

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 3, 14, 16)

(Reprinted with amendments adopted on April 19, 2021)

FIRST REPRINT

S.B. 170

SENATE BILL NO. 170—COMMITTEE ON
GROWTH AND INFRASTRUCTURE

(ON BEHALF OF THE LEGISLATIVE COMMITTEE
ON PUBLIC LANDS)

MARCH 4, 2021

Referred to Committee on Growth and Infrastructure

SUMMARY—Makes various changes relating to off-highway vehicles. (BDR 43-464)

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; requiring, with certain exceptions, the owner of an off-highway vehicle to obtain an annual Off-Highway Vehicle decal; requiring certain children to wear a helmet when operating, using or riding an off-highway vehicle; revising the membership of the Commission on Off-Highway Vehicles; transferring certain duties related to the regulation of off-highway vehicles from the Department of Motor Vehicles to the Off-Highway Vehicles Program of the State Department of Conservation and Natural Resources and the Commission; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires, with certain exceptions, an owner of an off-highway
2 vehicle to register the off-highway vehicle with the Department of Motor Vehicles
3 by submitting an application that includes various information, including a vehicle
4 identification number or other identifying number, and evidence of ownership or, if
5 the vehicle is a large all-terrain vehicle, by submitting an application which also
6 includes proof of insurance for the vehicle. (NRS 490.082, 490.0825) **Section 3** of
7 this bill eliminates the registration requirements and requires, instead, an owner of
8 any off-highway vehicle, including a large all-terrain vehicle, to obtain an annual
9 Off-Highway Vehicle decal from the Off-Highway Vehicles Program of the State



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10 Department of Conservation and Natural Resources or any entity authorized under
11 an agreement or contract with the Off-Highway Vehicles Program to sell such
12 decals. **Sections 5, 8, 9, 11-13, 15, 17, 18, 20-23, 25 and 26** of this bill make
13 conforming changes to: (1) remove references to the authority of the Department of
14 Motor Vehicles over the registration of off-highway vehicles; and (2) place the
15 responsibility for administering Off-Highway Vehicle decals with the Off-Highway
16 Vehicles Program and regulatory authority with the Commission on Off-Highway
17 Vehicles.

18 Under existing law, an off-highway vehicle is not required to be registered in
19 this State if the off-highway vehicle is registered or certified in another state and is
20 located in this State for not more than 15 days. Also, the registration requirements
21 do not apply to an owner of an off-highway vehicle who is not a resident of this
22 State. (NRS 490.082) **Sections 3 and 14** of this bill require, with certain
23 exceptions, any person who operates an off-highway vehicle in the State to pay an
24 annual Off-Highway Vehicle decal fee and attach the annual Off-Highway Vehicle
25 decal to the off-highway vehicle.

26 Under existing law, the definitions of "consignment" and "consignment
27 contract" refer to the registered owner or lienholder who engages in a transaction
28 for consignment and sale of an off-highway vehicle. (NRS 490.026, 490.028)
29 **Sections 6 and 7** of this bill revise these definitions to instead refer to the titled
30 owner or lienholder.

31 Existing law creates the Revolving Account for the Administration of Off-
32 Highway Vehicle Titling and Registration and requires that fees received by the
33 Department of Motor Vehicles for the registration of off-highway vehicles be
34 deposited in the Account. (NRS 490.084, 490.085) **Section 16** of this bill, instead,
35 requires that fees for Off-Highway Vehicle decals be deposited in the Account for
36 Off-Highway Vehicles created for use by the Off-Highway Vehicles Program.

37 **Section 19** of this bill requires a large all-terrain vehicle to obtain an annual
38 Off-Highway Vehicle decal from the Off-Highway Vehicles Program and carry
39 insurance for the vehicle in order for the vehicle to be operated on certain roads.
40 **Section 1** of this bill makes a conforming change related to proof of such insurance.

41 **Section 24** of this bill revises the duties of the Director of the State Department
42 of Conservation and Natural Resources and the Off-Highway Vehicles Program to
43 include administering the issuance of Off-Highway Vehicle decals.

44 Existing law requires the operator of an off-highway vehicle that is being
45 driven on a highway in this State to wear a helmet. (NRS 490.130) **Section 4** of this
46 bill prohibits the parent or legal guardian of a child who is less than 16 years of age
47 from knowingly allowing the child to operate, use or ride an off-highway vehicle in
48 this State unless the child wears a helmet and makes a violation of this prohibition
49 punishable by the imposition of a civil penalty of not more than \$250. **Section 23**
50 of this bill makes a conforming change to clarify that a violation of **section 4** is not
51 a misdemeanor.

52 Under existing law, the Director of the Department of Motor Vehicles is a
53 nonvoting, ex officio member of the Commission on Off-Highway Vehicles. (NRS
54 490.067) **Section 10** of this bill removes the Director of the Department of Motor
55 Vehicles as such a member of the Commission and adds the Director of the
56 Department of Wildlife as a nonvoting, ex officio member of the Commission.



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

1 **Section 1.** NRS 484A.650 is hereby amended to read as
2 follows:

3 484A.650 1. Whenever the driver of a vehicle is stopped
4 by a peace officer for violating a provision of chapters 484A to
5 484E, inclusive, of NRS, except for violating a provision of
6 NRS 484B.440 to 484B.523, inclusive, the officer shall demand
7 proof of the insurance required by NRS 485.185 or ~~[490.0825]~~
8 **490.105** and issue a citation as provided in NRS 484A.630 if the
9 officer has probable cause to believe that the driver of the vehicle is
10 in violation of NRS 485.187 or subsection 4 of NRS 490.520. If the
11 driver of the vehicle is not the owner, a citation must also be issued
12 to the owner, and in such a case the driver:

13 (a) May sign the citation on behalf of the owner; and

14 (b) Shall notify the owner of the citation within 3 days after it is
15 issued.

