

ASSEMBLY BILL NO. 363—ASSEMBLYWOMAN TITUS

MARCH 20, 2017

Referred to Committee on Transportation

SUMMARY—Revises provisions governing off-highway vehicles.
(BDR 43-89)

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

~

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 the Department of Motor Vehicles to allow for the registration and renewal of registration of certain off-highway vehicles through the Internet website of the Department with limited exceptions; increasing the registration period for an off-highway vehicle from 1 year to 2 years; reducing the late fee imposed on a person who fails to renew the registration of an off-highway vehicle before expiration of the registration; providing for a waiver of the late fee in certain circumstances; revising provisions requiring the Department to expend certain money to administer the requirements for the titling and registration of off-highway vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law certain off-highway vehicles must be registered annually
2 with the Department of Motor Vehicles, and if the owner fails to renew the
3 registration before it expires, the registration may be reinstated upon payment to the
4 Department of the renewal fee and a late fee of \$25. (NRS 490.082) **Section 2** of
5 this bill expands the period of registration to a 2-year period, reduces the late fee to
6 \$10 and provides for a waiver of the late fee if an affidavit is submitted to the
7 Department showing that the off-highway vehicle has not been operated since the
8 expiration of the prior registration.
9 Existing law requires an application for registration of an off-highway vehicle
10 to be mailed to the Department. (NRS 490.082) **Section 1** of this bill requires the
11 Department to allow such registration or renewal of registration through the
12 Internet website of the Department, except that the Department may require: (1) a
13 physical inspection of an off-highway vehicle for initial registration; and (2) an



* A B 3 6 3 *

affidavit for a waiver of a late fee as provided in **section 2** be mailed to the Department. **Section 1** also requires that the Internet website allow a person accessing the website to register or renew the registration of a motor vehicle as required by chapter 482 of NRS the ability to access, on the same Internet web page, information about the registration and renewal of registration of any off-highway vehicle owned by or registered to the person.

Existing law requires that all fees collected for the registration or renewal of registration of an off-highway vehicle, including late fees, and any fees collected for issuing a certificate of title for an off-highway vehicle, be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. At least once each quarter, the Department is required to transfer any amount in excess of \$150,000 in the Revolving Account into the Account for Off-Highway Vehicles, which is used by the Commission on Off-Highway Vehicles to award grants of money to applicants for certain projects related to trails and facilities used by owners of off-highway vehicles. (NRS 490.069, 490.082, 490.084, 490.085) **Section 1** authorizes the Department to use money from the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration to establish a portal on the Internet website of the Department that will allow for the registration and renewal of registration of off-highway vehicles through the Internet website.

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 a new section to read as follows:

1. Except as otherwise provided in subsection 3, the Department shall establish and maintain on its Internet website a portal through which a person may submit any applications, fees and forms necessary to:

(a) Register an off-highway vehicle as required by this chapter; or

(b) Renew the registration of an off-highway vehicle as required by this chapter.

2. A portal established and maintained by the Department pursuant to subsection 1 must allow, without limitation, a person accessing the Internet website of the Department to register or renew the registration of a motor vehicle as required in chapter 482 of NRS to also access, on the same Internet web page, information related to the registration or renewal of registration of any off-highway vehicle owned by or registered to the person.

3. The Department may require:

(a) The owner of an off-highway vehicle to obtain a physical inspection of the off-highway vehicle for the purposes of initial registration.



* A B 3 6 3 *

(b) A person seeking a waiver pursuant to subsection 5 of NRS 490.082 to submit the required affidavit by mail.

4. The Department may use money in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by NRS 490.085 to carry out the provisions of subsections 1 and 2.

Sec. 2. 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, 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, 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 NRS 490.0825.

