

ASSEMBLY BILL NO. 217—ASSEMBLYMEN TITUS, DICKMAN, JONES,
FIORE, HANSEN; DOOLING, ELLISON, SEAMAN, SHELTON
AND WHEELER

MARCH 3, 2015

JOINT SPONSORS: SENATORS GUSTAVSON AND GOICOECHEA

Referred to Committee on Transportation

SUMMARY—Revises provisions governing off-highway vehicles.
(BDR 43-994)

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; revising the requirement for certain off-highway vehicles to register with the Department of Motor Vehicles; revising provisions relating to the registration of certain off-highway vehicles intended to be operated on certain roads; 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 with the Department of Motor Vehicles. (NRS 490.082) Such a vehicle can be registered by the Department or an off-highway dealer who has been authorized by the Department. **Section 3.4** of this bill authorizes the Department, upon request from a sheriff, to authorize the sheriff to accept from the owner of an off-highway vehicle the applicable fees and the information required by the Department for registration. Such a sheriff or dealer is authorized to retain \$5 from the registration fees paid by the owner of the off-highway vehicle.

Existing law authorizes a large all-terrain vehicle to be registered as an off-highway vehicle intended to operate on certain roads that have been designated for such use if the large all-terrain vehicle has certain required equipment and the owner of the large all-terrain vehicle provides proof of liability insurance that meets the requirements for other motor vehicles that are authorized to operate on the highways of this State. (NRS 490.0825, 490.105) **Sections 3.2 and 3.9** of this bill define as an off-highway vehicle required to be registered a mini-truck which meets certain specifications for power and size. **Section 6** of this bill allows the owner of such a mini-truck to register the mini-truck as an off-highway vehicle intended to



operate on certain roads that have been designated for such use if the mini-truck meets the same equipment and insurance requirements that a large all-terrain vehicle must meet. **Section 12** of this bill exempts the driver of a mini-truck from the requirement to wear a helmet if driving an off-highway vehicle on a highway of this State. (NRS 490.130)

Section 5 of this bill revises the requirements for off-highway vehicles to be registered to acknowledge the authority of authorized sheriffs to register such vehicles. **Section 6** of this bill revises the provisions allowing for the registration of certain large all-terrain vehicles and mini-trucks to be operated on certain roads designated for their use by adding provisions relating to renewal of such registration, and adding provisions that exempt from such registration certain large all-terrain vehicles or mini-trucks owned and operated: (1) by certain governmental entities; (2) by certain off-highway dealers under certain circumstances; (3) for work conducted by a public or private utility; (4) solely as part of an organized race, festival or similar event; or (5) in the conduct of certain search and rescue operations. **Sections 4 and 10** of this bill revise provisions relating to the duties of the Department to reflect the changes made to the registration of off-highway vehicles in this bill.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 3.1. Chapter 490 of NRS is hereby amended by adding thereto the provisions set forth as sections 3.2, 3.3 and 3.4 of this act.

Sec. 3.2. *“Mini-truck” means a motor vehicle which has four wheels, a truck bed and an engine which displaces not more than 660 cubic centimeters, and which is not more than 130 inches in length, not more than 78 inches in height and not more than 60 inches wide.*

Sec. 3.3. *“Sheriff” means a person who holds the office of sheriff pursuant to chapter 248 of NRS and his or her deputies.*

Sec. 3.4. *1. Except as otherwise provided in NRS 490.0825, upon the request of a sheriff, the Department may authorize the sheriff to receive applications and fees for registration or renewal of registration for off-highway vehicles.*

2. An authorized sheriff shall:

(a) Except as otherwise provided in subsection 3, submit to the State Treasurer for allocation to the Department or to the Account for Off-Highway Vehicles created by NRS 490.069 all fees charged and collected by the sheriff from each applicant and required to be deposited in the Account pursuant to NRS 490.084; and



(b) Comply with the regulations adopted pursuant to subsection 4.

3. An authorized sheriff who registers or renews registration for an off-highway vehicle may retain \$5 from the fee required for registration or renewal of registration received pursuant to this section. All fees collected by an authorized sheriff pursuant to this subsection must be accounted for as provided in subsection 6 of NRS 248.275.

4. The Department shall adopt regulations to carry out the provisions of this section. The regulations must, without limitation, provide for a registration and renewal program for an authorized sheriff that is substantially similar to that authorized for an off-highway vehicle dealer pursuant to NRS 490.070.

