

SENATE BILL NO. 220—COMMITTEE ON TAXATION

FEBRUARY 21, 2001

Referred to Committee on Transportation

SUMMARY—Provides for regulation of off-road vehicles. (BDR 43-148)

FISCAL NOTE: Effect on Local Government: Yes.  
Effect on the State: Yes.

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

AN ACT relating to off-road vehicles; requiring an owner of an off-road vehicle to register the off-road vehicle with the department of motor vehicles and public safety and to obtain a certificate of title for the off-road vehicle; requiring the department of motor vehicles and public safety to establish procedures for registering an off-road vehicle and for issuing a certificate of ownership; requiring a dealer of off-road vehicles to obtain a permit to operate an off-road vehicle under certain circumstances; prohibiting the giving of false information when registering an off-road vehicle; providing a penalty; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 482 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 12, inclusive, of this act.
- 3 **Sec. 2.** *As used in sections 2 to 12, inclusive, of this act, unless the*
- 4 *context otherwise requires, the words and terms defined in sections 3, 4*
- 5 *and 5 of this act have the meanings ascribed to them in those sections.*
- 6 **Sec. 3.** 1. *“Off-road vehicle” means a motorized device that is not*
- 7 *required to be registered with the department as a vehicle pursuant to*
- 8 *NRS 482.205 to 482.290, inclusive, and which is used for recreational*
- 9 *purposes on natural terrain, including, without limitation, dirt, water,*
- 10 *snow, ice, marshes, swamps, rivers and lakes. The term includes, without*
- 11 *limitation, motorcycles that are not intended to be operated upon any*
- 12 *highway, dune buggies, snowmobiles, amphibious devices and motorized*
- 13 *devices that use air cushions to move over natural terrain.*
- 14 2. *The term does not include a boat.*
- 15 **Sec. 4.** 1. *“Off-road vehicle dealer” means any person who:*
- 16 *(a) For compensation, money or other thing of value sells, exchanges,*
- 17 *buys, offers or displays for sale, or negotiates or attempts to negotiate a*
- 18 *sale or exchange of an interest in, an off-road vehicle subject to*



1 registration pursuant to this chapter, or induces or attempts to induce  
2 any person to buy or exchange an interest in an off-road vehicle;

3 (b) Receives or expects to receive a commission, money, brokerage  
4 fee, profit or any other thing of value from the seller or purchaser of an  
5 off-road vehicle; or

6 (c) Is engaged wholly or in part in the business of selling off-road  
7 vehicles, buying or taking in trade off-road vehicles for the purpose of  
8 resale, selling or offering for sale or consignment to be sold or otherwise  
9 dealing in off-road vehicles, whether or not he owns the off-road  
10 vehicles.

11 2. The term does not include:

12 (a) An insurance company, bank, finance company, governmental  
13 agency or any other person coming into possession of an off-road  
14 vehicle, acquiring a contractual right to an off-road vehicle or incurring  
15 an obligation with respect to an off-road vehicle in the performance of  
16 official duties or under the authority of any court of law, if the sale of the  
17 off-road vehicle is for the purpose of saving the seller from loss or  
18 pursuant to the authority of a court of competent jurisdiction;

19 (b) A person, other than a person who has leased an off-road vehicle  
20 to another person, who is not engaged in the purchase or sale of off-road  
21 vehicles as a business, but is disposing of off-road vehicles acquired by  
22 the owner for his use and not for the purpose of avoiding the provisions  
23 of this chapter, or a person who sells not more than three personally  
24 owned off-road vehicles in any 12-month period;

25 (c) A person regularly employed as a salesman by an off-road vehicle  
26 dealer, while acting within the scope of his employment; or

27 (d) A person who is incidentally engaged in the business of soliciting  
28 orders for the sale and delivery of off-road vehicles outside the territorial  
29 limits of the United States if his sales of such off-road vehicles produce  
30 less than 5 percent of his total gross revenue.