16 ↳ The agency which employs the peace officer shall immediately
17 forward a copy of the citation to the ~~[registered]~~ **titled** owner of the
18 vehicle, by certified mail, at his or her address as it appears on the
19 certificate of ~~[registration.]~~ **title.**

20 2. When the evidence of insurance provided by the driver of
21 the vehicle upon the demand of the peace officer is in an electronic
22 format displayed on a mobile electronic device, the peace officer
23 may view only the evidence of insurance and shall not intentionally
24 view any other content on the mobile electronic device.

25 **Sec. 2.** Chapter 490 of NRS is hereby amended by adding
26 thereto the provisions set forth as sections 3 and 4 of this act.

27 **Sec. 3. 1.** *Except as otherwise provided in subsection 6, a*
28 *person shall not operate an off-highway vehicle in this State*
29 *unless an Off-Highway Vehicle decal issued pursuant to*
30 *subsection 2 is attached to the off-highway vehicle so that the*
31 *decal is clearly visible in the manner set forth by the Commission*
32 *pursuant to subsection 4.*

33 2. *The Off-Highway Vehicles Program shall issue to any*
34 *person who pays the fee established pursuant to NRS 490.084 an*
35 *Off-Highway Vehicle decal as evidence of the payment of the fee.*

36 3. *Each Off-Highway Vehicle decal is valid for 1 year from*
37 *the date of the decal's purchase.*

38 4. *Each Off-Highway Vehicle decal issued pursuant to this*
39 *section must be:*

40 (a) *At least 3 inches high by 3 1/2 inches wide and display not*
41 *more than four characters that are at least 1 1/4 inches high; and*



1 (b) *Displayed on the off-highway vehicle in the manner set*
2 *forth by the Commission.*

3 5. *The Off-Highway Vehicles Program may enter into*
4 *agreements or contracts to authorize any off-highway vehicle*
5 *dealer, state agency or private vendor to sell Off-Highway Vehicle*
6 *decals. An agreement or contract entered into pursuant to this*
7 *section:*

8 (a) *Must require the entity who collects the Off-Highway*
9 *Vehicle decal fee to submit to the State Treasurer for credit to the*
10 *Account for Off-Highway Vehicles created by NRS 490.069 all*
11 *fees collected by the entity from the sale of each Off-Highway*
12 *Vehicle decal and properly account for those fees each month;*
13 *and*

14 (b) *May authorize the entity to charge and retain a fee of not*
15 *more than \$2 for each Off-Highway Vehicle decal sold by the*
16 *entity.*

17 6. *An Off-Highway Vehicle decal is not required if the off-*
18 *highway vehicle:*

19 (a) *Is owned and operated by:*

20 (1) *A federal agency;*

21 (2) *An agency of this State; or*

22 (3) *A county, incorporated city or unincorporated town in*
23 *this State;*

24 (b) *Is part of the inventory of a dealer of off-highway vehicles*
25 *and is affixed with a special plate provided to the off-highway*
26 *vehicle dealer pursuant to NRS 490.0827;*

27 (c) *Is used solely for husbandry on private land or on public*
28 *land that is leased to or used under a permit issued to the owner or*
29 *operator of the off-highway vehicle;*

30 (d) *Is used for work conducted by or at the direction of a*
31 *public or private utility;*

32 (e) *Was manufactured before January 1, 1976;*

33 (f) *Is operated solely in an organized race, festival or other*
34 *event that is conducted:*

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

36 (2) *By permit issued by a governmental entity having*
37 *jurisdiction;*

38 (g) *Is only operated and stored on private land;*

39 (h) *Is used in a search and rescue operation conducted by a*
40 *governmental entity having jurisdiction; or*

41 (i) *Has a displacement of not more than 70 cubic centimeters.*

42 ➔ *As used in this subsection, "sanctioning body" means an*
43 *organization that establishes a schedule of racing events, grants*
44 *rights to conduct those events and establishes and administers*



1 *rules and regulations governing the persons who conduct or*
2 *participate in those events.*

3 *7. The Commission may adopt regulations to carry out the*
4 *provisions of this section.*

5 **Sec. 4. 1.** *The parent or legal guardian of a child who is*
6 *less than 16 years of age shall not knowingly allow the child to*
7 *operate, use or ride, as applicable, an off-highway vehicle in this*
8 *State unless the child wears a helmet.*

9 *2. A violation of subsection 1:*

10 *(a) Is punishable by the imposition of a civil penalty of not*
11 *more than \$250;*

12 *(b) Is not a misdemeanor for the purposes of NRS 490.520;*

13 *(c) Is not a moving traffic violation for the purposes of NRS*
14 *483.473 and must not be recorded by the Department on a driver's*
15 *record;*

16 *(d) Is not a ground for taking a child into custody pursuant to*
17 *NRS 62C.010;*

18 *(e) Does not constitute the abuse or neglect of a child, as*
19 *defined in NRS 432B.020, and is not a ground for removing a*
20 *child from the custody of the parent or legal guardian; and*

21 *(f) Except as otherwise provided in paragraph (a), is not*
22 *admissible as evidence in any civil or criminal proceeding.*

23 **Sec. 5.** NRS 490.020 is hereby amended to read as follows:

24 490.020 "Authorized dealer" means a dealer authorized by the
25 Department to receive and submit to the Department applications for
26 the issuance of certificates of title for ~~[, and registrations of,]~~ off-
27 highway vehicles pursuant to NRS 490.070.

