

SENATE BILL NO. 394—COMMITTEE ON ENERGY,
INFRASTRUCTURE AND TRANSPORTATION

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON PUBLIC LANDS)

MARCH 23, 2009

Referred to Committee on Energy, Infrastructure and Transportation

SUMMARY—Makes various changes to provisions relating to off-highway vehicles. (BDR 43-501)

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 certain owners of off-highway vehicles to obtain certificates of title and registration for those vehicles; requiring the Department of Motor Vehicles to charge and collect certain fees; creating the Fund for Off-Highway Vehicles; creating the Commission on Off-Highway Vehicles; eliminating the requirement that certain persons obtain certificates of operation before operating off-highway vehicles; making various other changes relating to 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)

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 vehicle or upon request by a person who purchased the vehicle outside this State under certain circumstances. (NRS 490.070)

With limited exceptions, **section 5** of this bill requires a person who acquires ownership of an off-highway vehicle on or after January 1, 2010, to apply to the



Department of Motor Vehicles for the titling and annual registration of the vehicle within 30 days after acquiring ownership of the vehicle. A person who acquired ownership of an off-highway vehicle before January 1, 2010, may apply to the Department for the titling of the vehicle, but is required to apply to the Department for annual registration of the vehicle on or before December 31, 2010.

Section 8 of this bill creates the Fund for Off-Highway Vehicles in the State Treasury. A portion of the money received from the fees collected pursuant to **section 5** of this bill must be deposited into the Fund. All money deposited into the Fund must be used only for projects relating to off-highway vehicles as set forth in **section 8**.

Section 11 of this bill authorizes any game warden, sheriff or other peace officer of this State and its political subdivisions to issue a citation to an owner of an off-highway vehicle who is operating the vehicle and does not have a current registration displayed on the vehicle.

Section 9 of this bill creates the Commission on Off-Highway Vehicles. The Commission consists of 11 members who are appointed by the Governor. Each member of the Commission serves for a term of 3 years and, if money is available from the Fund for Off-Highway Vehicles, is 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 Commission, including, without limitation, the duty to select nonvoting advisers to the Commission and to adopt regulations for awarding grants from the Fund for Off-Highway Vehicles.

Section 17 of this bill, in part, 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.

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 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, and chapters 486A ~~[488 and 490]~~ and 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.]~~



1 **Sec. 2.** Chapter 490 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 3 to 11, inclusive, of this
3 act.

4 **Sec. 3.** *“Commission” means the Commission on Off-*
5 *Highway Vehicles created pursuant to section 9 of this act.*

6 **Sec. 4.** *“Fund” means the Fund for Off-Highway Vehicles*
7 *created pursuant to section 8 of this act.*

8 **Sec. 5.** 1. *An owner of an off-highway vehicle that is*
9 *acquired:*

10 (a) *Before January 1, 2010:*

11 (1) *May apply to the Department for a certificate of title for*
12 *the off-highway vehicle.*

13 (2) *Except as otherwise provided in subsection 3, shall, on*
14 *or before December 31, 2010, register the off-highway vehicle with*
15 *the Department. The Department shall impose an administrative*
16 *fine of not more than \$25 on an owner of an off-highway vehicle*
17 *who violates the provisions of this subparagraph. Any such fine*
18 *collected by the Department must be deposited with the State*
19 *Treasurer for credit to the Motor Vehicle Fund and allocated to*
20 *the Department to defray the costs of providing the certificate of*
21 *title or registration.*

22 (b) *On or after January 1, 2010, shall within 30 days after*
23 *acquiring ownership of the off-highway vehicle:*

24 (1) *Apply to the Department for a certificate of title for the*
25 *off-highway vehicle.*

