

Amendment No. 1146

Senate Amendment to Senate Bill No. 400

(BDR 43-426)

Proposed by: Committee on Finance**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from S.B. 400.

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

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 2, line 3, by deleting “482” and inserting “360”.

Amend sec. 2, page 2, line 4, by deleting:

“3 to 17,” and inserting:

“2 to 13.”.

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 2, to read as follows:

“Sec. 2. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 360.005 and sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.”.

JDA/JRS

Date: 6/3/2005

S.B. No. 400—Provides for regulation of off-road vehicles.



Amend sec. 3, page 2, line 7, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 3, page 2, line 8, by deleting “5” and inserting “7”.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 6 through 8 and adding new sections designated sections 4 and 5, following sec. 3, to read as follows:

“Sec. 4. “*Highway*” has the meaning ascribed to it in NRS 482.045.

Sec. 5. “*Motor vehicle*” has the meaning ascribed to it in NRS 482.075.”.

Amend sec. 4, page 2, line 9, by deleting ““*Off-road*” and inserting ““*Off-highway*”.

Amend sec. 4, page 2, line 10, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 4, page 2, by deleting line 20 and inserting:

“(b) *A motor vehicle that is licensed by the Department of Motor Vehicles; or*”.

Amend sec. 5, page 2, line 22, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 5, page 2, by deleting lines 23 through 27 and inserting:

“*the Department may authorize the dealer to issue certificates of operation for off-highway vehicles pursuant to subsection 3.*”.

Amend sec. 5 page 2, line 28, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 5, page 2, by deleting lines 32 through 36 and inserting:

“(a) *Upon the sale of an off-highway vehicle, issue to the purchaser of the off-highway vehicle a certificate of operation for the off-highway vehicle;*

(b) *Upon request, issue a certificate of operation to a person who purchased the off-highway vehicle before January 1, 2006;*

(c) *Issue a certificate of operation to the owner of an off-highway vehicle that was purchased outside this State on or after January 1, 2006, if the owner:*

(1) Requests the certificate of operation; and

(2) Pays or submits evidence satisfactory to the authorized dealer that he has paid all taxes applicable in this State to the purchase of the off-highway vehicle or submits an affidavit indicating that he purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off-highway vehicle;”.

Amend sec. 5, page 2, line 37, by deleting “(c)” and inserting “(d)”.

Amend sec. 5, page 2, line 39, by deleting “(d)” and inserting “(e)”.

Amend sec. 5, page 3, by deleting lines 1 through 5 and inserting:

“5. An authorized dealer shall not charge or collect a fee for issuing a certificate of operation.”.

Amend sec. 5, page 3, line 6, by deleting “*Director*” and inserting “*Department*”.

Amend sec. 5, page 3, line 10, by deleting:

“and forms for application from” and inserting “*by*”.

Amend sec. 6, page 3, by deleting line 16 and inserting:

“person shall not operate an off-highway vehicle on a highway pursuant to sections 9 to 13, inclusive, of this act unless he”.

Amend sec. 6, page 3, lines 18 and 20, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 6, page 3, by deleting lines 22 through 30 and inserting:

“2. If a certificate of operation for an off-highway vehicle is lost or destroyed, the owner of the off-highway vehicle may request a new certificate of operation from an authorized dealer.

3. If the owner of an off-highway vehicle sells or otherwise transfers ownership of the off-highway vehicle, the certificate of operation remains valid.”.

Amend sec. 6, page 3, line 31, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 6, pages 3 and 4, by deleting lines 38 through 44 on page 3 and lines 1 through 3 on page 4, and inserting:

“(b) Is part of the inventory of a dealer of off-highway vehicles;

(c) Is registered or certified in another state and is located in this State for not more than 90 days;

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

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

Amend the bill as a whole by deleting sections 7 through 12 and renumbering sections 13 through 17 as sections 9 through 13.