31 Sec. 5. "Owner" means a person who holds legal title to or an  
32 interest in the title of an off-road vehicle and whose name appears on the  
33 certificate of ownership, other than a lienholder.

34 Sec. 6. 1. Except as otherwise provided in sections 2 to 12,  
35 inclusive, of this act, every owner who intends to operate his off-road  
36 vehicle in this state must, before operating the off-road vehicle in this  
37 state, register the off-road vehicle with the department pursuant to  
38 sections 2 to 12, inclusive, of this act.

39 2. A resident of another state who owns an off-road vehicle and who  
40 has registered the off-road vehicle in that state may operate the off-road  
41 vehicle in this state without registering the off-road vehicle pursuant to  
42 sections 2 to 12, inclusive, of this act if the state in which the off-road  
43 vehicle is registered does not require the registration of an off-road  
44 vehicle that is registered pursuant to sections 2 to 12, inclusive, of this  
45 act, before the operation of the off-road vehicle in that state.

46 Sec. 7. 1. Except as otherwise provided in this section, if an off-  
47 road vehicle dealer obtains from the department an off-road vehicle  
48 dealer's permit, the off-road vehicle dealer may operate an off-road



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1 vehicle for the purpose of demonstration or testing without registering  
2 the off-road vehicle pursuant to sections 2 to 12, inclusive, of this act.

3 2. An off-road vehicle dealer who holds a current dealer's license  
4 plate issued pursuant to this chapter that allows the dealer to use a  
5 vehicle may operate an off-road vehicle for the purpose of demonstration  
6 or testing without registering the off-road vehicle and without obtaining  
7 an off-road vehicle dealer's permit if the dealer has attached the dealer's  
8 license plate to the off-road vehicle.

9 **Sec. 8.** Upon the sale of an off-road vehicle to a customer, an off-  
10 road vehicle dealer shall apply to the department for a certificate of  
11 ownership in the name of the owner of the off-road vehicle.

12 **Sec. 9.** 1. The department shall provide, by regulation, forms,  
13 requirements and procedures for:

- 14 (a) Registering and renewing the registration of an off-road vehicle;  
15 (b) Transferring the registration of an off-road vehicle; and  
16 (c) Issuing an off-road vehicle dealer's permit for operation of an off-  
17 road vehicle pursuant to section 7 of this act.

18 2. An application for registering an off-road vehicle must include,  
19 without limitation, the name and address of each owner of the off-road  
20 vehicle and must be accompanied by a certificate of ownership that  
21 shows the person who is registering the off-road vehicle is an owner of  
22 the off-road vehicle.

23 3. For each off-road vehicle registered by the department, the  
24 department shall issue a decal that must be placed in a conspicuous place  
25 on the off-road vehicle as specified by the department. If the owner loses  
26 the decal before the registration expires, the owner may obtain a  
27 replacement decal from the department upon payment of a fee that  
28 equals the cost to the department of obtaining or creating the decal, as  
29 appropriate.

30 4. The registration of an off-road vehicle and a dealer's permit  
31 expire 1 year after the date the off-road vehicle is registered with the  
32 department or the date the dealer's permit is issued by the department.

33 5. The department shall charge and collect a fee of \$25 upon the  
34 submission of:

- 35 (a) An application for the registration of an off-road vehicle;  
36 (b) An application for the renewal of the registration of an off-road  
37 vehicle; and  
38 (c) An application for a dealer's permit.

39 6. To the extent practicable, the requirements and procedures for the  
40 issuance, transfer and renewal of the registration of an off-road vehicle  
41 that are adopted by the department must be substantially similar to the  
42 requirements and procedures for the issuance, transfer and renewal of  
43 the registration of a vehicle pursuant to this chapter.