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) Except as otherwise provided in NRS 490.0825, the registration of the off-highway vehicle, the owner shall submit:

(1) If ownership of the off-highway vehicle was obtained before July 1, 2011, 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 July 1, 2011:

(I) Evidence satisfactory to the Department that he or she has paid all taxes applicable in this State relating to the purchase of



1 the off-highway vehicle, or submit an affidavit indicating that he or
2 she purchased the vehicle through a private party sale and no tax is
3 due relating to the purchase of the off-highway vehicle; and

4 (II) Proof prescribed by the Department that he or she is
5 the owner of the off-highway vehicle and of the unique vehicle
6 identification number, serial number or distinguishing number
7 obtained pursuant to NRS 490.0835 for the off-highway vehicle.

8 3. Registration of an off-highway vehicle is not required if the
9 off-highway vehicle:

10 (a) Is owned and operated by:

11 (1) A federal agency;

12 (2) An agency of this State; or

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

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

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

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

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

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

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

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

29 (2) By permit issued by a governmental entity having
30 jurisdiction;

31 (h) Except as otherwise provided in paragraph (d), is operated or
32 stored on private land or on public land that is leased to the owner or
33 operator of the off-highway vehicle, including when operated in an
34 organized race, festival or other event;

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

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

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

43 4. The registration of an off-highway vehicle pursuant to this
44 section or NRS 490.0825 expires ~~1 year~~ 2 years after its issuance.
45 ~~11~~ Except as otherwise provided in subsection 5, if an owner of an



* A B 3 6 3 *

1 off-highway vehicle fails to renew the registration of the off-
2 highway vehicle before it expires, the registration may be reinstated
3 upon the payment to the Department of the annual renewal fee, a
4 late fee of ~~+\$25~~ \$10 and, if applicable, proof of insurance required
5 pursuant to NRS 490.0825. Any late fee collected by the
6 Department must be deposited with the State Treasurer for credit to
7 the Revolving Account for the Administration of Off-Highway
8 Vehicle Titling and Registration created by NRS 490.085.

9 5. *The Department shall waive the late fee required pursuant*
10 *to subsection 4 if the off-highway vehicle has not been operated*
11 *since the expiration of the prior registration. Evidence of*
12 *nonoperation of an off-highway vehicle must be furnished by an*
13 *affidavit, signed under penalty of perjury, by a person having*
14 *knowledge of the fact. The affidavit must accompany the*
15 *application for renewal of registration.*

16 6. If a certificate of title or registration for an off-highway
17 vehicle is lost or destroyed, the owner of the off-highway vehicle
18 may apply to the Department by mail, or to an authorized dealer, for
19 a duplicate certificate of title or registration. The Department may
20 collect a fee to replace a certificate of title or registration certificate,
21 sticker or decal that is lost, damaged or destroyed. Any such fee
22 collected by the Department must be:

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

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

27 ~~16.1~~ 7. The provisions of subsections 1 to 5, inclusive, do not
28 apply to an owner of an off-highway vehicle who is not a resident of
29 this State.

30 **Sec. 3.** NRS 490.085 is hereby amended to read as follows:

31 490.085 1. The Revolving Account for the Administration of
32 Off-Highway Vehicle Titling and Registration is hereby created in
33 the State Highway Fund.

34 2. Except as otherwise provided in subsection 3, the
35 Department shall use the money in the Account to pay the expenses
36 of administering the provisions of this chapter relating to the titling
37 and registration of off-highway vehicles ~~11~~ , *including, without*
38 *limitation, the provisions of section 1 of this act.*

39 3. At least once each fiscal quarter, the Department shall
40 transfer any amount in excess of \$150,000 in the Revolving Account
41 for the Administration of Off-Highway Vehicle Titling and
42 Registration into the Account for Off-Highway Vehicles created by
43 NRS 490.069.

44 4. Any money remaining in the Revolving Account for the
45 Administration of Off-Highway Vehicle Titling and Registration at



1 the end of a fiscal year does not revert to the State Highway Fund,
2 and the balance in the Account must be carried forward to the next
3 fiscal year.

4 **Sec. 4.** This act becomes effective:

5 1. Upon passage and approval for the purpose of adopting any
6 regulations and performing any other preparatory administrative
7 tasks that are necessary to carry out the provisions of this act; and

8 2. On July 1, 2017, for all other purposes.

