

Amendment No. 1123

Senate Amendment to Assembly Bill No. 29 Second Reprint (BDR 18-220)

Proposed by: Senator Farley

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) 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/JRS



Date: 6/3/2017

A.B. No. 29—Revises provisions governing off-highway vehicles. (BDR 18-220)



ASSEMBLY BILL NO. 29—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Transportation

SUMMARY—Revises provisions governing off-highway vehicles. (BDR 18-220)

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 off-highway vehicles; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; requiring the Commission to conduct an evaluation and develop certain recommendations for legislation related to the operation of an off-highway vehicle on certain highways in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and 6** of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1** further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) **Section 6** provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission. **Section 6** further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and **section 6** also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. **Section 7** also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of \$150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069) **Section 8** of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. **Section 8** also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of \$25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to \$10.

Under existing law, with certain exceptions, a person may not operate an off-highway vehicle on a paved highway in this State unless a governmental entity has designated the highway for use by off-highway vehicles. Such a designation is prohibited on any portion of an interstate highway. (NRS 490.090, 490.100, 490.110) Section 11.5 of this bill requires the Commission on Off-Highway Vehicles to evaluate the statutory presumption that an off-highway vehicle is prohibited from operating on a paved highway unless authorized to do so. The Commission is required to survey local governmental entities and other interested parties to solicit input. The Commission is required to submit any recommendations for proposed legislation to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Off-Highway Vehicles Program is hereby created in the Department. The Director shall administer the Program. The Commission on Off-Highway Vehicles created by NRS 490.067 shall provide direction to the Program pursuant to its authority and duties provided in NRS 490.068 and 490.069.

2. In administering the Program, the Director shall, within the limits of authorized expenditures:

(a) Administer the Account for Off-Highway Vehicles created by NRS 490.069; and

(b) Provide staff to the Commission on Off-Highway Vehicles for the purposes of:

(1) Providing assistance, support and technical advice to the Commission; and

1 (2) *Assisting in the coordination of the activities and duties of the*
2 *Commission.*

3 3. *The Director may form a technical advisory committee as needed to*
4 *provide input to the Commission on Off-Highway Vehicles regarding the*
5 *completeness and merit of applications received by the Commission for a grant*
6 *from the Account for Off-Highway Vehicles.*

7 4. *The Director shall prepare, for each regular session of the Legislature, a*
8 *comprehensive report that includes, without limitation:*

9 (a) *The general activities of the Commission on Off-Highway Vehicles;*

10 (b) *The fiscal activities of the Commission on Off-Highway Vehicles; and*

11 (c) *A summary of any grants awarded by the Commission on Off-Highway*
12 *Vehicles.*

13 ↪ *Upon completion of the report, the Director shall submit the report to the*
14 *Chair of the Commission on Off-Highway Vehicles for review pursuant to NRS*
15 *490.068.*

16 5. *The Director shall include in his or her budget the money necessary,*
17 *within the limits of legislative authorizations for the Account for Off-Highway*
18 *Vehicles, for:*

19 (a) *The operating expenses of the Commission on Off-Highway Vehicles;*

20 (b) *The administrative expenses of the Program to carry out the provisions of*
21 *this section; and*

22 (c) *A reserve amount as approved by the Legislature.*

23 6. *The Director may adopt regulations for the operation of the Commission*
24 *on Off-Highway Vehicles and the Program.*

25 7. *As used in this section:*

26 (a) *“Administrative expenses” includes, without limitation, hiring any staff*
27 *necessary to carry out the provisions of this section.*

28 (b) *“Operating expenses” includes, without limitation, any costs of*
29 *contracting with a third party to provide education and information to the*
30 *members of the public relating to the provisions of chapter 490 of NRS governing*
31 *the lawful use and registration of off-highway vehicles.*

32 **Sec. 2.** NRS 232.010 is hereby amended to read as follows:

33 232.010 As used in NRS 232.010 to 232.162, inclusive ~~†~~, *and section 1 of*
34 *this act:*

35 1. “Department” means the State Department of Conservation and Natural
36 Resources.

37 2. “Director” means the Director of the State Department of Conservation and
38 Natural Resources.

39 **Sec. 3.** NRS 232.070 is hereby amended to read as follows:

40 232.070 1. As executive head of the Department, the Director is responsible
41 for the administration, through the divisions and other units of the Department, of
42 all provisions of law relating to the functions of the Department, except functions
43 assigned by law to the State Environmental Commission, the State Conservation
44 Commission, the Commission for Cultural Centers and Historic Preservation, *the*
45 *Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council.

46 2. Except as otherwise provided in subsection 4, the Director shall:

47 (a) Establish departmental goals, objectives and priorities.

48 (b) Approve divisional goals, objectives and priorities.

49 (c) Approve divisional and departmental budgets, legislative proposals,
50 contracts, agreements and applications for federal assistance.