44 **Sec. 10.** 1. The department shall provide, by regulation, forms,  
45 requirements and procedures for the issuance of a certificate of  
46 ownership of an off-road vehicle. To the extent practicable, the  
47 requirements and procedures for the issuance of a certificate of  
48 ownership adopted by the department must be substantially similar to the



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1 *requirements and procedures for the issuance of a certificate of*  
2 *ownership for a vehicle pursuant to this chapter.*

3 2. *A certificate of ownership of an off-road vehicle is valid until*  
4 *cancelled by the department.*

5 3. *The department may charge and collect a reasonable fee for*  
6 *issuing a certificate of ownership of an off-road vehicle.*

7 **Sec. 11.** 1. *Money collected by the department pursuant to sections*  
8 *9 and 10 of this act must be accounted for separately in the motor vehicle*  
9 *fund. The interest and income earned on the money in the account must*  
10 *be credited to the account.*

11 2. *The department shall distribute the money in the account*  
12 *periodically, but not less than once every 2 years, in the following*  
13 *manner:*

14 (a) *The department shall retain an amount of money, that must not*  
15 *exceed 10 percent of the account, which is sufficient to cover the*  
16 *expenses incurred by the department in administering sections 2 to 12,*  
17 *inclusive, of this act; and*

18 (b) *The remainder of the money in the account must be distributed to*  
19 *the division of state parks of the state department of conservation and*  
20 *natural resources for use by the division of state parks for the benefit of*  
21 *owners and operators of off-road vehicles.*

22 **Sec. 12.** *Nothing in sections 2 to 12, inclusive, of this act may be*  
23 *interpreted to grant a person the right or authority to enter upon private*  
24 *property without the permission of the property owner.*

25 **Sec. 13.** NRS 482.085 is hereby amended to read as follows:

26 482.085 ~~["Owner"]~~ *Except as otherwise provided in section 5 of this*  
27 *act, "owner" means a person who holds the legal title of a vehicle and*  
28 *whose name appears on the certificate of ownership, and any lienholder*  
29 *whose name appears on the certificate of ownership. If a vehicle is the*  
30 *subject of an agreement for the conditional sale or lease thereof with or*  
31 *without the right of purchase upon performance of the conditions stated in*  
32 *the agreement and with an immediate right of possession vested in the*  
33 *conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to*  
34 *possession, then the conditional vendee or lessee or mortgagor shall be*  
35 *deemed the owner for the purpose of this chapter.*

36 **Sec. 14.** NRS 482.175 is hereby amended to read as follows:

37 482.175 The department and the officers and deputies thereof and  
38 registered dealers shall examine and to the best of their ability determine  
39 the genuineness and regularity of every registration and transfer of  
40 registration of a vehicle *or off-road vehicle* as provided in this chapter, in  
41 order that every certificate issued for a vehicle *or off-road vehicle* must  
42 contain true statements of the ownership thereof, and to prevent the  
43 registration of a vehicle *or off-road vehicle* by any person not entitled  
44 thereto. The department or a registered dealer may require any applicant to  
45 furnish such information in addition to that contained in the application as  
46 may be necessary to satisfy the department of the truth and regularity of the  
47 application.



1     **Sec. 15.** NRS 482.180 is hereby amended to read as follows:  
2     482.180 1. The motor vehicle fund is hereby created as an agency  
3 fund. Except as otherwise provided in subsection 4 or by a specific statute,  
4 all money received or collected by the department must be deposited in the  
5 state treasury for credit to the motor vehicle fund.

6     2. ~~The~~ *Except as otherwise provided in section 11 of this act, the*  
7 interest and income on the money in the motor vehicle fund, after  
8 deducting any applicable charges, must be credited to the state highway  
9 fund.

10    3. Any check accepted by the department in payment of vehicle  
11 privilege tax or any other fee required to be collected pursuant to this  
12 chapter must, if it is dishonored upon presentation for payment, be charged  
13 back against the motor vehicle fund or the county to which the payment  
14 was credited, in the proper proportion.

15    4. All money received or collected by the department for the basic  
16 vehicle privilege tax must be deposited in the local government tax  
17 distribution account, created by NRS 360.660, for credit to the appropriate  
18 county pursuant to subsection 6.