Amend sec. 13, page 6, by deleting lines 32 through 35 and inserting:

“Sec. 9. Except as otherwise provided in section 10 or 11 of this act:

1. A person shall not, except as otherwise provided in subsection 2 or 3, operate an off-highway vehicle on a paved highway that is not otherwise designated for use by off-highway vehicles.”.

Amend sec. 13, page 6, lines 36, 37, 39, 43 and 44, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 13, page 7, lines 2, 5 and 6, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 13, page 7, line 8, by deleting:

“off-road vehicles.” and inserting:

“off-highway vehicles for not more than 5 miles.

3. *A person may operate an off-highway vehicle on any public land, trail, way or unpaved county road unless prohibited by the governmental entity which has jurisdiction over the public land, trail, way or unpaved county road.*

4. *A governmental entity specified in subsection 3 may:*

(a) *Prepare and distribute upon request a map or other document setting forth each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles; and*

(b) *Erect and maintain signs designating each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles.”.*

Amend sec. 14, page 7, line 10, after “*any*” by inserting:

“*portion of a*”.

Amend sec. 14, page 7, lines 11 and 12, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 14, page 7, line 13, by deleting:

“*off-road vehicles.*” and inserting:

“*off-highway vehicles. If a city or county designates any portion a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the city or county must obtain approval for the designation from the Department of Transportation. The Department of Transportation shall issue a timely decision concerning the request for approval and must not unreasonably deny the request.*”.

Amend sec. 14, page 7, lines 14, 18, 20, 23, 24 and 25, by deleting “*off-road*” and inserting “*off-highway*”.

Amend sec. 15, page 7, by deleting lines 28 through 33 and inserting:

“Sec. 11. 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the”.

Amend sec. 15, page 7, line 34, by deleting “***section 16***” and inserting:
“***sections 2 to 13, inclusive,***”.

Amend sec. 15, page 7, line 35, by deleting “***off-road***” and inserting “***off-highway***”.

Amend sec. 15, page 7, by deleting lines 36 through 38 and inserting:
“***accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with sections 9 to 13, inclusive, of this act.***

2. An off-highway vehicle may not be operated pursuant to this”.

Amend sec. 15, page 7, line 43, by deleting “***road***” and inserting “***highway***”.

Amend sec. 16, page 7, by deleting lines 44 and 45 and inserting:

“Sec. 12. In addition to the requirements set forth in section 7 of this act, a person shall not operate an off-highway vehicle on a highway pursuant to sections 9 to 13, inclusive, of this act unless the off-highway vehicle has:”.

Amend sec. 16, page 8, line 7, after “***vehicle;***” by inserting “***and***”.

Amend sec. 16, page 8, by deleting lines 8 through 15 and inserting:

“5. A muffler which is in working order and which is in constant operation when the vehicle is running.”.

Amend sec. 17, page 8, line 16, by deleting “***off-road***” and inserting “***off-highway***”.

Amend sec. 17, page 8, line 17, by deleting “***section 15***” and inserting:
“***sections 9 to 13, inclusive,***”.

Amend sec. 17, page 8, by deleting lines 20 through 23 and inserting:

“2. Ensure that the certificate of operation for the off-highway vehicle is attached to the vehicle in accordance with section 8 of this act; and”.

Amend the bill as a whole by deleting sections 18 and 19, renumbering sec. 20 as sec. 15 and adding a new section designated sec. 14, following sec. 17, to read as follows:

“Sec. 14. NRS 360.005 is hereby amended to read as follows:

360.005 ~~{As used in this chapter, “retailer”}~~ **“Retailer”** has the meaning ascribed to it in NRS 372.055.”.

Amend the title of the bill to read as follows:

“AN ACT relating to off-highway vehicles; providing for the issuance of certificates of operation for off-highway vehicles by authorized dealers; prohibiting a person from operating an off-highway vehicle without a certificate of operation under certain circumstances; prohibiting a person from operating an off-highway vehicle on a paved highway under certain circumstances; authorizing a city or county to designate a portion of a highway within the city or county as permissible for the operation of off-highway vehicles for certain purposes; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Provides for regulation of off-highway vehicles. (BDR 32-426)”.