Sec. 3.7. 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 sections 3.2 and 3.3 of this act* have the meanings ascribed to them in those sections.

Sec. 3.8. NRS 490.043 is hereby amended to read as follows:

490.043 "Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast and ~~f~~:

~~1. Total~~ *total* seating capacity for at least four people . ~~f~~ ~~or~~

~~2. A truck bed.~~

Sec. 3.9. 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, 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 NRS 490.0825 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) *A mini-truck; and*

(f) 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 in accordance with chapter 482 of NRS;

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

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



Sec. 4. 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 Account for Off-Highway Vehicles created by NRS 490.069 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 Account for Off-Highway Vehicles all fees charged and collected and required to be deposited in the Account 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 ~~for registration~~ received by the authorized dealer pursuant to this section. An authorized dealer may retain ~~any~~ **\$5 of the** fee collected by the authorized dealer **for the registration or renewal of registration of an off-highway vehicle** pursuant to this ~~subsection.~~ **section.**

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 490.0825;

(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. 5. 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 July 1, 2011:

(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, 4~~ 4, shall, within 1 year after July 1, 2011, 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 July 1, 2011, 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, 4~~ 4, apply for, to the Department by mail or to *an authorized sheriff or an authorized dealer*, and obtain from the Department, *authorized sheriff or authorized dealer* the registration of the off-highway vehicle pursuant to this section or NRS 490.0825.

2. If an owner of an off-highway vehicle applies to the Department or to an authorized dealer for ~~1:~~

~~—(a) 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.

~~1(b) 3.~~ *3.* Except as otherwise provided in NRS 490.0825, *if an owner of an off-highway vehicle applies to the Department, an authorized sheriff or an authorized dealer for* the registration of the off-highway vehicle, the owner shall submit:



~~1~~ ~~(4)~~ (a) If ownership of the off-highway vehicle was
2 obtained before July 1, 2011, proof prescribed by the Department:

3 ~~(1)~~ (1) That he or she is the owner of the off-highway
4 vehicle; and

5 ~~(2)~~ (2) Of the unique vehicle identification number,
6 serial number or distinguishing number obtained pursuant to NRS
7 490.0835 for the off-highway vehicle; or

8 ~~(2)~~ (b) If ownership of the off-highway vehicle was
9 obtained on or after July 1, 2011:

10 ~~(1)~~ (1) Evidence satisfactory to the Department that he
11 or she has paid all taxes applicable in this State relating to the
12 purchase of the off-highway vehicle, or submit an affidavit
13 indicating that he or she purchased the vehicle through a private
14 party sale and no tax is due relating to the purchase of the off-
15 highway vehicle; and

16 ~~(2)~~ (2) Proof prescribed by the Department that he or
17 she is the owner of the off-highway vehicle and of the unique
18 vehicle identification number, serial number or distinguishing
19 number obtained pursuant to NRS 490.0835 for the off-highway
20 vehicle.

21 ~~3~~ 4. Registration of an off-highway vehicle is not required if
22 the off-highway vehicle:

23 (a) Is owned and operated by:

24 (1) A federal agency;

25 (2) An agency of this State; or

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

28 (b) Is part of the inventory of a dealer of off-highway vehicles
29 and is affixed with a special plate provided to the off-highway
30 vehicle dealer pursuant to NRS 490.0827;

31 (c) Is registered or certified in another state and is located in this
32 State for not more than 15 days;

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

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

38 (f) Was manufactured before January 1, 1976;

39 (g) Is operated solely in an organized race, festival or other
40 event that is conducted:

41 (1) Under the auspices of a sanctioning body; or

42 (2) By permit issued by a governmental entity having
43 jurisdiction;

44 (h) Except as otherwise provided in paragraph (d), is operated or
45 stored on private land or on public land that is leased to the owner or



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operator of the off-highway vehicle, including when operated in an organized race, festival or other event;

(i) Is used in a search and rescue operation conducted by a governmental entity having jurisdiction; or

(j) Has a displacement of not more than 70 cubic centimeters.

➤ As used in this subsection, “sanctioning body” means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.

~~[4.]~~ 5. The registration of an off-highway vehicle pursuant to this section or NRS 490.0825 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, *an authorized sheriff or an authorized dealer* of the annual renewal ~~fee, a late fee of \$25 and, if applicable, proof of insurance required pursuant to NRS 490.0825. 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.]~~ fee.

