

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 adopt regulations establishing a fee for the issuance of such a certificate of title; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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. A person who acquires ownership of an off-highway vehicle before January 1, 2008, may, but is not required to, apply for such a certificate of title. **Section 5** also requires the Department to adopt regulations to carry out the provisions of the section, including the establishment of fees for the issuance of such certificates of title and duplicate certificates of title.

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



* S B 4 3 4 R 2 *

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

Section 1. NRS 481.015 is hereby amended to read as follows:
481.015 1. Except as otherwise provided in this subsection,
as used in this title, unless the context otherwise requires,
“certificate of title” means the document issued by the Department
that identifies the legal owner of a vehicle and contains the
information required pursuant to subsection 2 of NRS 482.245. The
definition set forth in this subsection does not apply to chapters 488
, ~~and~~ 489 and 490 of NRS.

2. Except as otherwise provided in chapter 480 of NRS, NRS
484.388 to 484.388, inclusive, 486.363 to 486.377, inclusive,
~~chapter~~ and *chapters* 486A ~~of NRS ,~~ and ~~NRS 488.480 and~~
~~chapter 490 of NRS,~~ *488 of NRS*, as used in this title, unless the
context otherwise requires:

(a) “Department” means the Department of Motor Vehicles.

(b) “Director” means the Director of the Department . ~~of Motor~~
~~Vehicles.~~

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. Chapter 490 of NRS is hereby amended by adding
thereto a new section to read as follows:

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

*2. An owner of an off-highway vehicle that is acquired before
January 1, 2008, may apply to the Department for the issuance of
a certificate of title for the off-highway vehicle.*

*3. The Department shall adopt regulations to carry out the
provisions of this section. The regulations must, without
limitation:*

*(a) Specify the form and contents of a certificate of title for an
off-highway vehicle;*

*(b) Provide procedures for the application for and issuance of
a certificate of title for an off-highway vehicle; and*

*(c) Establish fees for the issuance of a certificate of title and a
duplicate certificate of title for an off-highway vehicle. The fees
must not exceed the fees imposed for issuing a certificate of title
and a duplicate certificate of title pursuant to NRS 482.429.*

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)



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Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 490.060 is hereby amended to read as follows:

490.060 1. "Off-highway vehicle" means a motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:

(a) An all-terrain vehicle;

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; and

(e) Any motor vehicle used on public lands for the purpose of recreation.

2. The term does not include:

(a) A motor vehicle designed primarily for use in water;

(b) A motor vehicle that is registered by the Department ; ~~of Motor Vehicles;~~ or

(c) A low-speed vehicle as defined in NRS 484.527.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 490.030 is hereby repealed.

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

2. Any certificate of operation issued for an off-highway vehicle by the Department of Taxation before January 1, 2008, shall be deemed to be a certificate of operation issued for an off-highway vehicle by the Department of Motor Vehicles.

3. The regulations adopted by the Department of Taxation pursuant to NRS 490.070 become the regulations of the Department of Motor Vehicles on January 1, 2008, and remain in effect until amended or repealed by the Department of Motor Vehicles.

Sec. 17. (Deleted by amendment.)

Sec. 18. This act becomes effective:

1. Upon passage and approval for purposes of the adoption of regulations to carry out the provisions of this act; and

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



TEXT OF REPEALED SECTION

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

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