26 (2) *Except as otherwise provided in subsection 3, register*
27 *the off-highway vehicle with the Department. The Department*
28 *shall impose an administrative fine of not more than \$25 on an*
29 *owner of an off-highway vehicle who violates the provisions of this*
30 *subparagraph. Any such fine collected by the Department must be*
31 *deposited with the State Treasurer for credit to the Motor Vehicle*
32 *Fund and allocated to the Department to defray the costs of*
33 *providing the certificate of title or registration.*

34 2. *If an owner of an off-highway vehicle applies to the*
35 *Department for:*

36 (a) *A certificate of title for the off-highway vehicle, he shall*
37 *submit proof prescribed by the Department that he is the owner of*
38 *the off-highway vehicle.*

39 (b) *The registration of the off-highway vehicle, he shall*
40 *submit:*

41 (1) *If he obtained ownership of the off-highway vehicle*
42 *before January 1, 2010, proof prescribed by the Department:*

43 (I) *That he is the owner of the off-highway vehicle; and*

44 (II) *Of the vehicle identification number of the off-*
45 *highway vehicle; or*



1 (2) *If he obtained ownership of the off-highway vehicle on*
2 *or after January 1, 2010:*

3 (I) *Evidence satisfactory to the Department that the*
4 *owner has paid all taxes applicable in this State relating to the*
5 *purchase of the off-highway vehicle or submit an affidavit*
6 *indicating that he purchased the vehicle through a private party*
7 *sale and no tax is due relating to the purchase of the off-highway*
8 *vehicle; and*

9 (II) *Proof prescribed by the Department that he is the*
10 *owner of the off-highway vehicle and of the vehicle identification*
11 *number of the off-highway vehicle.*

12 3. *Registration of an off-highway vehicle is not required if*
13 *the off-highway vehicle:*

14 (a) *Is owned and operated by:*

15 (1) *A federal agency;*

16 (2) *An agency of this State; or*

17 (3) *A county, incorporated city or unincorporated town in*
18 *this State;*

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

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

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

25 (e) *Is used for work conducted by or at the direction of a*
26 *public or private utility; or*

27 (f) *Was manufactured before January 1, 1976.*

28 4. *The registration of an off-highway vehicle expires 1 year*
29 *after its issuance. If an owner of an off-highway vehicle fails to*
30 *renew the registration of the off-highway vehicle before it expires,*
31 *the registration may be reinstated upon the payment to the*
32 *Department of the annual renewal fee and an administrative fine*
33 *of \$25. Any such fine collected by the Department must be*
34 *deposited with the State Treasurer for credit to the Motor Vehicle*
35 *Fund and allocated to the Department to defray the costs of*
36 *providing the certificate of title or registration.*

37 5. *If a certificate of title or registration for an off-highway*
38 *vehicle is lost or destroyed, the owner of the off-highway vehicle*
39 *may request a new certificate of title or registration from an*
40 *authorized dealer or the Department. The Department may collect*
41 *a fee to replace a certificate of title or registration that is lost,*
42 *damaged or destroyed. Any such fee collected by the Department*
43 *must be:*

44 (a) *Set forth by the Department by regulation; and*



(b) Deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of providing the replacement certificate of title or registration.

6. Except as otherwise provided in subsection 7, an owner of an off-highway vehicle who is a resident of a state other than Nevada shall obtain from the Department or an authorized dealer a temporary permit before he may operate the off-highway vehicle in this State pursuant to NRS 490.090 to 490.130, inclusive. The Department shall offer two options for temporary permits as follows:

(a) A temporary permit that expires 7 days after purchase for the cost of \$10; and

(b) A temporary permit that expires 90 days after purchase for the cost of \$25.

7. The provisions of subsection 6 do not apply to an owner of an off-highway vehicle who has registered the off-highway vehicle in a state that:

(a) Has requirements for the registration of off-highway vehicles that are substantially similar to or more stringent than the requirements of this section, as determined by the Commission; and

(b) Does not impose any fees or restrictions on an owner of an off-highway vehicle who is not a resident of that state.

