

SENATE BILL NO. 117—SENATOR MCGINNESS

FEBRUARY 13, 2003

Referred to Committee on Transportation

SUMMARY—Provides for registration and titling of off-road vehicles. (BDR 43-187)

FISCAL NOTE: Effect on Local Government: Yes.
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-road vehicles; providing for the registration and titling of off-road vehicles; requiring the Department of Motor Vehicles to establish procedures for the registration and titling of off-road vehicles; providing that an off-road vehicle is included within the definition of “vehicle” for the purposes of regulation by the Department of Motor Vehicles; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 480.420 is hereby amended to read as follows:
- 2 480.420 “Off-road vehicle” ~~means a vehicle which is intended~~
- 3 ~~for recreational or industrial use and which is not intended or~~
- 4 ~~designed for use on a public highway.]~~ *has the meaning ascribed to*
- 5 *it in section 3 of this act.*
- 6 **Sec. 2.** Chapter 482 of NRS is hereby amended by adding
- 7 thereto the provisions set forth as sections 3 to 10, inclusive, of this
- 8 act.
- 9 **Sec. 3. 1. “Off-road vehicle” means a motorized device**
- 10 **that:**
- 11 **(a) Is used for recreational purposes on:**
- 12 **(1) Natural terrain, including, without limitation, dirt,**
- 13 **water, snow, ice, marshes, swamps, rivers and lakes; or**



1 (2) *Terrain that has been altered or otherwise manipulated*
2 *for the specific purpose of off-highway recreational use,*
3 *including, without limitation, off-highway vehicle parks;*
4 (b) *Is required to be registered pursuant to subsection 1 of*
5 *section 5 of this act or is exempt from registration pursuant to*
6 *subsection 2 of section 5 of this act; and*
7 (c) *Is not required to be registered with the Department as a*
8 *vehicle pursuant to NRS 482.205 to 482.290, inclusive.*
9 2. *The term includes, without limitation:*
10 (a) *Motorcycles that are not intended to be operated upon any*
11 *highway;*
12 (b) *Dune buggies;*
13 (c) *Snowmobiles;*
14 (d) *Amphibious devices; and*
15 (e) *Motorized devices that use a cushion of air for locomotion.*
16 3. *The term does not include a boat.*
17 **Sec. 4.** *As used in sections 4 to 10, inclusive, of this act,*
18 *unless the context otherwise requires, "owner" means a person*
19 *who holds legal title to or an interest in the title of an off-road*
20 *vehicle and whose name appears on the certificate of title. The*
21 *term does not include a lienholder.*
22 **Sec. 5.** 1. *Except as otherwise provided in subsection 2,*
23 *every owner who intends to operate his off-road vehicle in this*
24 *state must, before operating the off-road vehicle in this state,*
25 *register the off-road vehicle with the Department in accordance*
26 *with the regulations adopted by the Department pursuant to*
27 *section 7 of this act.*
28 2. *A resident of another state who owns an off-road vehicle*
29 *and who has registered the off-road vehicle in that state may*
30 *operate the off-road vehicle in this state without registering the*
31 *off-road vehicle pursuant to this section if the state in which the*
32 *off-road vehicle is registered does not require the registration of*
33 *an off-road vehicle that is registered pursuant to this section*
34 *before the operation of the off-road vehicle in that state.*
35 **Sec. 6.** *Upon the sale of an off-road vehicle to a customer, a*
36 *dealer shall apply to the Department for a certificate of title in the*
37 *name of the owner of the off-road vehicle.*
38 **Sec. 7.** 1. *The Department shall adopt regulations*
39 *providing the forms, requirements and procedures for the:*
40 (a) *Registration of an off-road vehicle;*
41 (b) *Renewal of the registration of an off-road vehicle; and*
42 (c) *Transfer of the registration of an off-road vehicle.*
43 2. *The regulations adopted pursuant to subsection 1 must*
44 *provide for:*