51 (d) Coordinate divisional programs within the Department and coordinate
52 departmental and divisional programs with other departments and with other levels
53 of government.

- (e) Appoint the executive head of each division within the Department.
- (f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.
- (g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.
- (h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.
- (i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:
- (1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;
 - (2) Matters relating to the park and recreational policy of the State;
 - (3) The use of land within this State which is under the jurisdiction of the Federal Government;
 - (4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and
 - (5) The preservation, protection and use of this State's natural resources.
3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.
4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles* or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.
5. Except as otherwise provided in NRS 232.159 and 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.
- Sec. 4.** NRS 232.090 is hereby amended to read as follows:
- 232.090 1. The Department consists of the Director and the following:
- (a) The Division of Water Resources.
 - (b) The Division of State Lands.
 - (c) The Division of Forestry.
 - (d) The Division of State Parks.
 - (e) The Division of Environmental Protection.
 - (f) The Office of Historic Preservation.
 - (g) Such other divisions as the Director may from time to time establish.
2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, *the Commission on Off-Highway Vehicles*, the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

1 **Sec. 5.** NRS 490.066 is hereby amended to read as follows:
2 490.066 ~~[[The]]~~ *Except as otherwise provided in NRS 490.068 and section 1*
3 *of this act, the* Director may adopt and enforce such administrative regulations as
4 are necessary to carry out the provisions of this chapter.

5 **Sec. 6.** NRS 490.067 is hereby amended to read as follows:
6 490.067 1. The Commission on Off-Highway Vehicles is hereby created ~~[[~~
7 *in the State Department of Conservation and Natural Resources.*

8 2. The Commission consists of : ~~[[members as follows:]]~~

9 (a) One member who is an authorized dealer, appointed by the Governor;
10 (b) One member who is a sportsman, appointed by the Governor from a list of
11 persons submitted by the Director of the Department of Wildlife;

12 (c) One member who is a rancher, appointed by the Governor from a list of
13 persons submitted by the Director of the State Department of Agriculture;

14 (d) One member who is a representative of the Nevada Association of
15 Counties, appointed by the Governor from a list of persons submitted by the
16 Executive Director of the Association;

17 (e) One member who is a representative of law enforcement, appointed by the
18 Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs'
19 Association;

20 (f) One member ~~[[~~ *who is actively engaged in and possesses experience and*
21 *expertise in advocating for issues relating to conservation,* appointed by the
22 Governor ~~[[from a list of persons submitted by the Director of the State Department~~
23 ~~of Conservation and Natural Resources, who:~~

24 ~~— (1) Possesses a degree in soil science, rangeland ecosystems science or a~~
25 ~~related field;~~

26 ~~— (2) Has at least 5 years of experience working in one of the fields described~~
27 ~~in subparagraph (1); and~~

28 ~~— (3) Is knowledgeable about the ecosystems of the Great Basin Region of~~
29 ~~central Nevada or the Mojave Desert;~~

30 ~~— (g) One member, appointed by the Governor, who is a representative of an~~
31 ~~organization that represents persons who use off-highway vehicles to access areas~~
32 ~~to participate in recreational activities that do not primarily involve off-highway~~
33 ~~vehicles; and~~

34 ~~— (h) Four]] ; and~~

35 (g) *Three* members, appointed by the Governor, who reside in the State of
36 Nevada and have participated in recreational activities for off-highway vehicles for
37 at least 5 years using the type of off-highway vehicle owned or operated by the
38 persons they will represent, as follows:

39 (1) One member who represents persons who own or operate all-terrain
40 vehicles;

41 (2) One member who represents persons who own or operate all-terrain
42 motorcycles ~~[[~~ *and who is involved with or participates in the racing of off-*
43 *highway motorcycles; and*

44 (3) One member who represents persons who own or operate snowmobiles
45 ~~.]]; and~~

46 ~~— (4) One member who represents persons who own or operate, and~~
47 ~~participate in the racing of, off-highway motoreycles.]]~~

48 3. *The following are nonvoting, ex officio members of the Commission:*

49 (a) *The State Director of the Nevada State Office of the Bureau of Land*
50 *Management;*

51 (b) *The Forest Supervisor for the Humboldt-Toiyabe National Forest;*

52 (c) *The Director of the Department of Tourism and Cultural Affairs; and*

53 (d) *The Director of the Department of Motor Vehicles.*

1 *4. A nonvoting, ex officio member of the Commission may appoint, in*
2 *writing, an alternate to serve in his or her place on the Commission.*

3 5. The Governor shall not appoint to the Commission any member described
4 in paragraph ~~4-1~~ (g) of subsection 2 unless the member has been recommended to
5 the Governor by an off-highway vehicle organization. As used in this subsection,
6 “off-highway vehicle organization” means a profit or nonprofit corporation,
7 association or organization formed pursuant to the laws of this State and which
8 promotes off-highway vehicle recreation or racing.