8. The Department shall afford to any person who is fined pursuant to this section an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

9. The Department may adopt regulations to carry out the provisions of this section.

Sec. 6. Each registration of an off-highway vehicle must:

1. Be in the form of a sticker or license plate, as prescribed by the Department and approved by the Commission.

2. Be the size of a license plate for a motorcycle, as set forth by the Department.

3. Include a unique identification number for the off-highway vehicle.

4. Be displayed on the off-highway vehicle in the manner set forth by the Commission.

Sec. 7. 1. The Department shall determine the fee for issuing a certificate of title for an off-highway vehicle, but such fee must not exceed the fee imposed for issuing a certificate of title pursuant to NRS 482.429. Money received from the payment of the fees described in this subsection must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of providing certificates of title for, and the registration of, off-highway vehicles.



2. The Commission shall determine the fee for the annual registration of an off-highway vehicle, but such fee must not exceed \$20. Money received from the payment of the fees described in this subsection must be distributed as follows:

(a) During the period from January 1, 2010, through December 31, 2010:

(1) Seventy-five percent must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of providing certificates of title for, and the registration of, off-highway vehicles.

(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, twenty-five percent must be deposited into the Fund for Off-Highway Vehicles.

(b) On or after January 1, 2011:

(1) Ten percent must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of providing certificates of title for, and the registration of, off-highway vehicles.

(2) To the extent that any portion of the fee for registration is not for the operation of the off-highway vehicle on a highway, ninety percent must be deposited into the Fund for Off-Highway Vehicles.

Sec. 8. 1. The Fund for Off-Highway Vehicles is hereby created in the State Treasury as a revolving fund. The Commission shall administer the Fund. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward.

2. During the period from January 1, 2010, through December 31, 2010, money in the Fund may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of chapter 490 of NRS.

3. On or after January 1, 2011, money in the Fund may only be used by the Commission as follows:

(a) Not more than 5 percent of the money that is in the Fund as of January 1 of each year may be used for the reasonable administrative costs of the Fund.

(b) Except as otherwise provided in subsection 4, any money in the Fund as of January 1 of each year that is not used pursuant to paragraph (a) may be used as follows:

(1) Sixty percent of the money may be used for projects relating to:



(I) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this sub-subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

(II) The mapping and signing of those trails and facilities.

(III) The acquisition of land for those trails and facilities.

(IV) The enhancement and maintenance of those trails and facilities.

(V) The construction of those trails and facilities.

(VI) The restoration of areas that have been damaged by the use of off-highway vehicles.

(2) Twenty percent of the money may be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor.

(3) Fifteen percent of the money may be used for safety training and education relating to off-highway vehicles.

4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1).

Sec. 9. 1. The Commission on Off-Highway Vehicles is hereby created.

2. The Commission consists of 11 members as follows:

(a) One member who is an authorized dealer, appointed by the Governor;

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted to him by the Director of the Department of Wildlife;

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted to him by the Director of the State Department of Agriculture;

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted to him by the Executive Director of the Association;

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted to him by the Nevada Sheriffs' and Chiefs' Association;

(f) One member, appointed by the Governor from a list of persons submitted to him by the Director of the State Department of Conservation and Natural Resources, who:



1 (1) Possesses a degree in soil science, rangeland ecosystems
2 science or a related field;

3 (2) Has at least 5 years of experience working in one of the
4 fields described in subparagraph (1); and

5 (3) Is knowledgeable about the ecosystems of the Great
6 Basin Region of central Nevada or the Mojave Desert; and

7 (g) Five members, appointed by the Governor, who reside in
8 the State of Nevada and have participated in recreational activities
9 for off-highway vehicles for at least 5 years using the type of off-
10 highway vehicle owned or operated by the persons they will
11 represent, as follows:

12 (1) One member who represents persons who own or
13 operate all-terrain vehicles;

14 (2) One member who represents persons who own or
15 operate all-terrain motorcycles;

16 (3) One member who represents persons who own or
17 operate snowmobiles;

18 (4) One member who represents persons who own or
19 operate any off-highway vehicle used for rock crawling; and

20 (5) One member who represents persons who own or
21 operate, and participate in the racing of, off-highway vehicles.