- 1 (a) *An application for the registration of an off-road vehicle.*
2 *The application must:*
3 (1) *Include, without limitation, the name and address of*
4 *each owner of the off-road vehicle; and*
5 (2) *Be accompanied by a certificate of title that shows the*
6 *person who is registering the off-road vehicle is the owner of the*
7 *off-road vehicle.*
8 (b) *The issuance of a decal by the Department for each off-*
9 *road vehicle registered by the Department. The owner of the off-*
10 *road vehicle must place the decal in a conspicuous place on the*
11 *off-road vehicle as specified by the Department. If the owner loses*
12 *the decal before the registration expires, the owner may obtain a*
13 *replacement decal from the Department upon payment of a fee*
14 *that equals the cost to the Department of obtaining or creating the*
15 *decal, as appropriate.*
16 (c) *The expiration of the registration of an off-road vehicle 1*
17 *year after the date the off-road vehicle is registered with the*
18 *Department.*
19 (d) *The collection of a fee of \$25 by the Department upon the*
20 *submission of:*
21 (1) *An application for the registration of an off-road*
22 *vehicle; or*
23 (2) *An application for the renewal of the registration of an*
24 *off-road vehicle.*
25 3. *To the extent not otherwise specifically provided for in this*
26 *section, the regulations adopted pursuant to this section must be,*
27 *insofar as practicable, substantially similar to the provisions of*
28 *this chapter that relate to the registration of a vehicle.*
29 **Sec. 8. 1. The Department shall adopt regulations**
30 *providing the forms, requirements and procedures for the issuance*
31 *of a certificate of title for an off-road vehicle.*
32 **2. The regulations adopted pursuant to subsection 1 must**
33 *provide for:*
34 (a) *The titling of all off-road vehicles owned by residents of*
35 *this state, regardless of whether such off-road vehicles were*
36 *purchased before or after July 1, 2004;*
37 (b) *The validity of a certificate of title for an off-road vehicle*
38 *until the certificate is canceled by the Department; and*
39 (c) *The collection of a reasonable fee by the Department for*
40 *issuing a certificate of title for an off-road vehicle.*
41 3. *To the extent not otherwise specifically provided for in this*
42 *section, the regulations adopted pursuant to this section must be,*
43 *insofar as practicable, substantially similar to the provisions of*
44 *this chapter that relate to the issuance of a certificate of title for a*
45 *vehicle.*



1 **Sec. 9. 1.** *Except as otherwise provided in this section, all*
2 *money collected by the Department pursuant to sections 7 and 8 of*
3 *this act must be deposited in the State General Fund.*

4 **2.** *The Department may retain not more than 10 percent of*
5 *the money collected pursuant to sections 7 and 8 of this act to*
6 *cover the administrative expenses of the Department in carrying*
7 *out the provisions of sections 4 to 10, inclusive, of this act.*

8 **Sec. 10.** *Nothing in sections 4 to 10, inclusive, of this act may*
9 *be interpreted to grant a person the right or authority to enter*
10 *upon private property without the permission of the property*
11 *owner.*

12 **Sec. 11.** NRS 482.010 is hereby amended to read as follows:
13 482.010 As used in this chapter, unless the context otherwise
14 requires, the words and terms defined in NRS 482.011 to 482.137,
15 inclusive, *and section 3 of this act* have the meanings ascribed to
16 them in those sections.

17 **Sec. 12.** NRS 482.085 is hereby amended to read as follows:
18 482.085 [~~“Owner”~~] *Except as otherwise provided in section 4*
19 *of this act, “owner”* means a person who holds the legal title of a
20 vehicle and whose name appears on the certificate of ownership, and
21 any lienholder whose name appears on the certificate of ownership.
22 If a vehicle is the subject of an agreement for the conditional sale or
23 lease thereof with or without the right of purchase upon
24 performance of the conditions stated in the agreement and with an
25 immediate right of possession vested in the conditional vendee or
26 lessee, or if a mortgagor of a vehicle is entitled to possession, then
27 the conditional vendee or lessee or mortgagor shall be deemed the
28 owner for the purpose of this chapter.