19    5. Money for the administration of the provisions of this chapter must  
20 be provided by direct legislative appropriation from the state highway  
21 fund, upon the presentation of budgets in the manner required by law. Out  
22 of the appropriation, the department shall pay every item of expense.

23    6. The privilege tax collected on vehicles subject to the provisions of  
24 chapter 706 of NRS and engaged in interstate or intercounty operation  
25 must be distributed among the counties in the following percentages:

26 Carson City.....1.07 percent	Lincoln..... 3.12 percent
27 Churchill.....5.21 percent	Lyon..... 2.90 percent
28 Clark.....22.54 percent	Mineral..... 2.40 percent
29 Douglas .....2.52 percent	Nye..... 4.09 percent
30 Elko .....13.31 percent	Pershing ..... 7.00 percent
31 Esmeralda.....2.52 percent	Storey..... .19 percent
32 Eureka .....3.10 percent	Washoe..... 12.24 percent
33 Humboldt.....8.25 percent	White Pine..... 5.66 percent
34 Lander .....3.88 percent	

35  
36 The distributions must be allocated among local governments within the  
37 respective counties pursuant to the provisions of NRS 482.181.

38    7. The department shall withhold 6 percent from the amount of  
39 privilege tax collected by the department as a commission. From the  
40 amount of privilege tax collected by a county assessor, the state controller  
41 shall credit 1 percent to the department as a commission and remit 5  
42 percent to the county for credit to its general fund as commission for the  
43 services of the county assessor.

44    8. When the requirements of this section and NRS 482.181 have been  
45 met, and when directed by the department, the state controller shall transfer  
46 monthly to the state highway fund any balance in the motor vehicle fund.

47    9. If a statute requires that any money in the motor vehicle fund be  
48 transferred to another fund or account, the department shall direct the  
49 controller to transfer the money in accordance with the statute.



1     **Sec. 16.** NRS 482.210 is hereby amended to read as follows:  
2     482.210 1. The provisions of this chapter requiring the registration of  
3     certain vehicles *and off-road vehicles* do not apply to:

- 4     (a) Special mobile equipment.  
5     (b) Implements of husbandry temporarily drawn, moved or otherwise  
6     propelled upon the highways.  
7     (c) Any mobile home or commercial coach subject to the provisions of  
8     chapter 489 of NRS.  
9     (d) Golf carts which are:  
10    (1) Traveling upon highways properly designated by the appropriate  
11    city or county as permissible for the operation of golf carts; and  
12    (2) Operating pursuant to a permit issued pursuant to this chapter.  
13    (e) Mopeds.  
14    (f) Towable tools or equipment as defined in NRS 484.202.  
15    (g) Any motorized conveyance for a wheelchair, whose operator is a  
16    handicapped person not able to walk about.

17    2. For the purposes of this section, "motorized conveyance for a  
18    wheelchair" means a vehicle which:

- 19    (a) Can carry a wheelchair;  
20    (b) Is propelled by an engine which produces not more than 3 gross  
21    brake horsepower or has a displacement of not more than 50 cubic  
22    centimeters;  
23    (c) Is designed to travel on not more than three wheels; and  
24    (d) Can reach a speed of not more than 30 miles per hour on a flat  
25    surface with not more than a grade of 1 percent in any direction.  
26    The term does not include a tractor.

27    **Sec. 17.** NRS 482.470 is hereby amended to read as follows:

28    482.470 1. If any vehicle *or off-road vehicle* is dismantled, junked  
29    or rendered inoperative and unfit for further use in accordance with the  
30    original purpose for which it was constructed, the owner shall deliver to the  
31    department any certificate of registration and certificate of ownership  
32    issued by the department or any other jurisdiction, unless the certificate of  
33    ownership is required for the collection of any insurance or other  
34    indemnity for the loss of the vehicle ~~†~~ *or off-road vehicle*, or for transfer  
35    in order to dispose of the vehicle ~~†~~ *or off-road vehicle*.