22 3. The Governor shall not appoint to the Commission any
23 member described in paragraph (g) of subsection 2 unless the
24 member has been recommended to the Governor by an off-
25 highway vehicle organization. As used in this subsection, "off-
26 highway vehicle organization" means a profit or nonprofit
27 corporation, association or organization formed pursuant to the
28 laws of this State and which promotes off-highway vehicle
29 recreation or racing.

30 4. After the initial terms, each member of the Commission
31 serves for a term of 3 years. A vacancy on the Commission must be
32 filled in the same manner as the original appointment.

33 5. Except as otherwise provided in this subsection, a member
34 of the Commission may not serve more than two consecutive terms
35 on the Commission. A member who has served two consecutive
36 terms on the Commission may be reappointed if the Governor does
37 not receive any applications for that member's seat or if the
38 Governor determines that no qualified applicants are available to
39 fill that member's seat.

40 6. The Governor shall ensure that, insofar as practicable, the
41 members whom he appoints reflect the geographical diversity of
42 this State.

43 7. Each member of the Commission:

44 (a) Is entitled to receive, if money is available for that purpose
45 from the fees collected pursuant to section 7 of this act, the per



1 *diem allowance and travel expenses provided for state officers and*
2 *employees generally.*

3 *(b) Shall swear or affirm that he will work to create and*
4 *promote responsible off-highway vehicle recreation in the State.*
5 *The Governor may remove a member from the Commission if the*
6 *member violates the oath described in this paragraph.*

7 *8. The Commission may employ an Executive Secretary, who*
8 *must not be a member of the Commission, to assist in its daily*
9 *operations and in administering the Fund.*

10 *9. The Commission may adopt regulations for the operation*
11 *of the Commission. Upon request by the Commission, the*
12 *nonvoting advisers selected by the Commission pursuant to section*
13 *10 of this act may provide assistance to the Commission in*
14 *adopting those regulations.*

15 **Sec. 10. 1. The Commission shall:**

16 *(a) Elect a Chairman, Vice Chairman, Secretary and*
17 *Treasurer from among its members.*

18 *(b) Meet at the call of the Chairman.*

19 *(c) Meet at least four times each year.*

20 *(d) Select eight nonvoting advisers to the Commission to serve*
21 *for terms of 2 years as follows:*

22 *(1) One adviser from the Bureau of Land Management.*

23 *(2) One adviser from the United States Forest Service.*

24 *(3) One adviser who is:*

25 *(I) From the Natural Resources Conservation Service of*
26 *the United States Department of Agriculture; or*

27 *(II) A teacher, instructor or professor at an institution of*
28 *the Nevada System of Higher Education and who provides*
29 *instruction in environmental science or a related field.*

30 *(4) One adviser from the State Department of Conservation*
31 *and Natural Resources.*

32 *(5) One adviser from the Department of Wildlife.*

33 *(6) One adviser from the Department of Motor Vehicles.*

34 *(7) One adviser from the Commission on Tourism.*

35 *(8) One adviser from the Nevada Indian Commission.*

36 *2. The Commission may award a grant of money from the*
37 *Fund. Any such grant must comply with the requirements set forth*
38 *in section 8 of this act. The Commission shall:*

39 *(a) Adopt regulations setting forth who may apply for a grant*
40 *of money from the Fund and the manner in which such a person*
41 *may submit the application to the Commission. The regulations*
42 *adopted pursuant to this paragraph must include, without*
43 *limitation, a requirement that any person requesting a grant*
44 *obtain any necessary prior approval from a federal, state or local*