28 **Sec. 6.** NRS 490.026 is hereby amended to read as follows:

29 490.026 "Consignment" means any transaction whereby the
30 ~~[registered]~~ **titled** owner or lienholder of an off-highway vehicle
31 ~~[subject to registration pursuant to this chapter]~~ agrees, entrusts or in
32 any other manner authorizes a consignee to act as his or her agent to
33 sell, exchange, negotiate or attempt to negotiate a sale or an
34 exchange of the interest of the ~~[registered]~~ **titled** owner or lienholder
35 in the off-highway vehicle, whether or not for compensation.

36 **Sec. 7.** NRS 490.028 is hereby amended to read as follows:

37 490.028 "Consignment contract" means a written agreement
38 between a ~~[registered]~~ **titled** owner or lienholder of an off-highway
39 vehicle and a consignee to whom the off-highway vehicle has been
40 entrusted by consignment for the purpose of sale that specifies the
41 terms and conditions of the consignment and sale.

42 **Sec. 8.** NRS 490.060 is hereby amended to read as follows:

43 490.060 1. "Off-highway vehicle" means a motor vehicle
44 that is designed primarily for off-highway and all-terrain use. The
45 term includes, but is not limited to:



1 (a) An all-terrain vehicle, including, without limitation, a large
2 all-terrain vehicle ; ~~[without regard to whether that large all terrain~~
3 ~~vehicle is registered by the Department in accordance with NRS~~
4 ~~490.0825 as a motor vehicle intended to be operated upon the~~
5 ~~highways of this State;]~~

6 (b) An all-terrain motorcycle;

7 (c) A dune buggy;

8 (d) A snowmobile; and

9 (e) Any motor vehicle used on public lands for the purpose of
10 recreation.

11 2. The term does not include:

12 (a) A motor vehicle designed primarily for use in water;

13 (b) A motor vehicle that is registered by the Department in
14 accordance with chapter 482 of NRS;

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

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

17 **Sec. 9.** NRS 490.066 is hereby amended to read as follows:

18 490.066 Except as otherwise provided in NRS 232.1585 , ~~[and]~~
19 ~~490.068]~~ *and 490.084 and section 3 of this act*, the Director may
20 adopt and enforce such administrative regulations as are necessary
21 to carry out the provisions of this chapter.

22 **Sec. 10.** NRS 490.067 is hereby amended to read as follows:

23 490.067 1. The Commission on Off-Highway Vehicles is
24 hereby created in the State Department of Conservation and Natural
25 Resources.

26 2. The Commission consists of:

27 (a) One member who is an authorized dealer, appointed by the
28 Governor;

29 (b) One member who is a sportsman, appointed by the Governor
30 from a list of persons submitted by the Director of the Department
31 of Wildlife;

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

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

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

41 (f) One member who is actively engaged in and possesses
42 experience and expertise in advocating for issues relating to
43 conservation, appointed by the Governor; and

44 (g) Three members, appointed by the Governor, who reside in
45 the State of Nevada and have participated in recreational activities



1 for off-highway vehicles for at least 5 years using the type of off-
2 highway vehicle owned or operated by the persons they will
3 represent, as follows:

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

6 (2) One member who represents persons who own or operate
7 all-terrain motorcycles and who is involved with or participates in
8 the racing of off-highway motorcycles; and

9 (3) One member who represents persons who own or operate
10 snowmobiles.

11 3. The following are nonvoting, ex officio members of the
12 Commission:

13 (a) The State Director of the Nevada State Office of the Bureau
14 of Land Management;

15 (b) The Forest Supervisor for the Humboldt-Toiyabe National
16 Forest;

17 (c) The Director of the Department of Tourism and Cultural
18 Affairs; and

19 (d) The Director of the Department of ~~Motor Vehicles.~~
20 *Wildlife.*

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

24 5. The Governor shall not appoint to the Commission any
25 member described in paragraph (g) of subsection 2 unless the
26 member has been recommended to the Governor by an off-highway
27 vehicle organization. As used in this subsection, "off-highway
28 vehicle organization" means a profit or nonprofit corporation,
29 association or organization formed pursuant to the laws of this State
30 and which promotes off-highway vehicle recreation or racing.

31 6. After the initial terms, each member of the Commission
32 appointed pursuant to subsection 2 serves for a term of 3 years. A
33 vacancy on the Commission must be filled in the same manner as
34 the original appointment.

35 7. Except as otherwise provided in this subsection, a member
36 of the Commission who is appointed may not serve more than two
37 consecutive terms on the Commission. A member who has served
38 two consecutive terms on the Commission may be reappointed if the
39 Governor does not receive any applications for that member's seat
40 or if the Governor determines that no qualified applicants are
41 available to fill that member's seat.

42 8. The Governor shall ensure that, insofar as practicable, the
43 members appointed to the Commission pursuant to subsection 2
44 reflect the geographical diversity of this State.

45 9. Each member of the Commission:



1 (a) Is entitled to receive, if money is available for that purpose,
2 the per diem allowance and travel expenses provided for state
3 officers and employees generally.

