

SENATE BILL NO. 434—COMMITTEE ON NATURAL RESOURCES  
(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

MARCH 20, 2007

Referred to Committee on Transportation and Homeland Security

SUMMARY—Revises provisions governing off-highway vehicles.  
(BDR 43-400)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to off-highway vehicles; requiring an owner of an off-highway vehicle to apply for the issuance of a certificate of title for the off-highway vehicle under certain circumstances; requiring the Department of Motor Vehicles to charge and collect certain fees; creating the Off-Highway Vehicle Advisory Board; requiring the Department to adopt certain regulations relating to off-highway vehicles; requiring an owner of an off-highway vehicle to apply for the issuance of a certificate of operation for the off-highway vehicle within a certain period; providing exceptions; authorizing the Department to impose administrative fines for violations of certain provisions governing off-highway vehicles; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law prohibits a person from operating an off-highway vehicle on a highway in this State unless the person has obtained a certificate of operation for the off-highway vehicle and has attached the certificate of operation to the off-highway vehicle in the manner specified by the Department of Taxation. (NRS 490.080) The term "off-highway vehicle" means any motor vehicle that is designed primarily for off-highway and all-terrain use, including, without limitation, an all-terrain vehicle, an all-terrain motorcycle, a dune buggy, a snowmobile or any motor vehicle used for recreational purposes on public lands. (NRS 490.060) The term "highway" means any way that is maintained by a public authority and is open for use by the public for vehicular traffic. (NRS 482.045, 490.040)



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Existing law requires an authorized dealer of off-highway vehicles to issue a certificate of operation for the off-highway vehicle upon the sale of the off-highway vehicle or upon request by a person who purchased the off-highway vehicle outside this State under certain circumstances. (NRS 490.070)

**Sections 3-10** of this bill add new provisions to chapter 490 of NRS relating to off-highway vehicles.

**Section 5** of this bill requires a person who acquires ownership of an off-highway vehicle on or after January 1, 2008, to apply to the Department of Motor Vehicles for the issuance of a certificate of title for the off-highway vehicle within 30 days after acquiring ownership of the off-highway vehicle.

**Section 6** of this bill provides for the issuance of a class 1 or class 2 certificate of operation for an off-highway vehicle. Each certificate of operation is valid for 2 years after the date of issuance. The fee for each certificate of operation is \$12.50.

**Section 6** prohibits the Department from issuing a class 2 certificate of operation on or after January 1, 2009. However, a class 2 certificate of operation issued before that date remains subject to renewal and, if renewed, remains valid.

**Section 7** of this bill requires the Department of Motor Vehicles to charge and collect a fee in the amount of \$12.50 for each class 1 or class 2 certificate of operation issued or renewed by the Department. The fee is in addition to the fee imposed pursuant to **section 6** of this bill.

**Section 9** of this bill creates the Off-Highway Vehicle Advisory Board. The Board consists of 13 members appointed by the Governor. Members are entitled to receive the per diem allowance and travel expenses provided to state officers and employees.

**Section 10** of this bill imposes various duties upon the Board, including, without limitation, the duty to select a Chairman and to meet at least once each calendar quarter. **Section 10** requires the Board to study the need for designated roads and trails for off-highway vehicle roads or trails and to advise appropriate agencies on policies, programs and facilities needed for the safe use of off-highway vehicles on roads and trails in this State.

**Section 13** of this bill provides that an authorized dealer of off-highway vehicles may receive and submit to the Department of Motor Vehicles applications for the issuance or renewal of certificates of operation or for the issuance of certificates of title for off-highway vehicles. Each authorized dealer must submit the applications to the Department on or before the end of the month in which the authorized dealer receives the applications. **Section 13** also allows each authorized dealer to retain a fee of not more than \$2 for each application for a certificate of operation received by the authorized dealer. In addition, **section 13** requires the Department to adopt various regulations, including, without limitation, regulations for the renewal of certificates of operation by mail, the collection of a fee of not more than \$25 for the renewal of a certificate of operation and the imposition of administrative fines for certain violations concerning off-highway vehicles.

**Section 14** of this bill prohibits a person from operating an off-highway vehicle in this State without a certificate of operation for the off-highway vehicle, regardless of whether the person operates the off-highway vehicle on a highway.

