

Amendment No. 243

Senate Amendment to Senate Bill No. 343

(BDR 43-630)

Proposed by: Senate Committee on Transportation**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

S.B. No. 343—Makes various changes relating to off-highway vehicles.

(BDR 43-630)



SENATE BILL NO. 343—SENATORS GOICOECHEA;
GUSTAVSON AND SETTELMAYER

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN ELLISON;
GRADY AND OSCARSON

Referred to Committee on Transportation

SUMMARY—Makes various changes relating to off-highway vehicles.
(BDR 43-630)

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

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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 motor vehicles; allowing certain off-highway vehicles to be registered as motor vehicles intended for use on a highway; requiring the owner of an off-highway vehicle registered as a motor vehicle intended for use on a highway to obtain and maintain insurance on the vehicle; allowing certain off-highway vehicles to be operated on certain county roads under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, no off-highway vehicle may be registered for highway use or operated on a highway except in limited circumstances. (NRS 490.090, 490.100, 490.110) Any off-highway vehicle that is operated on a highway under these limited circumstances must be registered as an off-highway vehicle and have certain required equipment. (NRS 490.120) Sections 2-5 of this bill allow certain off-highway vehicles that are defined as "large all-terrain vehicles" to be registered as: ~~both~~ (1) motor vehicles intended for use on a highway; ~~and~~ or (2) off-highway vehicles. Section 5 requires the owner of a large all-terrain vehicle who registers the vehicle as a motor vehicle intended for use on a highway to provide proof that the owner carries insurance on the vehicle which meets the requirements for insurance on motor vehicles in this State generally. Section 12 of this bill exempts any owner who has paid a fee for the current and valid registration of that vehicle from paying the fee for the registration of an off-highway vehicle. Sections 4 and 13 of this bill allow certain off-highway large all-terrain vehicles to be operated on a general county road or minor county road, unless the applicable city or county prohibits such use, provided that such vehicles are registered with the Department of Motor Vehicles for on-road use and have the requisite equipment for on-road use. Insurance is required for every motor vehicle that is registered in this State for operation on any highway in this State. (NRS

~~482.205, 485.185~~) Section 10 of this bill requires that the registration sticker or decal of a large all-terrain vehicle registered as a motor vehicle intended for use on a highway be distinguishable from the sticker or decal of other off-highway vehicles. Section 14 of this bill provides that operating or knowingly allowing the operation of a large all-terrain vehicle registered as a motor vehicle intended for use on a highway without having the required insurance is punishable as a misdemeanor and the imposition of a fine not to exceed \$100.

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

Section 1. NRS 484A.650 is hereby amended to read as follows:

484A.650 Whenever the driver of a vehicle is stopped by a peace officer for violating a provision of chapters 484A to 484E, inclusive, of NRS, except for violating a provision of NRS 484B.440 to 484B.523, inclusive, the officer shall demand proof of the insurance required by NRS 485.185, or section 5 of this act, and issue a citation as provided in NRS 484A.630 if the officer has probable cause to believe that the driver of the vehicle is in violation of NRS 485.187 ~~or~~ subsection 4 of NRS 490.520. If the driver of the vehicle is not the owner, a citation must also be issued to the owner, and in such a case the driver:

1. May sign the citation on behalf of the owner; and

2. Shall notify the owner of the citation within 3 days after it is issued.

➤ The agency which employs the peace officer shall immediately forward a copy of the citation to the registered owner of the vehicle, by certified mail, at his or her address as it appears on the certificate of registration.

~~Section 1.~~ **Sec. 2.** Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~2, 3, 4~~ and ~~4~~ 3, 4 and 5 of this act.

~~Sec. 2.~~ **Sec. 3.** *"Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast and:*

1. *Total seating capacity for at least four people; or*

2. *A truck bed.*

~~Sec. 3.~~ **Sec. 4. 1.** *Except as otherwise provided in subsection 2, a person may operate a large all-terrain vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road if the large all-terrain vehicle:*

(a) *Meets the requirements set forth in NRS 490.120; and*

(b) *Is registered by the Department in accordance with ~~chapter 482 of NRS and~~ section ~~4~~ 5 of this act as a motor vehicle intended to be operated upon the highways of this State.*

2. *The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road may by ordinance or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.*

~~Sec. 4.~~ **Sec. 5. 1.** Upon the request of an owner of a large all-terrain vehicle, the Department shall register the large all-terrain vehicle ~~in accordance with chapter 482 of NRS unless expressly prohibited by federal law~~ to operate on the roads specified in section 4 of this act.

2. The owner of a large all-terrain vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.

3. If an owner of a large all-terrain vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:

(a) The information required for registration pursuant to NRS 490.082;

(b) The fee for registration required pursuant to NRS 490.084;

(c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and

(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.

~~Sec. 5.~~ **Sec. 6.** NRS 490.010 is hereby amended to read as follows:

490.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 490.020 to 490.062, inclusive, ~~and section 4~~ **section 3 of this act** have the meanings ascribed to them in those sections.

~~Sec. 6.~~ **Sec. 7.** 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 ~~that~~ **including, without limitation, a large all-terrain vehicle without regard to whether that large all-terrain vehicle is registered by the Department in accordance with chapter 482 of NRS and** ~~section 4~~ **section 5 of this act as a motor vehicle intended to be operated upon the highways of this State;**

(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) ~~Except as otherwise provided in paragraph (a) of subsection 1, a~~ motor vehicle that is registered by the Department ~~that~~ **in accordance with chapter 482 of NRS; and section 4 of this act as a motor vehicle intended to be operated upon the highways of this State;**

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

(d) Special mobile equipment, as defined in NRS 482.123.

