

Amendment No. 510

Assembly Amendment to Assembly Bill No. 293

(BDR 43-619)

Proposed by: Assembly Committee on Transportation**Amendment Box:** Replaces Amendment No. 332.**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

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"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

DLJ/MSM



Date: 4/16/2013

A.B. No. 293—Revises provisions relating to off-highway vehicles. (BDR 43-619)



ASSEMBLY BILL NO. 293—ASSEMBLYMEN HANSEN, PAUL ANDERSON, ~~HH~~, **BOBZIEN;**
CARRILLO, DUNCAN, FIORE, GRADY AND WHEELER

MARCH 15, 2013

JOINT SPONSORS: SENATORS CEGAVSKE,
GUSTAVSON AND SETTELMAYER

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to off-highway vehicles. (BDR 43-619)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; ~~making failure to register an off-highway vehicle a secondary offense; providing for the temporary registration of an off highway vehicle by officers of the Department of Motor Vehicles and other peace officers under certain circumstances; providing for exclusive enforcement of provisions governing off-highway vehicles by certain officers of this State; revising provisions relating to renewal of the registration of an off highway vehicle; providing a penalty;~~ ***revising provisions regarding the size of the registration sticker or decal provided by the Department of Motor Vehicles for off-highway vehicles;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Under existing law, the operator of an off-highway vehicle is required to register the vehicle and to ensure that the registration sticker or decal is attached to the vehicle. (NRS 490.082, 490.130) Section 2 of this bill makes failure to register an off-highway vehicle or display the sticker or decal on the vehicle a secondary offense and authorizes an officer of the Department of Motor Vehicles or a peace officer of this State to issue a citation for such a violation only if the violation is discovered when the off-highway vehicle is halted or its operator is arrested for another alleged violation or offense. Section 2 also requires an officer of the Department or a peace officer, before issuing a citation to the operator of an off-highway vehicle for a violation of the registration requirement, to offer instead to allow the operator of the vehicle to fill out an application for registration of the vehicle and pay the registration fee to the officer. The officer shall then issue to the operator a receipt which is deemed a temporary certificate of registration of the vehicle that expires 30 days after issuance. The officer is then required to submit the application for registration and the fee to the Department in a timely manner. Section 2 additionally requires the Department to make available to its officers and to all peace officers in this State applications for off-highway vehicle registration and receipt forms. Section 2 of this bill requires the Department, upon~~

receipt of an application and fee from such officers, to send to the applicant an acknowledgment of receipt of the application and fee, along with a list of any other documents or evidence required by the Department to complete the registration process. Upon receipt of such documents or evidence, the Department is required to register the off highway vehicle and send to the applicant a registration sticker or decal.

Section 4 of this bill limits the application of the provisions governing off highway vehicles to only those off highway vehicles that are propelled by an engine which has a displacement of 500 cubic centimeters or more. (NRS 490.066)

Existing law requires all officers of the Department and all peace officers in this State to enforce the provisions governing off highway vehicles. (NRS 490.065) Section 5 of this bill provides that those officers are the only persons authorized to enforce those provisions and that the State does not authorize the Federal Government to enforce those provisions.

Existing law requires the registration and an annual renewal of the registration of off-highway vehicles and requires that such registration be in the form of a sticker or decal that is approximately the size of a license plate for a motorcycle. (NRS 490.082, 490.083) Section 6 of this bill revises the registration renewal period from once a year to every 2 years. Section 7 of this bill revises the size requirement of the registration sticker or decal, providing that it must be smaller than the size of a license plate for a motorcycle, at least 3 inches high by 3 1/2 inches wide.

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

Section 1. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act. (Deleted by amendment.)

Sec. 2. 1. An officer of the Department or a peace officer in this State who is authorized to enforce the provisions of this chapter may not stop an off-highway vehicle for a violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130. Except as otherwise provided in subsection 2, a citation may be issued for such a violation only if the violation is discovered when the off-highway vehicle is halted or its operator arrested for another alleged violation or offense.

