To: Nevada Off-Highway Vehicle Commissioners

From: Greg McKay

Subject: Legislative Update on Bills Affecting the Nevada Off-Highway Vehicle Commission

This message is to update on progress made in the current Nevada Legislative Session on bills that affect the Nevada Commission on Off-Highway Vehicles.

**Assembly Bill 217(AB217**), authored by Assemblywoman Robin Titus, was referred to the Assembly Transportation Committee on March 3, 2015. Of particular concern was that this bill would eliminate the mandatory registration program for off-highway vehicles, making it voluntary, thus eliminating the main source of revenue for the Commission. The DMV put a fiscal note on this bill, stating the impact to the Commission would be $739,356 in FY 2015-2016, $761,912 for FY 2016-2017, for a Bienna total of $1,523,824.

Assemblywoman Titus and other Legislators stated grave concerns about the lack of progress by the Commission. Low registration compliance levels by Nevada OHV owners and no money being awarded from grants were also principal concerns.

This required that the Commission’s Legislative priorities had to refocus on this bill to preserve the Commission’s mandatory registration process and changing Legislator’s views on the progress the Commission has made and is about to make in the relatively near future.

March 3, 2015’s hearing on AB 217 was well attended by many groups and individuals that were in opposition to AB 217 in that form. We had many organizations from the Conservation community, Off-Highway Vehicle Clubs and groups , Nevada Sheriff and Police Chiefs Association, Clark County, Cattleman’s Association, etc. all expressed support for the OHV Commission. Several legislators on the Transportation Committee also expressed opposition to the bill.

Assemblywoman Titus took that testimony to heart and stated she wanted to fix the problems associated with the Off-Highway Vehicle Program and went to work on addressing those issues. Many conversations between Assemblyman Titus and members of the Assembly Transportation Committee occurred.

The latest version of AB 217 was heard before the Assembly Transportation Committee on April 9, 2015.

The Proposed Amendments #1 by Assemblywoman Titus were as follows:

1. Require that all OHV’s be initially registered and annually renewed thereafter. Prohibiting large all-terrain vehicles from registering with County Sheriff’s or OHV dealers through a program described in Number 5 below and authorizing OHV’s smaller than large all-terrain vehicles to do so.
2. Retain the elimination of the late fee if the owner of the OHV fails to renew the registration of the OHV.
3. Reinstates language providing for different stickers for large all-terrain vehicles in Section 8.
4. Reinstate original language in Section 11.
5. Add new section to allow County Sheriff’s and OHV dealers the option of creating a program, in consultation with DMV, to issue registration stickers at the time of VIN check by the County Sheriffs. If this optional program is implemented, the Sheriff’s Office or the OHV dealers may retain $5 of the applicable fee. The DMV shall adopt regulations, as needed, to implement the program to issue registration stickers through the county sheriff offices and OHV dealers.

Assemblyman John Ellison offered the following Proposed Amendment #2

1. Revise definition of “large all-terrain vehicle” by removing the reference to “truck bed”.
2. Add a definition of “mini-truck” and amend the definition of “off-highway vehicle” to include a mini-truck.
3. Provide that the proposed changes in the AB 217 relating to large all-terrain vehicles, as amended by Proposed Amendment #1, also apply to mini-trucks, and make conforming changes to certain sections of existing law not included in AB 217 as necessary to authorize mini-trucks to be operated on certain roads in the same manner as large all-terrain vehicles, with the exception of the requirement of wearing a helmet.

Another issue was addressed at the March 9 Committee hearing concerning the definitions of a Large All-terrain vehicle, mini-trucks and the exclusion off-highway vehicles in the bill.

NRS 490.043 “Large all-terrain vehicle” defined. ”Large all-terrain vehicle” means any all-terrain vehicle that includes seating capacity for at least two people abreast or:

1. Total seating capacity for at least four people, or

Mini-Truck defined means a motor vehicle having four wheels, an engine displacement of 660cc’s or less, an overall length of 130 inches(3.4m) or less, an overall height of 78 inches(2m) or less, an overall width of 60 inches(1.5m) or less

The bill passed the Transportation Committee with the testimony that they will get a definition back that will include all off-highway vehicles in the registration and other processes. Chairman Wheeler stipulated that Assemblywoman Titus, the Commission and DMV will get together next week to work out those details and submittal to the Full assembly. We are hopeful good solutions can be achieved at that meeting.

**SB 492**

Senate Bill 492 was submitted to the Senate Committee on Finance on behalf of the Department of Administration (DMV). This revised provisions governing the financial administration of off-highway vehicle titling and registration (BDR 43-1175).

Fiscal Note: It had no fiscal note for local Government but did have effect on the State’s Executive Budget.

An act relating to off-highway vehicles; providing a fee for the issuance of special plates to certain off-highway vehicle dealers, lessors, and manufacturers by the Department of Motor Vehicles; revising provisions relating to fees collected by the Department for the titling and registration of off-highway vehicles; and providing other matters properly related thereto.

Section 1 of the bill allows the DMV to issue “dealers plates” to off-highway vehicle dealers, long term or short term lessors, and manufacturers, for use on certain off-highway vehicles for the purposes of display, demonstration, maintenance, sale or exchange.

Section 2 of this bill requires the DMV to charge $12 for these special plates, and authorizes the DMV to only issue such a special plate upon a request from an off-highway vehicle dealer, long term or short term lessor or manufacturer. The money collected by DMV for such special plates must be deposited in the State Highway Fund.

Section 3 of this bill requires that all the money collected by the DMV for titling and registration must be deposited in the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration.

Section 4 of this bill requires the DMV, at least once each fiscal quarter, to transfer any amount in excess of $150,000 from the Revolving Account into the Account for Off-Highway vehicles for use by the Commission.

This bill accomplishes what our State Audit and Commission supported. We have supported the bill in its introduction on March 23, 2015 to the Senate Finance Committee and its subsequent hearing with the Senate Transportation Committee hearing on April 9. We will continue to follow the bill in the coming weeks.

**SB 278**

Senator Settelmeyer submitted Senate Bill 278 with the intent of revising provisions concerning an application for the registration of an off-highway vehicle (BDR 43-92). The Act sought to remove the requirement of a notarized signature from an owner of an off-highway vehicle on an application for the registration of that off-highway vehicle; and providing for other matters properly relating thereto.

The DMV had already removed the requirement for a notarized signature on the vehicle registration application so it became a dead bill. We attempted to attach an amendment that would change our Grant Applicant’s Eligibility status from the definition of a “person” to an “applicant” that would have allowed all government entities to be eligible to apply. We also tried to reduce some bonding requirements for licensed OHV dealers. We were unsuccessful in those attempts.

At this point, we are fortunate to still be “in business” with our revenue stream intact, the hopeful elimination of the late fee, and the transfer from DMV of excess revenue over their expenses on at least a quarterly basis. We are also close to getting some more user friendly registration options for our customers.

One last caution is the strong sentiment among many Legislators that we have until next session to deliver what the Statute intended- a grant program that achieves the Statute’s goals and higher compliance levels from OHV owners. Failure to do this could lead to our elimination as a Commission.