**Section 14** further requires each owner of an off-highway vehicle to apply, within 30 days after acquiring ownership of the off-highway vehicle, to an authorized dealer or to the Department for the issuance of a certificate of operation for the off-highway vehicle. **Section 14** expands the types of off-highway vehicles for which a certificate of operation is not required to include an off-highway vehicle that has an engine having a displacement of not more than 90 cubic centimeters, an off-highway vehicle that is used solely for racing on a private or closed race course or an off-highway vehicle that was manufactured before January 1, 1976.

**Section 15** of this bill repeals the provisions of NRS 490.030, which define the term "Department" for purposes of chapter 490 of NRS to mean the Department of



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66 Taxation. Because NRS 481.015 defines the term "Department" for purposes of  
67 title 43 of NRS to mean the Department of Motor Vehicles, the effect of the repeal  
68 of NRS 490.030 and the amendment of NRS 481.015 set forth in **section 1** of this  
69 bill is to place the authority to administer the provisions of chapter 490 of NRS  
70 under the Department of Motor Vehicles.

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

1     **Section 1.** NRS 481.015 is hereby amended to read as follows:  
2     481.015 1. Except as otherwise provided in this subsection,  
3 as used in this title, unless the context otherwise requires,  
4 "certificate of title" means the document issued by the Department  
5 that identifies the legal owner of a vehicle and contains the  
6 information required pursuant to subsection 2 of NRS 482.245. The  
7 definition set forth in this subsection does not apply to chapters 488  
8 and 489 of NRS.

9     2. Except as otherwise provided in chapter 480 of NRS, NRS  
10 484.388 to 484.3888, inclusive, 486.363 to 486.377, inclusive,  
11 ~~[chapter] and chapters 486A [of NRS -], and [NRS 488.480 and~~  
12 ~~chapter 490 of NRS,]~~ **488 of NRS**, as used in this title, unless the  
13 context otherwise requires:

14     (a) "Department" means the Department of Motor Vehicles.

15     (b) "Director" means the Director of the Department . ~~[of Motor~~  
16 ~~Vehicles.]~~

17     **Sec. 2.** Chapter 490 of NRS is hereby amended by adding  
18 thereto the provisions set forth as sections 3 to 10, inclusive, of this  
19 act.

20     **Sec. 3.** *"Board" means the Off-Highway Vehicle Advisory*  
21 *Board created pursuant to section 9 of this act.*

22     **Sec. 4.** (Deleted by amendment.)

23     **Sec. 5.** *An owner of an off-highway vehicle that is acquired*  
24 *on or after January 1, 2008, shall, within 30 days after acquiring*  
25 *ownership of the off-highway vehicle, apply to the Department for*  
26 *the issuance of a certificate of title for the off-highway vehicle.*

27     **Sec. 6. 1.** *A certificate of operation issued or renewed in*  
28 *accordance with a regulation adopted pursuant to NRS 490.070:*

29     *(a) Is a class 1 certificate of operation if the owner of the off-*  
30 *highway vehicle provides proof to the Department that the owner*  
31 *has obtained a certificate of title from the Department for the off-*  
32 *highway vehicle. The fee for a class 1 certificate of operation is*  
33 *\$12.50, not including any fee charged and retained by an*  
34 *authorized dealer pursuant to NRS 490.070.*

35     *(b) Is a class 2 certificate of operation if the owner of the off-*  
36 *highway vehicle has not obtained a certificate of title from the*



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1 *Department for the off-highway vehicle. To obtain a class 2*  
2 *certificate of operation, the owner must provide proof to the*  
3 *Department that the owner has obtained a certificate of*  
4 *verification of the vehicle identification number from the*  
5 *Department for the off-highway vehicle. The Department may*  
6 *charge and collect a fee for a certificate of verification of the*  
7 *vehicle identification number in an amount that is not more than*  
8 *the fee charged for a certificate of title. The fee for a class 2*  
9 *certificate of operation is \$12.50, not including any fee charged*  
10 *and retained by an authorized dealer pursuant to NRS 490.070.*

11 *2. Except as otherwise provided in subsection 3, each*  
12 *certificate of operation is valid for 2 years after the date the*  
13 *certificate of operation is issued.*

14 *3. The Department shall not issue a class 2 certificate of*  
15 *operation on or after January 1, 2009. A class 2 certificate of*  
16 *operation that is issued before that date:*

17 *(a) May be renewed on or after that date; and*

18 *(b) If renewed, remains valid regardless of whether the owner*  
19 *of the off-highway vehicle sells or otherwise transfers ownership*  
20 *of the off-highway vehicle.*