9 ~~4-1~~ 6. After the initial terms, each member of the Commission *appointed*
10 *pursuant to subsection 2* serves for a term of 3 years. A vacancy on the
11 Commission must be filled in the same manner as the original appointment.

12 ~~4-1~~ 7. Except as otherwise provided in this subsection, a member of the
13 Commission *who is appointed* may not serve more than two consecutive terms on
14 the Commission. A member who has served two consecutive terms on the
15 Commission may be reappointed if the Governor does not receive any applications
16 for that member’s seat or if the Governor determines that no qualified applicants
17 are available to fill that member’s seat.

18 ~~4-1~~ 8. The Governor shall ensure that, insofar as practicable, the members
19 appointed to the Commission *pursuant to subsection 2* reflect the geographical
20 diversity of this State.

21 ~~4-1~~ 9. Each member of the Commission:

22 (a) Is entitled to receive, if money is available for that purpose, ~~{from the fees~~
23 ~~collected pursuant to NRS 490.084,}~~ the per diem allowance and travel expenses
24 provided for state officers and employees generally.

25 (b) *Who is not an officer or employee of the State of Nevada is entitled to*
26 *receive, if money is available for that purpose, a salary of not more than \$80 per*
27 *day for each day of attendance at a meeting of the Commission.*

28 (c) Shall swear or affirm that he or she will work to create and promote
29 responsible off-highway vehicle recreation in the State. ~~{The Governor may remove~~
30 ~~a member from the Commission if the member violates the oath described in this~~
31 ~~paragraph.~~

32 ~~8. The Commission may employ an Executive Secretary, who must not be a~~
33 ~~member of the Commission, to assist in its daily operations and in administering the~~
34 ~~Account for Off Highway Vehicles created by NRS 490.069.~~

35 ~~9. The Commission may adopt regulations for the operation of the~~
36 ~~Commission. Upon request by the Commission, the nonvoting advisers solicited by~~
37 ~~the Commission pursuant to NRS 490.068 may provide assistance to the~~
38 ~~Commission in adopting those regulations.~~

39 *10. A member of the Commission who is appointed by the Governor and*
40 *who fails to attend at least three consecutive meetings of the Commission is*
41 *subject to replacement. The Commission shall notify the appointing authority or*
42 *group who recommended the member for appointment, if any, and the appointing*
43 *authority or group may recommend a person to replace that member of the*
44 *Commission. The replacement of a member pursuant to this subsection must be*
45 *conducted in the same manner as the original appointment.*

46 Sec. 7. NRS 490.068 is hereby amended to read as follows:

47 490.068 1. The Commission shall:

48 (a) Elect a Chair ~~1-1~~ and Vice Chair ~~1-1, Secretary and Treasurer~~ from among its
49 members.

50 (b) Meet at the call of the Chair.

51 (c) Meet at least four times each year.

52 (d) ~~{Solicit nine nonvoting advisers to the Commission to serve for terms of 2~~
53 ~~years as follows:~~

~~(1) One adviser from the Bureau of Land Management;~~
~~(2) One adviser from the United States Forest Service;~~
~~(3) One adviser who is:~~
~~(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or~~
~~(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field;~~
~~(4) One adviser from the State Department of Conservation and Natural Resources;~~
~~(5) One adviser from the Department of Wildlife;~~
~~(6) One adviser from the Department of Motor Vehicles;~~
~~(7) One adviser from the Commission on Tourism, other than the Chair of the Nevada Indian Commission;~~
~~(8) One adviser from the Nevada Indian Commission;~~
~~(9) One adviser from the United States Fish and Wildlife Service.~~ *Provide direction to the Off-Highway Vehicles Program created by section 1 of this act.*

(e) Perform the duties assigned to the Commission set forth in NRS 490.083 and 490.084.

2. A majority of the voting members of the Commission constitutes a quorum for the transaction of business, and a majority vote of those members present at any meeting is sufficient for any official action taken by the Commission.

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by NRS 490.069. Any such grant must comply with the requirements set forth in NRS 490.069. The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Account for Off-Highway Vehicles and the manner in which such ~~ta person~~ an applicant may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any ~~person~~ applicant requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Account ~~t~~

~~(c) Adopt regulations for determining the~~, including, without limitation, developing criteria:

(1) That promote projects which integrate multiple grant categories;

(2) That encourage a distribution of grants among all grant categories; and

(3) For the determination of acceptable performance of work on a project for which a grant is awarded.