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

8 (c) Shall swear or affirm that he or she will work to create and
9 promote responsible off-highway vehicle recreation in the State.

10 10. A member of the Commission who is appointed by the
11 Governor and who fails to attend at least three consecutive meetings
12 of the Commission is subject to replacement. The Commission shall
13 notify the appointing authority or group who recommended the
14 member for appointment, if any, and the appointing authority or
15 group may recommend a person to replace that member of the
16 Commission. The replacement of a member pursuant to this
17 subsection must be conducted in the same manner as the original
18 appointment.

19 **Sec. 11.** NRS 490.068 is hereby amended to read as follows:

20 490.068 1. The Commission shall:

21 (a) Elect a Chair and Vice Chair from among its members.

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

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

24 (d) Provide direction to the Off-Highway Vehicles Program
25 created by NRS 232.1585.

26 (e) Perform the duties assigned to the Commission set forth in
27 NRS ~~[490.083 and]~~ 490.084 ~~[.]~~ *and section 3 of this act.*

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

32 3. The Commission may award a grant of money from the
33 Account for Off-Highway Vehicles created by NRS 490.069. Any
34 such grant must comply with the requirements set forth in NRS
35 490.069. The Commission shall:

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

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



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

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

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

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

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

14 (b) Adopt regulations for awarding grants from the Account,
15 including, without limitation, developing criteria:

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

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

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

22 4. The Commission may solicit input regarding applications for
23 grants from a technical advisory committee formed pursuant to
24 NRS 232.1585.

25 5. For each regular session of the Legislature, the Chair of the
26 Commission shall review the comprehensive report prepared
27 pursuant to NRS 232.1585. Upon approval of the report by the
28 Chair of the Commission, the report must be submitted to
29 the Director of the Legislative Counsel Bureau for distribution to the
30 Legislature not later than September 1 of each even-numbered year.

31 **Sec. 12.** NRS 490.069 is hereby amended to read as follows:

32 490.069 1. The Account for Off-Highway Vehicles is hereby
33 created in the State General Fund as a revolving account. The
34 Director of the State Department of Conservation and Natural
35 Resources shall administer the Account. Any money remaining in
36 the Account at the end of a fiscal year does not revert to the State
37 General Fund, and the balance in the Account must be carried
38 forward to the next fiscal year.

39 2. On or after July 1, 2017, money in the Account may only be
40 used as follows:

41 (a) To pay for the operating expenses of the Commission,
42 including, without limitation, any debts or obligations lawfully
43 incurred by the Commission before July 1, 2017, and the
44 administrative expenses of the Off-Highway Vehicles Program
45 created by NRS 232.1585, *including, without limitation, the*



1 *administrative expenses associated with the issuance of Off-*
2 *Highway Vehicle decals pursuant to section 3 of this act,*
3 consistent with the legislatively approved budget of the State
4 Department of Conservation and Natural Resources pursuant to
5 NRS 232.1585.

6 (b) To fund a reserve amount as provided in the legislatively
7 approved budget of the State Department of Conservation and
8 Natural Resources pursuant to NRS 232.1585.

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

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

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

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

20 (4) The enhancement or maintenance, or both, of those trails
21 and facilities.

22 (5) The construction of those trails and facilities.

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

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

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

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

33 **Sec. 13.** NRS 490.070 is hereby amended to read as follows:

34 490.070 1. Upon the request of an off-highway vehicle
35 dealer, the Department may authorize the off-highway vehicle
36 dealer to receive and submit to the Department applications for the

37 ~~f:~~
38 ~~—(a) Issuance]~~ *issuance* of certificates of title ~~[and registration]~~
39 for off-highway vehicles. ~~f; and~~

40 ~~—(b) Renewal of registration for off highway vehicles.]~~

41 2. An authorized dealer shall:

42 (a) Except as otherwise provided in subsection 4, submit to the
43 State Treasurer for allocation to the Department all fees collected by
44 the authorized dealer from each applicant and properly account for
45 those fees each month;



1 (b) Comply with the regulations adopted pursuant to subsection
2 5; and

3 (c) Bear any cost of equipment which is required to receive and
4 submit to the Department the applications described in subsection 1,
5 including any computer software or hardware.

6 3. Except as otherwise provided in subsection 4, an authorized
7 dealer is not entitled to receive compensation for the performance of
8 any services pursuant to this section.

9 4. An authorized dealer may charge and collect a fee of not
10 more than \$2 for each application for a certificate of title ~~for~~
11 ~~registration~~ received by the authorized dealer pursuant to this
12 section. An authorized dealer may retain any fee collected by the
13 authorized dealer pursuant to this subsection.

14 5. The Department shall adopt regulations to carry out the
15 provisions of this section. The regulations must include, without
16 limitation, provisions for:

17 (a) The expedient and secure issuance of:

18 (1) Forms for applying for the issuance of certificates of title
19 for ~~[, or registration of,]~~ off-highway vehicles; *and*

20 (2) Certificates of title ~~[and registration]~~ by the Department
21 to each applicant whose application is approved by the Department;
22 ~~[and~~

23 ~~—(3) Renewal notices for registrations before the date of~~
24 ~~expiration of the registrations;]~~

25 (b) ~~[The renewal of registrations by mail or the Internet;~~

26 ~~—(c) The collection of a fee of not less than \$20 or more than \$30~~
27 ~~for the renewal of a registration of an off-highway vehicle pursuant~~
28 ~~to NRS 490.082 or 490.0825;~~

29 ~~—(d)]~~ The submission by mail or electronic transmission to the
30 Department of an application for ~~;~~

31 ~~—(1) The] the~~ issuance of a certificate of title for ~~[, or~~
32 ~~registration of,]~~ an off-highway vehicle; ~~for~~

33 ~~—(2) The renewal of registration of an off-highway vehicle;~~

34 ~~—(e)] (c)~~ The replacement of a lost, damaged or destroyed
35 certificate of title ; ~~[or registration certificate, sticker or decal;]~~ and

36 ~~[(f)] (d)~~ The revocation of the authorization granted to a dealer
37 pursuant to subsection 1 if the authorized dealer fails to comply with
38 the regulations.