21 **Sec. 7.** *In addition to any fee collected pursuant to section 6*  
22 *of this act, the Department shall charge and collect a fee in the*  
23 *amount of \$12.50 from each person who is issued a class 1 or*  
24 *class 2 certificate of operation or whose class 1 or class 2*  
25 *certificate of operation is renewed by the Department.*

26 **Sec. 8.** *(Deleted by amendment.)*

27 **Sec. 9. 1.** *The Off-Highway Vehicle Advisory Board,*  
28 *consisting of 13 members appointed by the Governor, is hereby*  
29 *created.*

30 *2. The Governor shall appoint to the Board:*

31 *(a) Seven members who reside in various geographical areas*  
32 *of this State, of which:*

33 *(1) One member must be a representative of a sportsmen's,*  
34 *hunting or agricultural organization of this State;*

35 *(2) One member must be a representative of a nationally*  
36 *recognized conservation organization in this State;*

37 *(3) One member must be a representative of an*  
38 *organization in this State interested in the promotion of off-*  
39 *highway vehicle activities;*

40 *(4) One member must be a representative of an*  
41 *organization in this State involved in training persons in the safe*  
42 *use of off-highway vehicles;*

43 *(5) One member must own or manage a business for the*  
44 *sale or repair of off-highway vehicles; and*

45 *(6) Two members of the public at large.*



(b) One member who is a representative of the Bureau of Land Management;

(c) One member who is a representative of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(d) One member who is a representative of the Division of State Parks of the State Department of Conservation and Natural Resources;

(e) One member who is a representative of the United States Forest Service;

(f) One member who is a representative of the Department of Wildlife; and

(g) One member who is a representative of the Commission on Tourism.

3. After the initial terms, the members of the Board appointed pursuant to paragraph (a) of subsection 2 shall serve terms of 2 years. All other members shall serve at the pleasure of the Governor.

4. Members of the Board shall serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 10. 1. The Off-Highway Vehicle Advisory Board shall:**

(a) At its first meeting and annually thereafter, elect a Chairman from among its members;

(b) Meet at least once each calendar quarter and as requested by the call of the Chairman;

(c) Study the need for:

(1) Designated off-highway vehicle roads and trails;

(2) Reclamation and restoration of existing trails, damaged land and wildlife habitats;

(3) Adopting a state-certified training course in off-highway vehicle safety to provide training in safe, responsible and ethical riding, proper machine sizing, proper weight distribution, proper handling and shifting and riding within a person's level of ability.

(d) Advise appropriate agencies at the local, state and federal level on policies, programs and the appropriate facilities needed for the safe use of off-highway vehicles.

2. The Board may apply for grants and accept gifts, grants or donations to assist the Board in carrying out its duties pursuant to this section.

3. The Department shall provide administrative support to the Board.



1     **Sec. 11.** NRS 490.010 is hereby amended to read as follows:  
2     490.010 As used in this chapter, unless the context otherwise  
3 requires, the words and terms defined in NRS 490.020 to 490.060,  
4 inclusive, *and section 3 of this act* have the meanings ascribed to  
5 them in those sections.

6     **Sec. 12.** NRS 490.060 is hereby amended to read as follows:  
7     490.060 1. "Off-highway vehicle" means a motor vehicle  
8 that is designed primarily for off-highway and all-terrain use. The  
9 term includes, but is not limited to:

10     (a) An all-terrain vehicle;  
11     (b) An all-terrain motorcycle;  
12     (c) A dune buggy;  
13     (d) A snowmobile; and  
14     (e) Any motor vehicle used on public lands for the purpose of  
15 recreation.

16     2. The term does not include:  
17     (a) A motor vehicle designed primarily for use in water;  
18     (b) A motor vehicle that is registered by the Department ; ~~of~~  
19 ~~Motor Vehicles;~~ or  
20     (c) A low-speed vehicle as defined in NRS 484.527.

21     **Sec. 13.** NRS 490.070 is hereby amended to read as follows:  
22     490.070 1. Upon the request of a dealer of off-highway  
23 vehicles, the Department may authorize the dealer to ~~issue~~ *receive*  
24 *and submit to the Department applications for the issuance or*  
25 *renewal of* certificates of operation *or the issuance of certificates of*  
26 *title* for off-highway vehicles . ~~[pursuant to subsection 3.]~~

27     2. Each certificate of operation for an off-highway vehicle  
28 ~~[issued by an authorized dealer]~~ must be in the form of a sticker  
29 approved by the Department.