Sec. 8. NRS 490.070 is hereby amended to read as follows:

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the:

(a) Issuance of certificates of title and registration for off-highway vehicles; and

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

2. An authorized dealer shall:

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

(b) 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 NRS 490.084;

(c) Comply with the regulations adopted pursuant to subsection 5; and

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

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

4. An authorized dealer may charge and collect a fee of not more than \$2 for each application for a certificate of title or 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 issuance of certificates of title for, or registration of, off-highway vehicles;

(2) Certificates of title and registration by the Department to 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 the Internet;

(c) The collection of a fee of not less than \$20 or more than \$30 for the renewal of a registration of an off-highway vehicle ++ pursuant to NRS 490.082 or section 5 of this act;

(d) The submission by mail or electronic transmission to 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 certificate, sticker or decal; 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. 9. 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, 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, apply for, to the Department by mail or to an authorized dealer, and obtain from the Department, the registration of the off-highway vehicle ++ pursuant to this section or section 5 of this act.

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) ~~That~~ Except as otherwise provided in section 5 of this act, the registration of the off-highway vehicle, 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 490.0835 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 490.0835 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 registration of an off-highway vehicle pursuant to this section or section 5 of this act expires 1 year 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 ~~++~~ and, if applicable, proof of insurance required pursuant to section 5 of this act. 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 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.

Sec. 10. NRS 490.083 is hereby amended to read as follows:

1 490.083 1. Each registration of an off-highway vehicle must:
2 ~~++~~ (a) Be in the form of a sticker or decal, as prescribed by the Department.
3 ~~++~~ (b) Be approximately the size of a license plate for a motorcycle, as set
4 forth by the Department.
5 ~~++~~ (c) Include the unique vehicle identification number, serial number or
6 distinguishing number obtained pursuant to NRS 490.0835 for the off-highway
7 vehicle.
8 ~~++~~ (d) Be displayed on the off-highway vehicle in the manner set forth by the
9 Commission.

10 2. The registration sticker or decal of a large all-terrain vehicle registered
11 pursuant to section 5 of this act must be distinguishable from the sticker or decal
12 of an off-highway vehicle registered pursuant to NRS 490.082 in a manner to be
13 determined by the Department.

14 Sec. 11. NRS 490.0835 is hereby amended to read as follows:

15 490.0835 1. The Department may assign a distinguishing number to any
16 off-highway vehicle if:

17 (a) The off-highway vehicle does not have a unique vehicle identification
18 number or serial number provided by the manufacturer of the vehicle;

19 (b) The unique vehicle identification number or serial number provided by the
20 manufacturer of the off-highway vehicle has been removed, defaced, altered or
21 obliterated; or

22 (c) The off-highway vehicle is homemade.

23 2. Any off-highway vehicle to which there is assigned a distinguishing
24 number pursuant to subsection 1 must be registered, if required pursuant to NRS
25 490.082, under the distinguishing number.

26 3. The Department shall collect a fee of \$2 for the assignment and recording
27 of each such distinguishing number.

28 4. The number by which an off-highway vehicle is registered pursuant to
29 NRS 490.082 or section 5 of this act must be permanently stamped or attached to
30 the vehicle. False attachment or willful removal, defacement, alteration or
31 obliteration of such a number with intent to defraud is a gross misdemeanor.

32 ~~++~~ Sec. 7+ Sec. 12. NRS 490.084 is hereby amended to read as follows:

33 490.084 1. The Department shall determine the fee for issuing a certificate
34 of title for an off-highway vehicle, but such fee must not exceed the fee imposed for
35 issuing a certificate of title pursuant to NRS 482.429. Money received from the
36 payment of the fees described in this subsection must be deposited with the State
37 Treasurer for credit to the Revolving Account for the Administration of Off-
38 Highway Vehicle Titling and Registration created by NRS 490.085.

39 2. The Commission shall determine the fee for the annual registration of an
40 off-highway vehicle ~~++~~ pursuant to NRS 490.082 or section 5 of this act, but such
41 fee must not be less than \$20 or more than \$30. Money received from the payment
42 of the fees described in this subsection must be distributed as follows:

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

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

47 (2) To the extent that any portion of the fee for registration is not for the
48 operation of the off-highway vehicle on a highway, 15 percent must be deposited
49 into the Fund.

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

51 (1) Fifteen percent must be deposited with the State Treasurer for credit to
52 the Revolving Account for the Administration of Off-Highway Vehicle Titling and
53 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.

~~3. Any owner of a large all-terrain vehicle who has paid a fee for the registration of the large all-terrain vehicle in accordance with chapter 482 of NRS and section 4 of this act as a motor vehicle intended to be operated upon the highways of this State is, provided that such registration is current and valid, exempt from paying the fee required by subsection 2 with respect to that large all-terrain vehicle.~~

~~Sec. 8.~~ **Sec. 13.** 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 section ~~13~~ **4 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; ~~1~~

(c) Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more ~~1~~; or

(d) Unless it is a large all-terrain vehicle registered pursuant to section 5 of this act and being operated in accordance with section ~~13~~ 4 of this act.

Sec. 14. 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, certificate of title or registration issued under the provisions of this chapter.

2. Except as otherwise provided in ~~subsection 3~~ **subsections 3, ~~1~~ and 4**, 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 4, a** 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.

4. Any person who registers a large all-terrain vehicle pursuant to section 5 of this act and who:

(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by section 5 of this act;

(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance,
is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.