39 **Sec. 14.** NRS 490.082 is hereby amended to read as follows:

40 490.082 1. An owner of an off-highway vehicle that is
41 acquired:

42 (a) Before July 1, 2011 ~~;~~

43 ~~—(1) May],~~ *may* apply for, to the Department by mail or to an
44 authorized dealer, and obtain from the Department, a certificate of
45 title for the off-highway vehicle.



1 ~~[(2) Except as otherwise provided in subsection 3, shall,~~
2 ~~within 1 year after July 1, 2011, apply for, to the Department by~~
3 ~~mail or to an authorized dealer, and obtain from the Department, the~~
4 ~~registration of the off-highway vehicle.]~~

5 (b) On or after July 1, 2011, shall, within 30 days after acquiring
6 ownership of the off-highway vehicle ~~]:~~

7 ~~—(1) Apply] apply~~ for, to the Department by mail or to an
8 authorized dealer, and obtain from the Department, a certificate of
9 title for the off-highway vehicle.

10 ~~[(2) Except as otherwise provided in subsection 3, apply for,~~
11 ~~to the Department by mail or to an authorized dealer, and obtain~~
12 ~~from the Department, the registration of the off-highway vehicle~~
13 ~~pursuant to this section or NRS 490.0825.]~~

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

16 ~~—(a) A] a~~ certificate of title for the off-highway vehicle, the
17 owner shall submit to the Department or to the authorized dealer
18 proof prescribed by the Department that he or she is the owner of
19 the off-highway vehicle.

20 ~~[(b) Except as otherwise provided in NRS 490.0825, the~~
21 ~~registration of the off-highway vehicle, the owner shall submit:~~

22 ~~—(1) If ownership of the off-highway vehicle was obtained~~
23 ~~before July 1, 2011, proof prescribed by the Department:~~

24 ~~—(I) That he or she is the owner of the off-highway vehicle;~~
25 ~~and~~

26 ~~—(II) Of the unique vehicle identification number, serial~~
27 ~~number or distinguishing number obtained pursuant to NRS~~
28 ~~490.0835 for the off-highway vehicle; or~~

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

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

36 ~~(II) Proof prescribed by the Department that he or she is~~
37 ~~the owner of the off-highway vehicle and of the unique vehicle~~
38 ~~identification number, serial number or distinguishing number~~
39 ~~obtained pursuant to NRS 490.0835 for the off-highway vehicle.]~~

40 3. ~~[Registration of an off-highway vehicle is not required if the~~
41 ~~off-highway vehicle:~~

42 ~~—(a) Is owned and operated by:~~

43 ~~—(1) A federal agency;~~

44 ~~—(2) An agency of this State; or~~



~~1 — (3) A county, incorporated city or unincorporated town in
2 this State;~~

~~3 — (b) Is part of the inventory of a dealer of off highway vehicles
4 and is affixed with a special plate provided to the off highway
5 vehicle dealer pursuant to NRS 490.0827;~~

~~6 — (c) Is registered or certified in another state and is located in this
7 State for not more than 15 days;~~

~~8 — (d) Is used solely for husbandry on private land or on public
9 land that is leased to or used under a permit issued to the owner or
10 operator of the off highway vehicle;~~

~~11 — (e) Is used for work conducted by or at the direction of a public
12 or private utility;~~

~~13 — (f) Was manufactured before January 1, 1976;~~

~~14 — (g) Is operated solely in an organized race, festival or other
15 event that is conducted:~~

~~16 — (1) Under the auspices of a sanctioning body; or~~

~~17 — (2) By permit issued by a governmental entity having
18 jurisdiction;~~

~~19 — (h) Except as otherwise provided in paragraph (d), is operated or
20 stored on private land or on public land that is leased to the owner or
21 operator of the off highway vehicle, including when operated in an
22 organized race, festival or other event;~~

~~23 — (i) Is used in a search and rescue operation conducted by a
24 governmental entity having jurisdiction; or~~

~~25 — (j) Has a displacement of not more than 70 cubic centimeters.~~

~~26 ➔ As used in this subsection, "sanctioning body" means an
27 organization that establishes a schedule of racing events, grants
28 rights to conduct those events and establishes and administers rules
29 and regulations governing the persons who conduct or participate in
30 those events.~~

~~31 — 4. The registration of an off highway vehicle pursuant to this
32 section or NRS 490.0825 expires 1 year after its issuance. If an
33 owner of an off highway vehicle fails to renew the registration of
34 the off highway vehicle before it expires, the registration may be
35 reinstated upon the payment to the Department of the annual
36 renewal fee, a late fee of \$10 and, if applicable, proof of insurance
37 required pursuant to NRS 490.0825. Any late fee collected by the
38 Department must be deposited with the State Treasurer for credit to
39 the Revolving Account for the Administration of Off Highway
40 Vehicle Titling and Registration created by NRS 490.085.~~

~~41 — 5.] If a certificate of title [or registration] for an off-highway
42 vehicle is lost or destroyed, the owner of the off-highway vehicle
43 may apply to the Department by mail, or to an authorized dealer, for
44 a duplicate certificate of title . [or registration.] The Department
45 may collect a fee to replace a certificate of title [or registration]~~



1 ~~certificate, sticker or decal~~ that is lost, damaged or destroyed. Any
2 such fee collected by the Department must be:

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

4 (b) Deposited with the State Treasurer for credit to the
5 Revolving Account for the Administration of Off-Highway Vehicle
6 Titling ~~[and Registration]~~ created by NRS 490.085.