~~(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.~~

~~—(e) Monitor the accounting activities of the Account.~~

~~3. The nonvoting advisers solicited by the~~

~~4. The Commission pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all~~ *may solicit input regarding applications for grants* ~~;~~

~~4.1 from a technical advisory committee formed pursuant to section 1 of this act.~~

5. For each regular session of the Legislature, the *Chair of the* Commission shall ~~prepare a~~ *review the* comprehensive report ~~including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Account, and any recommendations of the Commission for proposed legislation. The~~ *prepared pursuant to section 1 of this act. Upon approval of the report by the Chair of the Commission, the* report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Sec. 8. NRS 490.069 is hereby amended to read as follows:

490.069 1. The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account. The ~~Commission~~ *Director of the State Department of Conservation and Natural Resources* shall administer the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

2. ~~During the period beginning on July 1, 2012, and ending on June 30, 2013, money in the Account may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.~~

~~3.1~~ On or after July 1, ~~2013,~~ *2017*, money in the Account may only be used ~~by the Commission~~ as follows:

(a) ~~Not more than 5 percent of the money that is in the Account as of January 1 of each year may be used for the reasonable~~ *To pay for the operating expenses of the Commission, including, without limitation, any debts or obligations lawfully incurred by the Commission before July 1, 2017, and the administrative* ~~costs~~ *expenses* of the ~~Account.~~ *Off-Highway Vehicles Program created by section 1 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.*

(b) ~~Except as otherwise provided in subsection 4, 20 percent of any money in the Account as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:~~

~~(1) Sixty percent of the money may be used for projects relating to:~~

~~(b) To fund a reserve amount as provided in the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to section 1 of this act.~~

(c) *Any money in the Account that is not used pursuant to paragraph (a) or (b) each fiscal year may be used by the Commission to award grants as provided in NRS 490.068 for projects relating to:*

(1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this ~~subparagraph~~ *subparagraph* may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

~~(H)~~ (2) The mapping and signing of those trails and facilities.

~~(H)~~ (3) The acquisition of land for those trails and facilities.

~~(V)~~ (4) The enhancement ~~and~~ *or* maintenance, *or both*, of those trails and facilities.

~~(V)~~ (5) The construction of those trails and facilities.

~~(V)~~ (6) The restoration of areas that have been damaged by the use of off-highway vehicles.

~~(2) Fifteen percent of the money may be used for safety~~

(7) The construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to environmentally sensitive areas or important wildlife habitat areas.

(8) Safety training and education relating to the use of off-highway vehicles.

~~4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.~~

(9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.

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 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

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

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

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

11 3. Registration of an off-highway vehicle is not required if the off-highway
12 vehicle:

13 (a) Is owned and operated by:

14 (1) A federal agency;

15 (2) An agency of this State; or

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

17 (b) Is part of the inventory of a dealer of off-highway vehicles and is affixed
18 with a special plate provided to the off-highway vehicle dealer pursuant to NRS
19 490.0827;

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

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

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

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

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

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

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

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

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

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

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

43 4. The registration of an off-highway vehicle pursuant to this section or NRS
44 490.0825 expires 1 year after its issuance. If an owner of an off-highway vehicle
45 fails to renew the registration of the off-highway vehicle before it expires, the
46 registration may be reinstated upon the payment to the Department of the annual
47 renewal fee, a late fee of ~~\$25~~ \$10 and, if applicable, proof of insurance required
48 pursuant to NRS 490.0825. Any late fee collected by the Department must be
49 deposited with the State Treasurer for credit to the Revolving Account for the
50 Administration of Off-Highway Vehicle Titling and Registration created by NRS
51 490.085.

52 5. If a certificate of title or registration for an off-highway vehicle is lost or
53 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. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. The terms of the members of the Commission on Off-Highway Vehicles who are appointed pursuant to paragraphs (f) and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection 2 of NRS 490.067, as those provisions exist on June 30, 2017, expire on July 1, 2017.

2. On or before July 1, 2017, the Governor shall appoint to the Commission on Off-Highway Vehicles the members of the Commission on Off-Highway Vehicles specified in paragraph (f) and subparagraph (2) of paragraph (g) of subsection 2 of NRS 490.067, as amended by section 6 of this act, to initial terms of 3 years commencing on July 1, 2017.

Sec. 11.5. As soon as practicable after July 1, 2017, the Commission on Off-Highway Vehicles shall:

1. Evaluate whether the statutory presumption set forth in NRS 490.090 to NRS 490.130, inclusive, that the operation of an off-highway vehicle on a paved highway is prohibited unless authorized by a governmental entity should be amended.

2. Conduct a survey of local governmental entities and other interested parties to solicit input for the evaluation required pursuant to subsection 1.

3. Develop recommendations for legislation to make any such amendments as may be proposed based on the evaluation made pursuant to subsection 1.

4. On or before January 1, 2019, submit the recommendations developed pursuant to subsection 3 to the Director of the Legislative Counsel Bureau for transmission to the 80th Session of the Nevada Legislature.

Sec. 12. This act becomes effective:

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

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