6. 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 *to an authorized sheriff or an authorized dealer for a duplicate certificate of* 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.]~~ 7. The provisions of ~~[subsections 1 to 5, inclusive,]~~ *this section* do not apply to an owner of an off-highway vehicle who is not a resident of this State.

Sec. 6. NRS 490.0825 is hereby amended to read as follows:

490.0825 1. Upon the request of an owner of a large all-terrain vehicle ~~[.]~~ *or a mini-truck*, the Department shall register the large all-terrain vehicle *or mini-truck* to operate on the roads specified in NRS 490.105.

2. The owner of a large all-terrain vehicle *or mini-truck* wishing to apply for *annual* registration ~~[or renewal of registration]~~ pursuant to this section must obtain and maintain insurance on the



1 **large all-terrain** vehicle **or mini-truck** that meets the requirements
2 of NRS 485.185.

3 3. If an owner of a large all-terrain vehicle **or mini-truck**
4 applies to the Department for the registration of the **large all-terrain**
5 vehicle **or mini-truck** pursuant to this section, the owner shall
6 submit to the Department:

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

9 (b) The fee for **annual** registration required pursuant to
10 NRS 490.084;

11 (c) Proof satisfactory to the Department that the applicant carries
12 insurance on the **large all-terrain** vehicle **or mini-truck** provided by
13 an insurance company licensed by the Division of Insurance of the
14 Department of Business and Industry and approved to do business in
15 this State which meets the requirements of NRS 485.185; and

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

19 **Sec. 7.** (Deleted by amendment.)

20 **Sec. 8.** NRS 490.083 is hereby amended to read as follows:

21 490.083 1. Each registration of an off-highway vehicle must:

22 (a) Be in the form of a sticker or decal, as prescribed by the
23 Commission.

24 (b) Be at least 3 inches high by 3 1/2 inches wide and display
25 not more than four characters that are at least 1 1/4 inches high.

26 (c) Include the unique vehicle identification number, serial
27 number or distinguishing number obtained pursuant to NRS
28 490.0835 for the off-highway vehicle.

29 (d) Be displayed on the off-highway vehicle in the manner set
30 forth by the Commission.

31 2. The registration sticker or decal of a large all-terrain vehicle
32 **or a mini-truck** registered pursuant to NRS 490.0825 must be
33 distinguishable from the sticker or decal of an off-highway vehicle
34 registered pursuant to NRS 490.082 in a manner to be determined
35 by the Department.

36 **Sec. 9.** (Deleted by amendment.)

37 **Sec. 10.** NRS 490.084 is hereby amended to read as follows:

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



2. The Commission shall determine the fee for the annual registration of an off-highway vehicle pursuant to NRS 490.082 or 490.0825, but such fee must not be less than \$20 or more than \$30. ~~[Money]~~ Except as otherwise provided in section 3.4 of this act and NRS 490.070, money received from the payment of the fees described in this subsection 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 Account for Off Highway Vehicles created by NRS 490.069.~~

~~— (b) On or after July 1, 2013:~~

~~— (1)]~~ (a) 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)]~~ (b) 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 Account for Off-Highway Vehicles.

Sec. 11. NRS 490.125 is hereby amended to read as follows:

490.125 1. Except as otherwise provided in NRS 490.160, an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway vehicle that is otherwise required to be registered pursuant to ~~NRS 490.082,~~ **this chapter** may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in NRS 490.0827. Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway vehicle displaying the special plate.

2. A special plate which is issued to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer pursuant to NRS 490.0827 may be attached to an off-highway vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway vehicle.



3. The provisions of this section do not apply to:

(a) Work or service off-highway vehicles owned or controlled by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except ~~off-highway~~ vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(d) Off-highway vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

Sec. 12. NRS 490.130 is hereby amended to read as follows:

490.130 **1.** 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.)~~ (a) Comply with all traffic laws of this State;

~~(2.)~~ (b) Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; and

~~(3.—Wear)~~

(c) Except as otherwise provided in subsection 2, wear a helmet.

2. A person driving a mini-truck on a highway in this State is not required to wear a helmet.

Sec. 12.5. NRS 248.320 is hereby amended to read as follows:

248.320 ~~(No)~~ ***Except as otherwise provided in section 3.4 of this act, no*** other fees shall be charged by sheriffs than those specifically set forth in this chapter, nor shall fees be charged for any other services than those mentioned in this chapter.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective on July 1, 2015.