1 *governmental agency before he applies to the Commission for a*
2 *grant.*

3 *(b) Adopt regulations for awarding grants from the Fund.*

4 *(c) Adopt regulations for determining the acceptable*
5 *performance of work on a project for which a grant is awarded.*

6 *(d) Approve the completion of, and payment of money for,*
7 *work performed on a project for which a grant is awarded, if the*
8 *Commission determines the work is acceptable.*

9 *(e) Monitor the accounting activities of the Fund.*

10 *3. The nonvoting advisers appointed by the Commission*
11 *pursuant to paragraph (d) of subsection 1 shall assist the*
12 *Commission in carrying out the duties set forth in this section.*

13 *4. For each regular session of the Legislature, the*
14 *Commission shall prepare a comprehensive report, including,*
15 *without limitation, a summary of any grants that the Commission*
16 *awarded and of the accounting activities of the Fund, and any*
17 *recommendations of the Commission for proposed legislation. The*
18 *report must be submitted to the Director of the Legislative Counsel*
19 *Bureau for distribution to the Legislature not later than*
20 *September 1 of each even-numbered year.*

21 **Sec. 11.** *1. Any game warden, sheriff or other peace officer*
22 *of this State and its political subdivisions may issue a citation to an*
23 *owner of an off-highway vehicle who is operating the off-highway*
24 *vehicle pursuant to NRS 490.090 to 490.130, inclusive, and does*
25 *not have a current registration displayed on the off-highway*
26 *vehicle in the manner set forth by the Commission.*

27 *2. Not later than 30 days after receiving a citation issued*
28 *pursuant to subsection 1, an owner of an off-highway vehicle*
29 *shall:*

30 *(a) Pay a fine of \$50 to the Department; or*

31 *(b) Submit a request for a hearing to the Department. The*
32 *Department shall afford an opportunity for a hearing pursuant to*
33 *NRS 233B.121 to any person who submits a request pursuant to*
34 *this paragraph.*

35 *3. Fines collected pursuant to this section:*

36 *(a) Are in addition to any fines that may be collected by the*
37 *Department pursuant to section 5 of this act.*

38 *(b) Must be deposited into the Fund.*

39 *4. The Department may adopt regulations to carry out the*
40 *provisions of this section.*

41 **Sec. 12.** *NRS 490.010 is hereby amended to read as follows:*

42 *490.010 As used in this chapter, unless the context otherwise*
43 *requires, the words and terms defined in NRS 490.020 to 490.060,*
44 *inclusive, and sections 3 and 4 of this act have the meanings*
45 *ascribed to them in those sections.*



Sec. 13. NRS 490.020 is hereby amended to read as follows:

490.020 "Authorized dealer" means a dealer authorized by the Department to issue certificates of ~~{operation}~~ *title* for , *and registrations of*, off-highway vehicles pursuant to NRS 490.070.

Sec. 14. 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. 15. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of a dealer of off-highway vehicles, the Department may authorize the dealer to ~~{issue}~~ *receive and submit to the Department applications for the:*

(a) Issuance of certificates of ~~{operation}~~ *title and registration* for off-highway vehicles ~~{pursuant to subsection 3.}~~

~~—2. Each certificate of operation for an off highway vehicle issued by an authorized dealer must be in the form of a sticker approved by the Department.~~

~~—3.} ; and~~

(b) Renewal of registration for off-highway vehicles.

2. An authorized dealer shall:

(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;~~ On or before the end of each month, submit to the Department each application described in subsection 1 received during that month;

(b) Except as otherwise provided in paragraph (c) and subsection 4, submit to the State Treasurer for allocation to the Department all fees collected by the authorized dealer from each applicant and properly account for those fees each month;

(c) Submit to the State Treasurer for deposit into the Fund all fees charged and collected and required to be deposited in the Fund pursuant to section 7 of this act;

(d) Comply with the regulations adopted pursuant to subsection ~~[6;] 5;~~ and

(e) Bear any cost of equipment which is required to ~~issue certificates of operation;~~ receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

~~[4.—An]~~

3. Except as otherwise provided in subsection 4, an authorized dealer is not entitled to receive compensation ~~[from the Department]~~ for the performance of ~~[those services.]~~ any services pursuant to this section.