29 **Sec. 13.** NRS 482.135 is hereby amended to read as follows:
30 482.135 1. “Vehicle” means every device in, upon or by
31 which any person or property is or may be transported or drawn
32 upon a public highway, excepting devices moved by human power
33 or used exclusively upon stationary rails or tracks.

34 **2.** *Except as otherwise provided in this section, the term*
35 *includes an off-road vehicle as defined in section 3 of this act.*

36 **3.** *The term does not include an off-road vehicle:*

37 **(a)** *For the purposes of the registration of the off-road vehicle*
38 *and the issuance of a certificate of title for the off-road vehicle,*
39 *and the disposition of proceeds therefrom;*

40 **(b)** *If otherwise provided by law; or*

41 **(c)** *If the context otherwise requires.*

42 **4.** The term does not include mobile homes or commercial
43 coaches as defined in chapter 489 of NRS.



1 **Sec. 14.** NRS 482.180 is hereby amended to read as follows:
2 482.180 1. The Motor Vehicle Fund is hereby created as an
3 agency fund. Except as otherwise provided in subsection 4 *and*
4 *section 9 of this act*, or by a specific statute, all money received or
5 collected by the Department must be deposited in the State Treasury
6 for credit to the Motor Vehicle Fund.
7 2. The interest and income on the money in the Motor Vehicle
8 Fund, after deducting any applicable charges, must be credited to
9 the State Highway Fund.
10 3. Any check accepted by the Department in payment of the
11 governmental services tax or any other fee required to be collected
12 pursuant to this chapter must, if it is dishonored upon presentation
13 for payment, be charged back against the Motor Vehicle Fund or the
14 county to which the payment was credited pursuant to this section or
15 NRS 482.181, in the proper proportion.
16 4. Except as otherwise provided in subsection 6, all money
17 received or collected by the Department for the basic governmental
18 services tax must be distributed in the manner set forth in
19 NRS 482.181.
20 5. Money for the administration of the provisions of this
21 chapter must be provided by direct legislative appropriation from
22 the State Highway Fund or other legislative authorization, upon the
23 presentation of budgets in the manner required by law. Out of the
24 appropriation or authorization, the Department shall pay every item
25 of expense.
26 6. The Department shall withhold 6 percent from the amount of
27 the governmental services tax collected by the Department as a
28 commission. From the amount of the governmental services tax
29 collected by a county assessor, the State Controller shall credit 1
30 percent to the Department as a commission and remit 5 percent to
31 the county for credit to its general fund as commission for the
32 services of the county assessor. All money withheld by or credited
33 to the Department pursuant to this subsection must be used only for
34 the administration of this chapter as authorized by the Legislature
35 pursuant to subsection 5.
36 7. When the requirements of this section and NRS 482.181
37 have been met, and when directed by the Department, the State
38 Controller shall transfer monthly to the State Highway Fund any
39 balance in the Motor Vehicle Fund.
40 8. If a statute requires that any money in the Motor Vehicle
41 Fund be transferred to another fund or account, the Department shall
42 direct the *State* Controller to transfer the money in accordance with
43 the statute.



1 **Sec. 15.** NRS 371.020 is hereby amended to read as follows:
2 371.020 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Department" means the Department of Motor Vehicles.
5 2. "Vehicle" means any vehicle required to be registered
6 pursuant to the provisions of chapter 482 or 706 of NRS, except
7 mobile homes as defined in NRS 482.067 ~~and~~ *and off-road vehicles*
8 *as defined in section 3 of this act.*

9 **Sec. 16.** This act becomes effective upon passage and approval
10 for the purpose of adopting regulations by the Department of Motor
11 Vehicles pursuant to sections 7 and 8 of this act and on July 1, 2004,
12 for all other purposes.