36    2. Any other person taking possession of a vehicle *or off-road vehicle*  
37    described in subsection 1 shall immediately deliver to the department any  
38    license plate or plates, certificate of registration or certificate of ownership  
39    issued by the department or any other jurisdiction, if he has acquired  
40    possession of any of these and unless the certificate of ownership is  
41    required for a further transfer in the ultimate disposition of the vehicle ~~†~~  
42    *or off-road vehicle*.

43    3. The department may issue a salvage title as provided in chapter 487  
44    of NRS. The department shall not charge a fee for the issuance of the  
45    salvage title.

46    4. The department shall destroy any plate or plates, certificate of  
47    registration or certificate of ownership that is returned in a manner  
48    described in subsections 1 and 2. The department shall not issue a  
49    certificate of registration or certificate of ownership for a vehicle *or off-*



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1 *road vehicle* with the same identification number as the dismantled, junked  
2 or inoperative vehicle *or off-road vehicle* if the vehicle *or off-road vehicle*  
3 was manufactured in the 5 years preceding the date on which it was  
4 dismantled, junked or otherwise rendered inoperative, unless the  
5 department authorizes the restoration of the vehicle pursuant to subsection  
6 2 of NRS 482.553.

7 **Sec. 18.** NRS 482.545 is hereby amended to read as follows:  
8 482.545 It is unlawful for any person to commit any of the following  
9 acts:

10 1. To operate, or for the owner thereof knowingly to permit the  
11 operation of, upon a highway any motor vehicle, trailer or semitrailer  
12 which is not registered or which does not have attached thereto and  
13 displayed thereon the number of plate or plates assigned thereto by the  
14 department for the current period of registration or calendar year, subject to  
15 the exemption allowed in NRS 482.316 to 482.3175, inclusive, 482.320 to  
16 482.363, inclusive, 482.385 to 482.3965, inclusive, and 482.420.

17 2. To display, cause or permit to be displayed or to have in possession  
18 any certificate of registration, license plate, certificate of ownership or  
19 other document of title knowing it to be fictitious or to have been canceled,  
20 revoked, suspended or altered.

21 3. To lend to or knowingly permit the use of by one not entitled thereto  
22 any registration card or plate issued to the person so lending or permitting  
23 the use thereof.

24 4. To fail or to refuse to surrender to the department, upon demand,  
25 any registration card or plate which has been suspended, canceled or  
26 revoked as provided in this chapter.

27 5. To use a false or fictitious name or address in any application for the  
28 registration of any vehicle *or off-road vehicle*, or for any renewal or  
29 duplicate thereof, or knowingly to make a false statement or knowingly to  
30 conceal a material fact or otherwise commit a fraud in an application. A  
31 violation of this subsection is a gross misdemeanor.

32 6. Knowingly to operate a vehicle which:

33 (a) Has an altered identification number or mark; or

34 (b) Contains a part which has an altered identification number or mark.

35 **Sec. 19.** NRS 371.020 is hereby amended to read as follows:

36 371.020 As used in this chapter, unless the context otherwise requires:

37 1. "Department" means the department of motor vehicles and public  
38 safety.

39 2. "Vehicle" means any vehicle required to be registered pursuant to  
40 the provisions of chapter 482 or 706 of NRS, except mobile homes as  
41 defined in NRS 482.067 ~~+~~ *and off-road vehicles as defined in section 3*  
42 *of this act.*

43 **Sec. 20.** The amendatory provisions of this act do not apply to  
44 offenses committed before January 1, 2002.

45 **Sec. 21.** 1. This section becomes effective upon passage and  
46 approval.

47 2. Sections 9 and 10 of this act become effective upon passage and  
48 approval for the purpose of adopting regulations and on January 1, 2002,  
49 for all other purposes.



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1       3. Sections 1 to 8, inclusive, and 11 to 20, inclusive, of this act become  
2 effective on January 1, 2002.



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