~~[5.]~~ 4. An authorized dealer ~~[shall not charge or]~~ may charge and collect a fee of not more than \$2 for ~~[issuing]~~ each application for a certificate of ~~[operation].~~

~~—6.]~~ title or registration or renewal of registration received by the authorized dealer pursuant to this section. An authorized dealer may retain any fee collected by the authorized dealer pursuant to this subsection.

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

(a) The expedient and secure issuance of :

(1) Forms for applying for the:

(I) Issuance of certificates of ~~[operation]~~ title for, or registration of, off-highway vehicles; and

(II) Renewal of registration of off-highway vehicles;

(2) Certificates of title and registration by the Department to ~~[authorized dealers; and]~~ each applicant whose application is approved by the Department; and

(3) Renewal notices for registrations before the date of expiration of the registrations;

(b) The renewal of registrations by mail or Internet;

(c) The collection of a fee of not more than \$20 for the renewal of a registration of an off-highway vehicle;



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

(1) *The issuance of a certificate of title for, or registration of, an off-highway vehicle; or*

(2) *The renewal of registration of an off-highway vehicle;*
(e) *The replacement of a lost, damaged or destroyed certificate of title or registration; and*

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

Sec. 16. NRS 490.130 is hereby amended to read as follows:

490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the ~~{certificate of operation for}~~ *registration of* the off-highway vehicle is attached to the vehicle in accordance with ~~[NRS 490.080;]~~ *section 6 of this act;* and

3. Wear a helmet.

Sec. 17. NRS 490.030 and 490.080 are hereby repealed.

Sec. 18. An owner of an off-highway vehicle who obtained a certificate of operation for an off-highway vehicle before January 1, 2010, shall on or before December 31, 2010, register the off-highway vehicle pursuant to the provisions of section 5 of this act.

Sec. 19. 1. Any dealer of off-highway vehicles who is an authorized dealer pursuant to NRS 490.070 before January 1, 2010, shall be deemed to be an authorized dealer by the Department of Motor Vehicles pursuant to that section, as amended by section 15 of this act.

2. 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, 2010, and, to the extent that the regulations are consistent with the amendatory provisions of this act, remain in effect until amended or repealed by the Department of Motor Vehicles.

Sec. 20. 1. As soon as practicable after the effective date of this section, the Governor shall solicit applications for the appointment of the members of the Commission on Off-Highway Vehicles created pursuant to section 9 of this act.

2. As soon as practicable after July 1, 2009, the Governor shall, after considering each application received pursuant to subsection 1, appoint the members of the Commission on Off-Highway Vehicles who are qualified pursuant to section 9 of this act to initial terms as follows:

(a) Four members to terms that expire on January 1, 2011.



* S B 3 9 4 *

- 1 (b) Four members to terms that expire on January 1, 2012.
2 (c) Three members to terms that expire on January 1, 2013.
3 **Sec. 21.** This act becomes effective:
4 1. Upon passage and approval for purposes of:
5 (a) The appointment by the Governor of the members of the
6 Commission on Off-Highway Vehicles created pursuant to section 9
7 of this act; and
8 (b) The adoption of regulations to carry out the provisions of
9 this act; and
10 2. On January 1, 2010, for all other purposes.

TEXT OF REPEALED SECTIONS

490.030 "Department" defined. "Department" means the Department of Taxation.

490.080 Prerequisite to operation of vehicle on highway; attachment to vehicle; replacement; transferability; exceptions.

1. Except as otherwise provided in subsection 4, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, 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 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.

4. A certificate of operation is not required for an off-highway vehicle which:

(a) Is owned and operated by:

(1) A federal agency;

(2) An agency of this State; or

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

(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.