2. Before issuing a citation for a violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130, an officer of the Department or a peace officer in this State shall allow the operator of the off-highway vehicle to, in lieu of receiving a citation, fill out an application provided by the officer for registration of the off-highway vehicle and pay to the officer the fee required pursuant to NRS 490.084. The officer, upon receipt of the application and fee, shall:

(a) Issue to the operator a receipt which bears the date of issuance and includes a statement that the receipt shall be deemed a temporary certificate of registration for the off-highway vehicle that expires 30 days after issuance; and

(b) Submit to the Department, in a timely manner, the application and fee.

3. If the operator does not fill out the application and does not pay the fee pursuant to subsection 2, the officer may issue a citation for the violation of subsection 1 of NRS 490.082 or subsection 2 of NRS 490.130, as applicable.

4. The Department shall make available to its officers and all peace officers in this State the applications for registration of an off-highway vehicle and receipts required by this section in a form that is prescribed by the Department. (Deleted by amendment.)

Sec. 3. 1. Upon receipt of an application for registration of an off-highway vehicle and the fee from an officer of the Department or a peace officer in this State pursuant to section 2 of this act, the Department shall send to the applicant:

~~(a) An acknowledgment of receipt of the application for registration and the fee required pursuant to NRS 490.084;~~

~~(b) A list of any other documents or evidence required by the Department for registration of the off-highway vehicle pursuant to NRS 490.082; and~~

~~(c) The mailing addresses of the Department.~~

~~2. Upon receipt by the Department of the documents or evidence required pursuant to paragraph (b) of subsection 1 from the applicant, the Department shall register the off-highway vehicle and mail to the applicant the registration sticker or decal for the off-highway vehicle pursuant to NRS 490.082.~~ (Deleted by amendment.)

Sec. 4. ~~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 [.] and is propelled by an engine which has a displacement of 500 cubic centimeters or more. 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;~~

~~(c) A low-speed vehicle as defined in NRS 484B.637; or~~

~~(d) Special mobile equipment, as defined in NRS 482.123.~~ (Deleted by amendment.)

Sec. 5. ~~NRS 490.065 is hereby amended to read as follows:~~

~~490.065 The Department, all officers thereof and all peace officers in this State shall enforce, and are the only persons authorized to enforce, the provisions of this chapter. The State of Nevada does not authorize the Federal Government or any representative thereof to enforce the provisions of this chapter.~~ (Deleted by amendment.)

Sec. 6. ~~NRS 490.082 is hereby amended to read as follows:~~

~~490.082 1. An owner of an off-highway vehicle that is acquired:~~

~~(a) Before the effective date of this section:~~

~~(1) May apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3 [.] and section 2 of this act, shall, within 1 year after the effective date of this section, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.~~

~~(b) On or after the effective date of this section, shall, within 30 days after acquiring ownership of the off-highway vehicle:~~

~~(1) Apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, a certificate of title for the off-highway vehicle.~~

~~(2) Except as otherwise provided in subsection 3 [.] and section 2 of this act, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle.~~

~~2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for:~~

~~(a) A certificate of title for the off-highway vehicle, the owner shall submit to the Department or to the authorized dealer proof prescribed by the Department that he or she is the owner of the off-highway vehicle.~~

~~(b) The registration of the off highway vehicle, except as otherwise provided in section 2 of this act, the owner shall submit:~~

~~(1) If ownership of the off highway vehicle was obtained before the effective date of this section, proof prescribed by the Department:~~

~~(I) That he or she is the owner of the off highway vehicle; and~~

~~(II) Of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0825 for the off highway vehicle; or~~

~~(2) If ownership of the off highway vehicle was obtained on or after the effective date of this section:~~

~~(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of the off highway vehicle, or submit an affidavit indicating that he or she purchased the vehicle through a private party sale and no tax is due relating to the purchase of the off highway vehicle; and~~

~~(II) Proof prescribed by the Department that he or she is the owner of the off highway vehicle and of the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0825 for the off highway vehicle.~~

~~3. Registration of an off highway vehicle is not required if the off highway vehicle:~~