30     3. An authorized dealer shall:

31     (a) ~~[Upon the sale of]~~ *On or before the end of each month,*  
32 *submit to the Department each application for the issuance or*  
33 *renewal of a certificate of operation or issuance of certificate of*  
34 *title for* an off-highway vehicle ~~[, issue to the purchaser of the off-~~  
35 ~~highway vehicle a certificate of operation for the off highway~~  
36 ~~vehicle;~~

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

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

42 ~~—(1) Requests the certificate of operation; and~~

43 ~~—(2) Pays or submits evidence satisfactory to the authorized~~  
44 ~~dealer that he has paid all taxes applicable in this State to the~~  
45 ~~purchase of the off highway vehicle or submits an affidavit~~



1 ~~indicating that he purchased the vehicle through a private party sale~~  
2 ~~and no tax is due relating to the purchase of the off highway~~  
3 ~~vehicle; received during that month;~~

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

7 (c) ~~[(d)]~~ Comply with the regulations adopted pursuant to  
8 subsection 6; and

9 ~~[(e)]~~ (d) Bear any cost of equipment which is required to ~~issue~~  
10 ~~certificates~~ *receive and submit to the Department an application*  
11 *for a certificate* of operation ~~[,]~~ *or certificate of title*, including any  
12 computer software or hardware.

13 4. ~~[(a)]~~ *Except as otherwise provided in subsection 5, an*  
14 *authorized dealer is not entitled to receive compensation* ~~[(from the~~  
15 ~~Department)]~~ *for the performance of* ~~[(those services.)]~~ *any services*  
16 *pursuant to this section.*

17 5. An authorized dealer ~~[(shall not charge or)]~~ *may charge and*  
18 *collect a fee of not more than \$2 for* ~~[(issuing)]~~ *each application for*  
19 *a certificate of operation* ~~[( )]~~ *received by the authorized dealer*  
20 *pursuant to this section. An authorized dealer may retain any fee*  
21 *collected by the authorized dealer pursuant to this subsection.*

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

25 (a) The expedient and secure issuance of :

26 (1) *Forms for applying for the issuance and renewal of*  
27 *certificates of operation* *or the issuance of certificates of title;*

28 (2) *Certificates of operation and certificates of title* by the  
29 Department to ~~[(authorized dealers; and)]~~ *each applicant whose*  
30 *application is approved by the Department; and*

31 (3) *Renewal notices for certificates of operation before the*  
32 *date of expiration of the certificates of operation;*

33 (b) *The renewal of certificates of operation by mail;*

34 (c) *The collection of a fee of not more than \$25 for the*  
35 *renewal of a certificate of operation;*

36 (d) *The submission in person at the Department of an*  
37 *application for:*

38 (1) *The issuance of a certificate of operation, certificate of*  
39 *title or certificate of verification of a vehicle identification number*  
40 *for an off-highway vehicle; or*

41 (2) *The renewal of a certificate of operation for an off-*  
42 *highway vehicle;*

43 (e) *The replacement of a lost or damaged certificate of*  
44 *operation or certificate of title;*



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(f) *The imposition of an administrative fine in the amount of \$25 for each failure by an owner of an off-highway vehicle to obtain, within 30 days after acquiring ownership of the off-highway vehicle:*

(1) *A certificate of operation for the off-highway vehicle; and*

(2) *A certificate of title or certificate of verification of the vehicle identification number for the off-highway vehicle;*

(g) *Except as otherwise provided in paragraph (f), the imposition of an administrative fine in the amount of \$100 for each failure by an owner of an off-highway vehicle to obtain, within 1 year after acquiring ownership of the off-highway vehicle:*

(1) *A certificate of operation for the off-highway vehicle; and*

(2) *A certificate of title or certificate of verification of the vehicle identification number for the off-highway vehicle;*

(h) *The imposition of an administrative fine in the amount \$25 for each failure by an owner of an off-highway vehicle to renew the certificate of operation for the off-highway vehicle within 30 days after the date of expiration of the certificate of operation; and*

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

7. *The fee for issuing a certificate of title for an off-highway vehicle must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429.*

8. *The Department shall afford an opportunity for a hearing pursuant to NRS 233B.121 to any person who is fined pursuant to a regulation adopted pursuant to paragraph (f), (g) or (h) of subsection 6.*

**Sec. 14.** NRS 490.080 is hereby amended to read as follows:

490.080 1. Except as otherwise provided in subsection ~~[4,]~~ 3, a person shall not operate an off-highway vehicle ~~[on a highway pursuant to NRS 490.090 to 490.130, inclusive,]~~ *in this State* unless he has:

(a) Obtained a certificate of operation for the off-highway vehicle; and

(b) Attached the certificate to the off-highway vehicle in the manner specified by the Department.

