

Committee Action:  
Do Pass \_\_\_\_\_  
Amend & Do Pass \_\_\_\_\_  
Other \_\_\_\_\_

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**Senate Committee on Growth and Infrastructure**  
This measure may be considered for action during today's work session.

March 31, 2021

**SENATE BILL 170**

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

**Sponsored By:** Senate Committee on Growth and Infrastructure (On Behalf of the Legislative Committee on Public Lands)

**Date Heard:** March 15, 2021

**Fiscal Notes:** Effect on Local Government: No.  
Effect on the State: Yes.

Senate Bill 170 transfers responsibility for the regulation of off-highway vehicles (OHVs) from the Department of Motor Vehicles (DMV) to the Department of Conservation and Natural Resources (DCNR). In lieu of OHV registration, the bill requires payment of a fee for an annual decal and directs the decal revenue to the Account for Off-Highway Vehicles administered by the Off-Highway Vehicle Program. Exceptions to the decal requirement are the same as the prior registration exceptions except that an out-of-state OHV must obtain a decal to operate in Nevada. The bill adds a requirement that children 15 years of age or younger must wear a helmet when riding on an OHV and specifies the applicable penalties. SB 170 removes the Director of the DMV as an ex officio member of the OHV Commission.

**Amendments:** There are three proposed amendments to this bill as follows:

1. Prior to the hearing, the DCNR, in consultation with the DMV, proposed amendments, including a summary of the changes. See Exhibit A.
2. At the hearing, the Nevada Conservation League proposed an amendment to add the Director of the Department of Wildlife as an ex-officio member of the OHV Commission. The written version submitted after the hearing is attached as Exhibit B.
3. At the hearing, the Offices of the Public Defender in Clark and Washoe Counties proposed amendments to the type and scope of penalties for violation of the child helmet requirement. After the hearing, the Public Defenders' Offices submitted a revised proposed amendment that is acceptable to the bill sponsor and the Nevada Justice Association. See Exhibit C.

**Special Note:** Fiscal notes are on file for this bill.  
The bill requires a 2/3 vote on the Senate Floor.

EXHIBIT C Senate Committee on Growth and Infrastructure	
Date: 3-31-2021	Total pages: 22
Exhibit begins with: C1	thru: C22

# EXHIBIT A

**Proposed Amendment Senate Bill 170  
Off-Highway Vehicles Program  
Department of Conservation and Natural Resources**

**Senate Committee on Growth and Infrastructure  
March 15, 2021**

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**Purpose:**

**Section 3(1)** – Clarifies that all Off-Highway Vehicles in the state must display an active Off-Highway Vehicles decal, but the operator does not need to be the person that purchases the Off-Highway Vehicles decal.

**Section 3(3)** – Clarifies that an Off-Highway Vehicles decal is valid for one year from the date of purchase and eliminates the reference to calendar year. This change benefits all OHV users that purchase a decal that is good for up to 365 days rather than from the date of purchase to the end of the current calendar year. This is standard with other programs, like the Nevada Department of Wildlife’s Aquatic Invasive Species Program.

**Section 3(6)(g)** – As currently stated, exception (g) appears to create a very large registration loophole for any OHV that is operated or stored on private land. Given that nearly every private OHV in Nevada is stored on private land, as currently worded, this language would except nearly every privately owned OHV in Nevada from registration. That is not the intent. Rather, the original intent appears to have been to create a registration exception for OHVs that are only operated and stored on private land, and never operated on public land. 3. Additionally, the reference to “public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event,” is redundant as these exceptions already exist in (c) and (f), and do not need to be restated.

**General terms throughout** – Replace reference to “registration decal” with the term “Off-Highway Vehicle decal.” The term “registration,” carries a specific meaning when referring to and motor vehicles in Nevada pursuant to NRS 482. In that chapter, “registration” is repeatedly associated with a vehicle’s VIN and owner information. The Off-Highway Vehicle decal will be available for purchase by anyone, regardless of VIN or owner information. This change will clarify between annual vehicle registrations issued by the Department of Motor Vehicles, and Off-Highway Vehicle decal issued by the Off-Highway Vehicles Program.

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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.

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

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

- (a) May sign the citation on behalf of the owner; and
- (b) Shall notify the owner of the citation within 3 days after it is issued.

