

Amendment No. 812

Senate Amendment to Senate Bill No. 492 (BDR 43-1175)

Proposed by: Senate Committee on Finance

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 492 (§ 2).

| 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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

DLJ/MSM



Date: 5/16/2015

S.B. No. 492—Revises provisions governing the financial administration of off-highway vehicle titling and registration. (BDR 43-1175)



SENATE BILL NO. 492—COMMITTEE ON FINANCE
(ON BEHALF OF THE DEPARTMENT OF ADMINISTRATION)

MARCH 23, 2015

Referred to Committee on Transportation

SUMMARY—Revises provisions governing the financial administration of off-highway vehicle titling and registration. (BDR 43-1175)

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

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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; providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors and manufacturers by the Department of Motor Vehicles; revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the registration of certain off-highway vehicles. (NRS 490.082) Existing law also requires the Department of Motor Vehicles to issue to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer a special plate, commonly known as a dealer plate, for use on certain off-highway vehicles for the purposes of display, demonstration, maintenance, sale or exchange. (NRS 490.0827, 490.125) **Section 2** of this bill requires the Department to charge a fee of \$12 for such a special plate, and authorizes the Department to only issue such a special plate upon a request from an off-highway vehicle dealer, long-term or short-term lessor or manufacturer. The money collected by the Department for such special plates must be deposited into the ~~State Highway Fund.~~ **Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration.**

Existing law requires the Department to deposit the fees collected for issuing a certificate of title for an off-highway vehicle into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) Money in the Account must be used to pay the expenses of administering the titling and registration of off-highway vehicles. (NRS 490.085) Fees collected for the annual registration of an off-highway vehicle must be distributed as follows: (1) fifteen percent must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration; and (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 Account for Off-Highway Vehicles. Fees in the latter Account may be used by the Commission on Off-Highway Vehicles for certain administrative costs and to award grants for certain purposes related to off-highway vehicles. (NRS 490.069) **Section 3** of this bill requires that all the money collected by the Department for titling and registration must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. **Section 4** of this bill requires the

Department, at least once each fiscal quarter, to transfer any amount in excess of \$150,000 from the Revolving Account into the Account for Off-Highway Vehicles for use by the Commission.

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

Section 1. 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 ~~for 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)~~ (c) 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 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. 2. NRS 490.0827 is hereby amended to read as follows:

490.0827 1. Upon issuance of an off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's license certificate pursuant to NRS 490.200 or upon the renewal of the license pursuant to NRS 490.210, *the off-highway dealer, long-term or short-term lessor or manufacturer may request from the Department* ~~{shall furnish to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer}~~ one or more special plates for use on an off-highway vehicle specified in subsection 1 of NRS 490.125. Each plate must have displayed upon it the identification number assigned by the Department to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer, and may include a different letter or symbol on the plate. The off-highway vehicle dealer's, long-term or short-term lessor's or manufacturer's special plates may be used interchangeably on that off-highway vehicle.

2. The Department, *upon a request pursuant to subsection 1*, shall issue to each off-highway vehicle dealer, long-term or short-term lessor or manufacturer a reasonable number of special plates.

3. *The Department shall charge an annual fee of \$12 for each special plate issued pursuant to this section.*

4. *Money received by the Department pursuant to subsection 3 must be deposited ~~for~~ with the State ~~{Highway Fund}~~ Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085.*

Sec. 3. 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 pursuant to NRS 490.082 or 490.0825, 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 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) 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 Account for Off-Highway Vehicles.}~~

1 **Sec. 4.** NRS 490.085 is hereby amended to read as follows:

2 490.085 1. The Revolving Account for the Administration of Off-Highway
3 Vehicle Titling and Registration is hereby created in the State Highway Fund.

4 2. ~~1. The~~ *Except as otherwise provided in subsection 3, the* Department shall
5 use the money in the Account to pay the expenses of administering the provisions
6 of this chapter relating to the titling and registration of off-highway vehicles.

7 3. ~~Money in the Account must be used only for the purposes specified in~~
8 ~~subsection 2.~~ *At least once each fiscal quarter, the Department shall transfer any*
9 *amount in excess of \$150,000 in the Revolving Account for the Administration of*
10 *Off-Highway Vehicle Titling and Registration into the Account for Off-Highway*
11 *Vehicles created by NRS 490.069.*

12 4. Any money remaining in the *Revolving* Account *for the Administration of*
13 *Off-Highway Vehicle Titling and Registration* at the end of a fiscal year does not
14 revert to the State Highway Fund, and the balance in the Account must be carried
15 forward to the next fiscal year.

16 **Sec. 5.** This act becomes effective on July 1, 2015.