to industry dealers, OHV Commission members and other interested parties.

Workshop

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. Seven members of the general public or business industry attended the workshop. Three people testified.

Mike Caltagione, Backcountry Hunters and Anglers, and Paul Jackson, OHV Commission, commented about the placement and visibility of the registration decal. These issues are the responsibility of the OHV Commission and the Department is working with the Commission to address them. Terry McTimmonds with The Outdoor Toy Store had questions regarding the vehicle identification number. Ann Yukish-Lee, Department of Motor Vehicles, answered his questions following the adjournment of the workshop.

The Department received one written comment via email from Keith Serpa of Carson Motorsports concerning dealer decals, dealer licensing bond requirements and the limitation of the number of dealer temporary off-site permits allowed. Andy McCool, DMV, responded to Mr. Serpa's concern about the dealer decals. Statute exempts registration for vehicles which are part of a dealer's inventory. Teri Baltisberger, DMV,

responded to Mr. Serpa's concern about the dealer bond requirement. Separate bonds are required per statute and cannot be addressed in regulation. Mr. Serpa also had a concern about the limitation of temporary dealer off-site permits. The Department decided to delete the provision that limits the number of temporary permits to six in a calendar year. There will be no limit to the number of permits a dealer may purchase.

Hearing

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, Carson City, Nevada and video-conferenced to the Grant Sawyer Building in Las Vegas, Nevada, and to Great Basin College in Elko, Nevada. Twelve members of the general public or business industry attended the hearing. Two people testified.

Julie Lamm, Reno Power Sports had questions regarding the expectations of dealers including the requirement for a separate bond. Teri Baltisberger, DMV, responded that, per statute, there will be a separate bond requirement for OHV dealers, and the Department is preparing dealer information packets for distribution. Ann Yukish-Lee, DMV, answered most of Ms. Lamm's questions following adjournment of the hearing.

Robert Adams, OHV Commission, expressed a concern regarding section 83 of the regulations which describes how law enforcement may seize a vehicle, without warrant, that he or she has probable cause as being stolen, or is being operated with an improper registration decal. Mr. Adams would like the department to define an "improper" registration decal. Section 83 also states that law enforcement has 30 days to prepare a report following the seizure of a vehicle. Mr. Adams would like to see the 30-day period shortened. In addition, Mr. Adams had proposed changes to NRS 490. However, those are statute changes and require legislation. Mr. Adams followed up his testimony with a written statement to the Department reiterating his concerns.

Andy McCool, DMV, responded via email addressing each of Mr. Adams comments. The use of the term "improper" and the 30 day period to prepare a report after seizure of a vehicle were taken directly from NRS 482.540. It is the Department's position that law enforcement personnel will handle situations with off-highway vehicles in the same manner as situations are currently handled with motor vehicles.

Written comments were received from Tom Clark, Director of Government Affairs and Public Relations for Black Rock City, LLP. Mr. Clark expressed his concern that law enforcement personnel at the Burning Man event will attempt to stop and cite participants pursuant to the new regulations, particularly participants who bring and display art cars. He mentioned that his office will be working with the OHV Commission to communicate how the new laws and regulations will be enforced. Andy McCool, DMV, responded to Mr. Clark's comments. As his letter did not directly address any of the regulations presented at the hearing, and since it was addressed to the OHV Commission, the Department has forwarded the letter to the Commission for their review and input.

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

Terri Carter, Department of Motor Vehicles

Martin Hefner, Department of Motor Vehicles (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 – 4

Paul Jackson, OHV Commission

Robert Adams, OHV Commission

Kevin Malone, Department of Motor Vehicles

Adriane Roberts-Larson, Department of Motor Vehicles

(b) Testified at the workshop; 3

Mike Caltagione, Backcountry Hunters and Anglers

Paul Jackson, OHV Commission

Terry McTimmonds, The Outdoor Toy Store

(c) Submitted to the agency written statements; 1

(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, Black Rock Attorney

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)
Rhonda Bavaro, Department of Motor Vehicles
Andy McCool, Department of Motor Vehicles
Teri Baltisberger, Department of Motor Vehicles
Ann Yukish-Lee, Department of Motor Vehicles
Laurie Vandebroke, Department of Motor Vehicles
Pete Olson, 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

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

(e) Testified at the hearing - 2

Julie Lamm, Michael's Reno PowerSports
Robert Adams, OHV Commission

(f) Submitted to the agency written statements - 1

Written comments were received from Tom Clark, Holland & Hart, an attorney representing the Burning Man Event at Black Rock.

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 the Workshop. One written comment was submitted following 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 regulations were submitted to the Legislative Counsel Bureau for review in December 2011, prior to the workshop and hearing. Changes were made as a result of the workshop. Those changes were reviewed and approved by the Legislative Counsel Bureau prior to holding the public 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

Adverse

- Owners of off-highway vehicles are required to pay titling and registration fees.
- Off-highway dealer business license requirements

Beneficial

- Owners of off-highway vehicles will be able to obtain a vehicle title.
- Funding (through the OHV Commission) to be made available for the construction, maintenance and enhancement of trails and facilities.
- Dealers may charge up to \$2 for each application of title or registration.

(b) Both immediate and long-term effects.

Immediate

- Dealer licensing requirements as an off-highway dealer.
- Public awareness of OHV program

Long-term

- Fraud and theft prevention through title issuance and recordkeeping
- Funding for trail construction and maintenance.

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

The Off-Highway Vehicle Program (OHV) is a self-funded program. There is no cost to the agency over and above the costs to administer the program. Senate Bill 394 (2009) amended NRS 481.048 to include enforcement of certain provisions of chapter 490 of NRS by investigators of the Department's Compliance Enforcement Division. Costs associated with enforcement are paid from the Fund for Off-Highway Vehicles which is administered by the Off-Highway Vehicle Commission.

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.

Fiscal Year 13: Estimated Revenue Collections
Based on 2010 OHV projections
Does not include VIN inspections fees

Fee Description	Total	% deposited to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration	Estimated Revenue
Registration Fees	\$4,347,160	85%	\$3,695,086
Title Fees	\$207,270	100%	\$207,270
Total FY 13	\$4,554,430		\$3,902,356

Fiscal Year 14: Estimated Revenue Collections

Fee Description	Total	% deposited to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration	Estimate Revenue
Registration Fees	\$4,390,620	15%	\$658,593
Late Registration Fees	\$978,111	100%	\$978,111
Title Fees	\$209,333	100%	\$209,333
Total FY 14	\$5,578,064		\$1,846,037

Pursuant to NRS 490.084 money in the Fund will be used for expenses relating to the administration of chapter 490 of NRS.

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 regulations are not likely to impose a direct and significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small businesses.