7 ~~[6.]~~ 4. The provisions of ~~[subsections 1 to 5, inclusive,]~~ *this*
8 *section* do not apply to an owner of an off-highway vehicle who is
9 not a resident of this State.

10 **Sec. 15.** NRS 490.0835 is hereby amended to read as follows:

11 490.0835 1. The Department may assign a distinguishing
12 number to any off-highway vehicle if:

13 (a) The off-highway vehicle does not have a unique vehicle
14 identification number or serial number provided by the
15 manufacturer of the vehicle;

16 (b) The unique vehicle identification number or serial number
17 provided by the manufacturer of the off-highway vehicle has been
18 removed, defaced, altered or obliterated; or

19 (c) The off-highway vehicle is homed.

20 2. ~~[Any off highway vehicle to which there is assigned a~~
21 ~~distinguishing number pursuant to subsection 1 must be registered,~~
22 ~~if required pursuant to NRS 490.082, under the distinguishing~~
23 ~~number.~~

24 ~~—3.]~~ The Department shall collect a fee of \$2 for the assignment
25 and recording of each such distinguishing number.

26 ~~[4.]~~ 3. The *unique vehicle identification number, serial*
27 *number or distinguishing* number ~~[by which]~~ *obtained pursuant to*
28 *this section of* an off-highway vehicle ~~[is registered pursuant to~~
29 ~~NRS 490.082 or 490.0825]~~ must be permanently stamped or
30 attached to the vehicle. False attachment or willful removal,
31 defacement, alteration or obliteration of such a number with intent
32 to defraud is a gross misdemeanor.

33 **Sec. 16.** NRS 490.084 is hereby amended to read as follows:

34 490.084 1. The Department shall determine the fee for
35 issuing a certificate of title for an off-highway vehicle, but such fee
36 must not exceed the fee imposed for issuing a certificate of title
37 pursuant to NRS 482.429. Money received from the payment of the
38 fees described in this subsection must be deposited with the State
39 Treasurer for credit to the Revolving Account for the Administration
40 of Off-Highway Vehicle Titling ~~[and Registration]~~ created by
41 NRS 490.085.

42 2. The Commission shall determine the fee for the annual
43 ~~[registration]~~ *Off-Highway Vehicle decal* of an off-highway vehicle
44 *issued* pursuant to ~~[NRS 490.082 or 490.0825,]~~ *section 3 of this act,*
45 but such fee must not be less than \$20 or more than \$30. Money



1 received from the payment of the fees described in this subsection
2 must be deposited with the State Treasurer for credit to the
3 ~~[Revolving] Account for [the Administration of] Off-Highway~~
4 ~~[Vehicle Titling and Registration created by NRS 490.085.]~~
5 *Vehicles created by NRS 490.069 for use by the Off-Highway*
6 *Vehicles Program created by NRS 232.1585.*

7 **Sec. 17.** NRS 490.085 is hereby amended to read as follows:

8 490.085 1. The Revolving Account for the Administration of
9 Off-Highway Vehicle Titling ~~[and Registration]~~ is hereby created in
10 the State Highway Fund.

11 2. Except as otherwise provided in subsection 3, the
12 Department shall use the money in the Account to pay the expenses
13 of administering the provisions of this chapter relating to the titling
14 ~~[and registration]~~ of off-highway vehicles.

15 3. At least once each fiscal quarter, the Department shall
16 transfer any amount in excess of \$150,000 in the Revolving Account
17 for the Administration of Off-Highway Vehicle Titling ~~[and~~
18 ~~Registration]~~ into the Account for Off-Highway Vehicles created by
19 NRS 490.069.

20 4. Any money remaining in the Revolving Account for the
21 Administration of Off-Highway Vehicle Titling ~~[and Registration]~~
22 at the end of a fiscal year does not revert to the State Highway Fund,
23 and the balance in the Account must be carried forward to the next
24 fiscal year.

25 **Sec. 18.** NRS 490.086 is hereby amended to read as follows:

26 490.086 1. The Revolving Account for the Assistance of the
27 Department is hereby created in the State Highway Fund.

28 2. All money received by the Department from the Federal
29 Government or any other source to assist the Department in carrying
30 out the provisions of this chapter relating to the titling ~~[and~~
31 ~~registration]~~ of off-highway vehicles must be deposited into the
32 Account.

33 3. Money in the Account must be used only for the purposes
34 specified in subsection 2.

35 4. Any money remaining in the Account at the end of a fiscal
36 year does not revert to the State Highway Fund, and the balance in
37 the Account must be carried forward to the next fiscal year.