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

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

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

**Sec. 3. 1. Except as otherwise provided in subsection 6, a person shall not operate an off-highway vehicle in this State unless ~~the person has:~~**

~~(a) Paid to the Off-Highway Vehicles Program created by NRS 232.1585 a registration fee established pursuant to NRS 490.084; and~~

~~(b) Attached the an registration **Off-Highway Vehicle decal** issued pursuant to subsection 2 is attached to the off-highway vehicle so that the decal is clearly visible in the manner set forth by the Commission pursuant to subsection 4.~~

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2. *The Off-Highway Vehicles Program shall issue to a person who pays the fee established pursuant to NRS 490.084 a ~~registration~~ Off-Highway Vehicle decal as evidence of the payment of the registration fee.*

3. ~~Each registration decal is valid for 1 calendar year. Only a valid decal for the current calendar year may be displayed on an off-highway vehicle.~~ Each Off-Highway Vehicle decal is valid for one year from the date of purchase.

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

*(a) 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; and*

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

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

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

*(b) May authorize the entity to charge and retain a fee of not more than \$2 for each registration decal sold by the entity.*

6. ~~Registration of an off-highway vehicle~~ An Off-Highway Vehicle decal *is not required if the off-highway vehicle:*

*(a) Is owned and operated by:*

*(1) A federal agency;*

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

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

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

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

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

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

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

- (1) Under the auspices of a sanctioning body; or*
- (2) By permit issued by a governmental entity having jurisdiction;*

*(g) ~~Except as otherwise provided in paragraph (e), is~~ **Is solely operated and** ~~or stored on private land or on public land that is leased to the owner or operator of the off-highway vehicle, including when operated in an organized race, festival or other event;~~*

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

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

*↪ As used in this subsection, “sanctioning body” means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.*

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

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

**2. *A violation of subsection 1:***

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

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

*(c) Does not constitute:*

*(1) Abuse, neglect or endangerment of a child pursuant to NRS 200.508 on the part of a parent, guardian or other adult.*

*(2) Contributory negligence per se and is not admissible as evidence of contributory negligence in a personal injury action.*

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

490.020 “Authorized dealer” means a dealer authorized by the Department to receive and submit to the Department applications for the issuance of certificates of title for ~~+, and registrations of,~~ off-highway vehicles pursuant to NRS 490.070.

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

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490.026 “Consignment” means any transaction whereby the ~~registered~~ *titled* owner or lienholder of an off-highway vehicle ~~{subject to registration pursuant to this chapter}~~ agrees, entrusts or in any other manner authorizes a consignee to act as his or her agent to sell, exchange, negotiate or attempt to negotiate a sale or an exchange of the interest of the ~~registered~~ *titled* owner or lienholder in the off-highway vehicle, whether or not for compensation.

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

490.028 “Consignment contract” means a written agreement between a ~~registered~~ *titled* owner or lienholder of an off-highway vehicle and a consignee to whom the off-highway vehicle has been entrusted by consignment for the purpose of sale that specifies the terms and conditions of the consignment and sale.

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

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

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

(b) An all-terrain motorcycle;

(c) A dune buggy;

(d) A snowmobile; and

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

2. The term does not include:

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

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

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

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

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

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

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

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

2. The Commission consists of:

- (a) One member who is an authorized dealer, appointed by the Governor;
- (b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;
- (c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;
- (d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;
- (e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;
- (f) One member who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation, appointed by the Governor; and
- (g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:
  - (1) One member who represents persons who own or operate all-terrain vehicles;
  - (2) One member who represents persons who own or operate all-terrain motorcycles and who is involved with or participates in the racing of off-highway motorcycles; and
  - (3) One member who represents persons who own or operate snowmobiles.

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

- (a) The State Director of the Nevada State Office of the Bureau of Land Management;
- (b) The Forest Supervisor for the Humboldt-Toiyabe National Forest; *and*
- (c) The Director of the Department of Tourism and Cultural Affairs. ~~}; and~~
- ~~(d) The Director of the Department of Motor Vehicles.}~~

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

5. The Governor shall not appoint to the Commission any member described in paragraph (g) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a

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profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

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

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

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

9. Each member of the Commission:

(a) 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.

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

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

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

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

490.068 1. The Commission shall:

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

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

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



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

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 an applicant may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any 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, 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.

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

5. For each regular session of the Legislature, the Chair of the Commission shall review the comprehensive report prepared pursuant to NRS 232.1585. 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. 12.** 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 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. On or after July 1, 2017, money in the Account may only be used as follows:

(a) 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 expenses of the Off-Highway Vehicles Program created by NRS 232.1585, *including, without limitation, the administrative expenses associated with the registration of off-highway vehicles* Off-Highway Vehicle decal pursuant to section 3 of this act, consistent with the legislatively approved budget of the State Department of Conservation and Natural Resources pursuant to NRS 232.1585.