2. ~~[If a certificate of operation for]~~ *Except as otherwise provided in subsection 3, each owner of an off-highway vehicle [is lost or destroyed, the owner] shall, within 30 days after he acquires ownership of the off-highway vehicle [may request a new], apply*



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1 *to an authorized dealer or in person at the Department for the*  
2 *issuance of a certificate of operation* ~~from an authorized dealer.~~

3 ~~—3. If the owner of an off-highway vehicle sells or otherwise~~  
4 ~~transfers ownership of~~ *for* the off-highway vehicle . ~~the~~  
5 ~~certificate of operation remains valid.~~

6 ~~—4.]~~ 3. A certificate of operation is not required for an off-  
7 highway vehicle which:

8 (a) Is owned and operated by:

9 (1) A federal agency;

10 (2) An agency of this State; or

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

13 (b) *Has an engine having a displacement of not more than 90*  
14 *cubic centimeters;*

15 (c) *Is used solely for racing on a private or closed race course*  
16 *for off-highway vehicles;*

17 (d) Is part of the inventory of a dealer of off-highway vehicles;

18 ~~[(e)]~~ (e) *Was manufactured before January 1, 1976;*

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

21 ~~[(d)]~~ (g) Is used solely for husbandry on private land or on  
22 public land that is leased to the owner or operator of the off-  
23 highway vehicle; or

24 ~~[(e)]~~ (h) Is used for work conducted by or at the direction of a  
25 public or private utility.

26 4. *Except as otherwise provided in NRS 490.070, if a person*  
27 *violates a provision of this section, the Department shall impose*  
28 *against the person an administrative fine of not more than \$250.*  
29 *The Department shall afford to any person so fined an opportunity*  
30 *for a hearing pursuant to NRS 233B.121.*

31 Sec. 15. NRS 490.030 is hereby repealed.

32 Sec. 16. 1. Any dealer of off-highway vehicles who is an  
33 authorized dealer pursuant to NRS 490.070 before January 1, 2008,  
34 shall be deemed to be an authorized dealer by the Department of  
35 Motor Vehicles pursuant to that section, as amended by this act.

36 2. Any certificate of operation issued for an off-highway  
37 vehicle by the Department of Taxation before January 1, 2008, shall  
38 be deemed to be a class 2 certificate of operation issued for an off-  
39 highway vehicle by the Department of Motor Vehicles for the  
40 purposes of paragraph (b) of subsection 1 of section 6 of this act.

41 3. The regulations adopted by the Department of Taxation  
42 pursuant to NRS 490.070 become the regulations of the Department  
43 of Motor Vehicles on January 1, 2008, and, to the extent that the  
44 regulations are consistent with the amendatory provisions of this act,



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1 remain in effect until amended or repealed by the Department of  
2 Motor Vehicles.

3 **Sec. 17.** 1. As soon as practicable after the effective date of  
4 this section, the Governor shall solicit applications for the  
5 appointment of the members of the Off-Highway Vehicle Advisory  
6 Board created pursuant to section 9 of this act.

7 2. As soon as practicable after July 1, 2007, the Governor shall,  
8 after considering each application received pursuant to subsection 1,  
9 appoint the members of the Off-Highway Vehicle Advisory Board  
10 who are qualified pursuant to paragraph (a) of subsection 2 of  
11 section 9 of this act to initial terms as follows:

12 (a) The members listed in subparagraphs (1), (2) and (3) to  
13 terms that expire on January 1, 2009; and

14 (b) The members listed in subparagraphs (4), (5) and (6) to  
15 terms that expire on January 1, 2010.

16 **Sec. 18.** This act becomes effective:

17 1. Upon passage and approval for purposes of:

18 (a) The appointment by the Governor of the members of the Off-  
19 Highway Vehicle Advisory Board created pursuant to section 9 of  
20 this act; and

21 (b) The adoption of regulations to carry out the provisions of  
22 this act; and

23 2. On January 1, 2008, for all other purposes.

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### TEXT OF REPEALED SECTION

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**490.030 “Department” defined.** “Department” means the  
Department of Taxation.