38 **Sec. 19.** NRS 490.105 is hereby amended to read as follows:

39 490.105 1. Except as otherwise provided in subsection 2, a
40 person may operate a large all-terrain vehicle on any portion of a
41 highway that has been designated in accordance with NRS 403.170
42 as a general county road or minor county road if the ~~[large] :~~

43 *(a) Large* all-terrain vehicle ~~;~~

44 ~~—(a) Meets] meets~~ the requirements set forth in NRS 490.120;
45 ~~[and]~~



1 (b) ~~Is registered by the Department in accordance with NRS~~
2 ~~490.0825 as a motor vehicle intended to be operated upon the~~
3 ~~highways of this State.] Large all-terrain vehicle has been issued~~
4 ~~an annual Off-Highway Vehicle decal pursuant to section 3 of this~~
5 ~~act; and~~

6 (c) *Owner of the large all-terrain vehicle carries insurance on*
7 *the vehicle provided by an insurance company licensed by the*
8 *Division of Insurance of the Department of Business and Industry*
9 *and approved to do business in this State and which meets the*
10 *requirements of NRS 485.185.*

11 2. The governing body of a city or county within which is
12 located a highway or portion of a highway that has been designated
13 in accordance with NRS 403.170 as a general county road or minor
14 county road may by ordinance or resolution prohibit the operation of
15 large all-terrain vehicles on any portion of such a road.

16 **Sec. 20.** NRS 490.110 is hereby amended to read as follows:

17 490.110 1. Except as otherwise provided in subsection 2, if
18 an off-highway vehicle meets the requirements of this chapter and
19 the operator holds a valid driver's license and operates the off-
20 highway vehicle in accordance with the requirements of those
21 sections, the off-highway vehicle may be operated on a highway in
22 accordance with NRS 490.090 to 490.130, inclusive ~~§~~, *and section*
23 *4 of this act.*

24 2. An off-highway vehicle may not be operated pursuant to this
25 section:

26 (a) On an interstate highway;

27 (b) On a paved highway in this State for more than 2 miles;

28 (c) Unless the highway is specifically designated for use by off-
29 highway vehicles in a city whose population is 100,000 or more; or

30 (d) Unless it is a large all-terrain vehicle ~~registered pursuant to~~
31 ~~NRS 490.0825 and~~ being operated in accordance with
32 NRS 490.105.

33 **Sec. 21.** NRS 490.130 is hereby amended to read as follows:

34 490.130 The operator of an off-highway vehicle that is being
35 driven on a highway in this State in accordance with NRS 490.090
36 to 490.130, inclusive, *and sections 3 and 4 of this act* shall:

37 1. Comply with all traffic laws of this State;

38 2. Ensure that the *annual* ~~registration~~ *Off-Highway Vehicle*
39 *decal* of the off-highway vehicle is attached to the vehicle in
40 accordance with ~~[NRS 490.083]~~ *section 3 of this act* or a special
41 plate issued pursuant to NRS 490.0827 is attached to the vehicle;
42 and

43 3. Wear a helmet.



1 **Sec. 22.** NRS 490.510 is hereby amended to read as follows:

2 490.510 1. The Department may impose an administrative
3 fine, not to exceed \$2,500, for a violation of any provision of NRS
4 490.0827, 490.125 and 490.150 to 490.520, inclusive, or any rule,
5 regulation or order adopted or issued pursuant thereto. The
6 Department shall afford to any person so fined an opportunity for a
7 hearing pursuant to the provisions of NRS 233B.121.

8 2. All administrative fines collected by the Department
9 pursuant to subsection 1 must be deposited with the State Treasurer
10 to the credit of the Revolving Account for the Administration of
11 Off-Highway Vehicle Titling ~~{and—Registration}~~ created by
12 NRS 490.085.

13 3. In addition to any other remedy provided by this chapter, the
14 Department may compel compliance with any provision of this
15 chapter and any rule, regulation or order adopted or issued pursuant
16 thereto by injunction or other appropriate remedy, and the
17 Department may institute and maintain in the name of the State of
18 Nevada any such enforcement proceedings.

19 **Sec. 23.** NRS 490.520 is hereby amended to read as follows:

20 490.520 1. It is a gross misdemeanor for any person
21 knowingly to falsify:

22 (a) An off-highway vehicle dealer's report of sale, as described
23 in NRS 490.440; or

24 (b) An application or document to obtain any license, permit ~~{}~~
25 *or* certificate of title ~~{or registration}~~ issued under the provisions of
26 this chapter.

27 2. Except as otherwise provided in subsections 3 and 4 ~~{}~~ *and*
28 *section 4 of this act*, it is a misdemeanor for any person to violate
29 any of the provisions of this chapter unless the violation is by this
30 section or other provision of this chapter or other law of this State
31 declared to be a gross misdemeanor or a felony.

32 3. Except as otherwise provided in subsection 4 ~~{}~~ *and section*
33 *4 of this act*, a person who violates a provision of this chapter
34 relating to *the Off-Highway Vehicle decal or* the ~~{registration or}~~
35 operation of an off-highway vehicle is guilty of a misdemeanor and
36 shall be punished by a fine not to exceed \$100.

37 4. Any person ~~{who registers a large all-terrain vehicle~~
38 ~~{pursuant to NRS 490.0825 and}~~ who:

39 (a) Operates or knowingly permits the operation of ~~{the}~~ *a large*
40 *all-terrain* vehicle without having insurance as required by NRS
41 ~~{490.0825;}~~ *490.105;*

42 (b) Operates or knowingly permits the operation of ~~{the}~~ *a large*
43 *all-terrain* vehicle without having evidence of insurance of the
44 vehicle in the possession of the operator of the vehicle; or



1 (c) Fails or refuses to surrender, upon demand, to a peace officer
2 or to an authorized representative of the Department the evidence of
3 insurance,

4 ↪ is guilty of a misdemeanor and shall be punished by a fine not to
5 exceed \$100.