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

(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 may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

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

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

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- (4) The enhancement or maintenance, or both, of those trails and facilities.
- (5) The construction of those trails and facilities.
- (6) The restoration of areas that have been damaged by the use of off-highway vehicles.
- (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.
- (9) Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.

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

490.070 1. Upon the request of an off-highway vehicle dealer, the Department may authorize the off-highway vehicle dealer to receive and submit to the Department applications for the ~~};~~ ~~(a) Issuance of~~ *issuance* of certificates of title ~~and registration~~ for off-highway vehicles . ~~}; and~~ ~~(b) Renewal of registration for off-highway vehicles.};~~

2. An authorized dealer shall:

- (a) Except as otherwise provided in subsection 4, submit to the State Treasurer for allocation to the Department all fees collected by the authorized dealer from each applicant and properly account for those fees each month;
- (b) Comply with the regulations adopted pursuant to subsection 5; and
- (c) Bear any cost of equipment which is required to receive and submit to the Department the applications described in subsection 1, including any computer software or hardware.

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

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

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

- (a) The expedient and secure issuance of:
  - (1) Forms for applying for the issuance of certificates of title for ~~}; or registration of};~~ off-highway vehicles; *and*

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

~~-(3) Renewal notices for registrations before the date of expiration of the registrations;~~

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

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

~~(d)~~ The submission by mail or electronic transmission to the Department of an application for ~~†~~

~~-(1) The~~ *the* issuance of a certificate of title for ~~†, or registration of,†~~ an off-highway vehicle; ~~†or~~

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

~~-(e)~~ (c) The replacement of a lost, damaged or destroyed certificate of title ; ~~†or registration certificate, sticker or decal;†~~ and

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

**Sec. 14.** 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~~ , *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~~ *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 ~~†~~

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

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

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

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

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

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

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

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

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

~~(a) Is owned and operated by:~~

~~-(1) A federal agency;~~

~~-(2) An agency of this State; or~~

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

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

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

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

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

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

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

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

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

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

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

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

~~↪ As used in this subsection, “sanctioning body” means an organization that establishes a schedule of racing events, grants rights to conduct those events and establishes and administers rules and regulations governing the persons who conduct or participate in those events.~~

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

~~—5.] If a certificate of title ~~{or registration}~~ for an off-highway vehicle is lost or 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.] 4. The provisions of ~~{subsections 1 to 5, inclusive,}~~ **this section** do not apply to an owner of an off-highway vehicle who is not a resident of this State.~~

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

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

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

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

(c) The off-highway vehicle is homemade.

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

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

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

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

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

2. The Commission shall determine the fee for the annual ~~registration~~ Off-Highway Vehicle decal of an off-highway vehicle *issued* pursuant to ~~{NRS 490.082 or 490.0825,}~~ *section 3 of this act*, but such fee must not be less than \$20 or more than \$30. Money received from the payment of the fees described in this subsection must be 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.}~~ *Vehicles created by NRS 490.069 for use by the Off-Highway Vehicles Program created by NRS 232.1585.*

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

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

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

**EXHIBIT A**

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

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

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

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

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

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

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

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

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

*(a) Large all-terrain vehicle ~~is~~*

*~~(a) Meets~~ meets the requirements set forth in NRS 490.120; ~~and~~*

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

*(c) Owner of the large all-terrain vehicle 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 and which meets the requirements of NRS 485.185.*

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



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

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

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

- (a) On an interstate highway;
- (b) On a paved highway in this State for more than 2 miles;
- (c) Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more; or
- (d) Unless it is a large all-terrain vehicle registered ~~[pursuant to NRS 490.0825]~~ and being operated in accordance with NRS 490.105.

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

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

1. Comply with all traffic laws of this State;
2. Ensure that the ~~annual registration~~ *Off-Highway Vehicle decal* of the off-highway vehicle is attached to the vehicle in accordance with ~~[NRS 490.083]~~ *section 3 of this act* or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; and
3. Wear a helmet.

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

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

2. All administrative fines collected by the Department pursuant to subsection 1 must be deposited with the State Treasurer to the credit of the Revolving Account for the Administration of Off-Highway Vehicle Titling ~~[and Registration]~~ created by NRS 490.085.

3. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued

## EXHIBIT A

pursuant thereto by injunction or other appropriate remedy, and the Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

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

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

- (a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or
- (b) An application or document to obtain any license, permit ~~+~~ *or* certificate of title ~~for registration~~ issued under the provisions of this chapter.

2. Except as otherwise provided in subsections 3 and 4, it is a misdemeanor for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a gross misdemeanor or a felony.

3. Except as otherwise provided in subsection 4, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.

4. Any person ~~[who registers a large all-terrain vehicle pursuant to NRS 490.0825 and]~~ who:

(a) Operates or knowingly permits the operation of ~~[the]~~ *a large all-terrain* vehicle without having insurance as required by NRS ~~[490.0825;]~~ *490.105;*

(b) Operates or knowingly permits the operation of ~~[the]~~ *a large all-terrain* vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or

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

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

*5. A parent or legal guardian of a child who is less than 16 years of age who knowingly allows the child to operate, use or ride, as applicable, an off-highway vehicle in this State without a helmet in violation of section 4 of this act is guilty of a misdemeanor and shall be punished by a fine not to exceed \$100.*

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

232.1585 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 ~~+~~ *and section 3 of this act.*

## EXHIBIT A

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]~~ *Administer the registration of off-highway vehicles* Off-Highway Vehicle decal pursuant to section 3 of this act; and

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

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

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

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

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

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

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

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

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

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

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

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

and

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

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

7. As used in this section:

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

(b) “Operating expenses” includes, without limitation, any costs of contracting with a third party to provide education and information to the members of the public relating to the

## EXHIBIT A

provisions of chapter 490 of NRS governing the lawful use and registration of off-highway vehicles.

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

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

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

4. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name has been changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

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

**Sec. 27.** This act becomes effective:

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

2. On July 1, 2022, for all other purposes.

## EXHIBIT B

Amendment to SB 170  
Submitted by Nevada Conservation League  
Contact: Kyle Davis  
775-338-6732  
[kyle@davis-strategies.com](mailto:kyle@davis-strategies.com)

This amendment only deals with Section 10 of the bill. The proposed addition is **in green**.

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

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

2.The Commission consists of:

- (a) One member who is an authorized dealer, appointed by the Governor;
- (b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;
- (c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;
- (d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;
- (e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;
- (f) One member who is actively engaged in and possesses experience and expertise in advocating for issues relating to conservation, appointed by the Governor; and
- (g) Three members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:
  - (1) One member who represents persons who own or operate all-terrain vehicles;
  - (2) One member who represents persons who own or operate all-terrain motorcycles and who is involved with or participates in the racing of off-highway motorcycles; and
  - (3) One member who represents persons who own or operate snowmobiles.

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

- (a)The State Director of the Nevada State Office of the Bureau of Land Management;
- (b)The Forest Supervisor for the Humboldt-Toiyabe National Forest; and
- (c)The Director of the Department of Tourism and Cultural Affairs; and
- (d) The Director of the Department of Wildlife. ~~}; and~~**  
~~(d)The Director of the Department of Motor Vehicles.}~~

# EXHIBIT C

## PROPOSED AMENDMENT TO SB 170

March 23, 2021

### Contact information:

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309 S Third Street  
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Kendra G. Bertschy  
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Reno, NV 89501

**EXPLANATION:** Matters 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; and (5) **orange double underlining** is deleted language in the original bill proposed to be retained in this amendment.

### PROPOSE TO AMEND BILL AS FOLLOWS:

#### Amendment #1, Section 4, Subsection 2

##### *2. A violation of subsection 1:*

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

*(b) Is not a ground for taking a child into custody pursuant to NRS 62C.010; ~~and~~*

*(c) **Is not a ground for removing a child pursuant to NRS 432B.020; and,***

*(d) **Shall not be used or admitted as evidence in any civil or criminal action for any purpose.** ~~(e) Does not constitute:~~*

*~~(1) Abuse, neglect or endangerment of a child pursuant to NRS 200.508 on the part of a parent, guardian or other adult.~~*

*~~(2) Contributory negligence per se and is not admissible as evidence of contributory negligence in a personal injury action~~*

#### Amendment #2, Section 23, Subsection 5:

*5. A parent or legal guardian of a child who is less than 16 years of age who knowingly allows the child to operate, use or ride, as applicable, an off-highway vehicle in this State without a helmet in violation of section 4 of this act is guilty of a **civil infraction** ~~misdemeanor~~ and shall be punished by a fine not to exceed **\$250** ~~100~~.*