~~(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 60 days;]~~

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

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

~~(f) Was manufactured before January 1, 1976.~~

~~4. [The] Except as otherwise provided in section 2 of this act, the registration of an off highway vehicle expires [1 year] 3 years after its issuance. If an owner of an off highway vehicle fails to renew the registration of the off highway vehicle before it expires, the registration may be reinstated upon the payment to the Department of the [annual] renewal fee and a late fee of \$25. Any late fee collected by the Department must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~5. If a certificate of title or registration for an off highway vehicle is lost or destroyed, the owner of the off highway vehicle may apply to the Department by mail, or to an authorized dealer, for a duplicate certificate of title or registration. The Department shall not replace a temporary registration issued pursuant to section 2 of this act. The Department may collect a fee to replace a certificate of title or registration certificate, sticker or decal that is lost, damaged or destroyed. Any such fee collected by the Department must be:~~

~~(a) Set forth by the Department by regulation; and~~

~~(b) Deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~6. The provisions of subsections 1 to 5, inclusive, do not apply to an owner of an off-highway vehicle who is not a resident of this State. (Deleted by amendment.)~~

Sec. 7. NRS 490.083 is hereby amended to read as follows:

490.083 ~~Each~~ Each ~~Except as otherwise provided in section 2 of this act, each~~ registration of an off-highway vehicle must:

1. Be in the form of a sticker or decal, as prescribed by the ~~Department.~~ Commission.

2. Be ~~approximately~~ smaller than the size of a license plate for a motorcycle, as set forth by the Department, at least 3 inches high by 3 1/2 inches wide, and display not more than 4 characters that are at least 1 1/4 inches high.

3. Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.

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

Sec. 8. ~~NRS 490.084 is hereby amended to read as follows:~~

~~490.084 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 Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~2. The Commission shall determine the fee for the [annual] registration of an off-highway vehicle, but such fee must not be less than \$20 or more than \$30. Money received from the payment of the fees described in this subsection and from the payment of fees pursuant to section 2 of this act must be distributed as follows:~~

~~(a) During the period beginning on July 1, 2012, and ending on June 30, 2013:~~

~~(1) Eighty-five percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~(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, 15 percent must be deposited into the Fund.~~

~~(b) On or after July 1, 2013:~~

~~(1) Fifteen percent must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.~~

~~(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, 85 percent must be deposited into the Fund. (Deleted by amendment.)~~

Sec. 9. ~~NRS 490.110 is hereby amended to read as follows:~~

~~490.110 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator holds a valid driver's license and operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with NRS 490.090 to 490.130, inclusive [1], and sections 2 and 3 of this act.~~

~~2. An off-highway vehicle may not be operated pursuant to this section:~~

~~(a) On an interstate highway;~~

~~(b) On a paved highway in this State for more than 2 miles; or~~

~~(c) Unless the highway is specifically designated for use by off highway vehicles in a city whose population is 100,000 or more.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 490.120 is hereby amended to read as follows:~~

~~490.120 In addition to the requirements set forth in NRS 490.070, a person shall not operate an off highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, and sections 2 and 3 of this act, unless the off highway vehicle has:~~

~~1. At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;~~

~~2. At least one tail lamp that is visible from at least 500 feet behind the vehicle;~~

~~3. At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;~~

~~4. A stop lamp on the rear of the vehicle; and~~

~~5. A muffler which is in working order and which is in constant operation when the vehicle is running.] (Deleted by amendment.)~~

Sec. 11. ~~[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, and sections 2 and 3 of this act, shall:~~

~~1. Comply with all traffic laws of this State;~~

~~2. [Ensure] Except as otherwise provided in section 2 of this act, ensure that the registration of the off highway vehicle is attached to the vehicle in accordance with NRS 490.083; and~~

~~3. Wear a helmet.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 490.520 is hereby amended to read as follows:~~

~~490.520 1. It is a gross misdemeanor for any person knowingly to falsify:~~

~~(a) An off highway vehicle dealer's report of sale, as described in NRS 490.440; or~~

~~(b) An application or document to obtain any license, permit, temporary registration, certificate of title or registration issued under the provisions of this chapter.~~

~~2. Except as otherwise provided in subsection 2, it is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.~~

~~3. [Any] Except as otherwise provided in subsection 2 of section 2 of this act, any person who violates a provision of this chapter relating to the registration or operation of an off highway vehicle is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.] (Deleted by amendment.)~~

Sec. 13. ~~[This act becomes effective on July 1, 2013.] (Deleted by amendment.)~~