6 **Sec. 24.** NRS 232.1585 is hereby amended to read as follows:

7 232.1585 1. The Off-Highway Vehicles Program is hereby
8 created in the Department. The Director shall administer the
9 Program. The Commission on Off-Highway Vehicles created by
10 NRS 490.067 shall provide direction to the Program pursuant to its
11 authority and duties provided in NRS 490.068 and 490.069 ~~[]~~ *and*
12 *section 3 of this act.*

13 2. In administering the Program, the Director shall : ~~[, within~~
14 ~~the limits of authorized expenditures;]~~

15 (a) Administer the Account for Off-Highway Vehicles created
16 by NRS 490.069; ~~[and]~~

17 (b) ~~[Provide]~~ *Administer the issuance of Off-Highway Vehicle*
18 *decals pursuant to section 3 of this act; and*

19 (c) *Within the limits of authorized expenditures, provide* staff
20 to the Commission on Off-Highway Vehicles for the purposes of:

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

23 (2) Assisting in the coordination of the activities and duties
24 of the Commission.

25 3. The Director may form a technical advisory committee as
26 needed to provide input to the Commission on Off-Highway
27 Vehicles regarding the completeness and merit of applications
28 received by the Commission for a grant from the Account for Off-
29 Highway Vehicles.

30 4. The Director shall prepare, for each regular session of the
31 Legislature, a comprehensive report that includes, without
32 limitation:

33 (a) The general activities of the Commission on Off-Highway
34 Vehicles;

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

37 (c) A summary of any grants awarded by the Commission on
38 Off-Highway Vehicles.

39 ↪ Upon completion of the report, the Director shall submit the
40 report to the Chair of the Commission on Off-Highway Vehicles for
41 review pursuant to NRS 490.068.

42 5. The Director shall include in his or her budget the money
43 necessary, within the limits of legislative authorizations for the
44 Account for Off-Highway Vehicles, for:



1 (a) The operating expenses of the Commission on Off-Highway
2 Vehicles;

3 (b) The administrative expenses of the Program to carry out the
4 provisions of this section; and

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

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

8 7. As used in this section:

9 (a) "Administrative expenses" includes, without limitation,
10 hiring any staff necessary to carry out the provisions of this section.

11 (b) "Operating expenses" includes, without limitation, any costs
12 of contracting with a third party to provide education and
13 information to the members of the public relating to the provisions
14 of chapter 490 of NRS governing the lawful use and registration of
15 off-highway vehicles.

16 **Sec. 25.** 1. Any administrative regulations adopted by an
17 officer or an agency whose name has been changed or whose
18 responsibilities have been transferred pursuant to the provisions of
19 this act to another officer or agency remain in force until amended
20 by the officer or agency to which the responsibility for the adoption
21 of the regulations has been transferred.

22 2. Any contracts or other agreements entered into by an officer
23 or agency whose name has been changed or whose responsibilities
24 have been transferred pursuant to the provisions of this act to
25 another officer or agency are binding upon the officer or agency to
26 which the responsibility for the administration of the provisions of
27 the contract or other agreement has been transferred. Such contracts
28 and other agreements may be enforced by the officer or agency to
29 which the responsibility for the enforcement of the provisions of the
30 contract or other agreement has been transferred.

31 3. Any action taken by an officer or agency whose name has
32 been changed or whose responsibilities have been transferred
33 pursuant to the provisions of this act to another officer or agency
34 remains in effect as if taken by the officer or agency to which the
35 responsibility for the enforcement of such actions has been
36 transferred.

37 4. The Legislative Counsel shall, in preparing the reprint and
38 supplements to the Nevada Revised Statutes, appropriately change
39 any references to an officer, agency or other entity whose name is
40 changed or whose responsibilities are transferred pursuant to the
41 provisions of this act to refer to the appropriate officer, agency or
42 other entity.

43 5. The Legislative Counsel shall, in preparing supplements to
44 the Nevada Administrative Code, appropriately change any
45 references to an officer, agency or other entity whose name has been



1 changed or whose responsibilities are transferred pursuant to the
2 provisions of this act to refer to the appropriate officer, agency or
3 other entity.

4 **Sec. 26.** NRS 490.0825 and 490.083 are hereby repealed.

5 **Sec. 27.** 1. This section becomes effective upon passage and
6 approval.

7 2. Sections 1 to 26, inclusive, of this act become effective:

8 (a) Upon passage and approval for the purpose of adopting any
9 regulations and performing any other preparatory administrative
10 tasks that are necessary to carry out the provisions of this act; and

11 (b) On July 1, 2022, for all other purposes.

TEXT OF REPEALED SECTIONS

490.0825 Large all-terrain vehicle: Alternative registration; requirement for insurance; documents required.

1. Upon the request of an owner of a large all-terrain vehicle, the Department shall register the large all-terrain vehicle to operate on the roads specified in NRS 490.105.

2. The owner of a large all-terrain vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.

3. If an owner of a large all-terrain vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:

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

(b) The fee for registration required pursuant to NRS 490.084;

(c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and

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

490.083 Form, size, number and display of registration.

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

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



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

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

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

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

