MEMORANDUM

Date: March 30, 2023

To: Dominique Etchegoyhen, Deputy Director

From: Nikhil Narkhede, Program Manager

Re: Review of Regulation R122-20 and NAC 490 per Executive Order 2023-03

**Brief History of Regulation R122-20 and NAC Chapter 490:** NAC 490 are regulations that govern Off-Highway Vehicles in Nevada with consideration of registration, titling and operation. This chapter includes grant administration and awards from the Account on Off-Highway Vehicles.

During the 82nd legislative session, the OHV Program was advised to reduce accumulation of reserve funds in the revolving Account on Off-Highway Vehicles. The program was required to submit reports to members of the Interim Finance Committee detailing the expenditure of grant funds on a six-month timeline. To facilitate grant projects, the program went through a process to streamline regulations for grant administration and awards. New regulations were adopted by LCB File No. R122-20 on September 28, 2022.

**Review of Regulation R122-20 and NAC 490 (Section 1):**

The Nevada Off-Highway Vehicles Program conducted a public workshop per Executive Order 2023-003 to review regulation R122-20 on March 06, 2023.

Meeting documents are available at: <https://ohv.nv.gov/meeting> . There were 8 members of the public in attendance:

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| --- | --- | --- |
| **Name** | **Organization** | **Email Address** |
| Kevin Bailey | Vegas Valley 4wd | kfbtaz@gmail.com |
| Melanie Erquiaga | Nevada Outdoor School | melanie.erquiaga@nevadaoutdoorschool.org |
| Rayette Martin | Nevadans for Cultural Preservation | rayette@nvfcp.org |
| Erika Gerling | Beatty Town Advisory Board | Not provided |
| Robyn Orloff | Self | robyn.orloff@icloud.com |
| Mathew Giltner | Nevada Offroad Association | mathew@trailnv.com |
| Dan Dull | Bureau of Land Management | ddull@blm.gov |
| Jorge Montano-Figueroa | Renown Health | jorge.montano-figueroa@renown.org |

During the workshop, all 30 sections of R122-20 were read covering NAC 490.127 through 490.1465 governing the OHV grants and program administration. Each amended section had opportunities for public input.

Sections 12, 13, and 14 covering NAC 490.1335, 490.135, and 490.1355 were recommended to allow the Commission to review letters of support after awarding grant funds, but before funding is expended and the project begins. Concerns were heard that this would allow “incomplete applications” to be reviewed and awarded. One mitigation measure sought a 30-day timeline to obtain the land manager support after funding is obligated to the project.

Sections 16 through 20 are discussed to clarify acceptance of incomplete OHV grant applications, review and return of application before the deadline.

While sections were discussed in detail, no portions of R122-20 were recommended for complete removal. The revised NAC 490 adopted in Sept 2022, has already streamlined the grant management portion of the chapter.

**Program Recommendation for R122-20 and NAC 490 (Section 2):**

To comply with Executive Order 2023-003 the Nevada Off-Highway Vehicles Program conducted a thorough review of its recently adopted regulation change and the entire NAC 490 chapter. Staff also had discussions with partner agencies including the Department of Taxation and Department of Motor Vehicles to review areas of concern within the regulation, and opportunities for regulation cleanup. The review of these regulations, subsequent discussions with partners, and the public workshop produced the following recommendations for streamlining NAC 490:

The reference to Authorized dealer tiers from the NRS definition of “off-highway vehicle dealer,” to improve consistency with NRS, the NAC should be reduced to only define Off-highway Vehicle Dealer pursuant to NRS 490.061. Recommend removal of NAC 490.020 and conforming changes to reference Off-highway Vehicle Dealer NRS 490.061.

* NAC 490.020 defines Authorized dealer.
* NRS 490.061 defines “off-highway Vehicle dealer.”

Requirement for a peace officer to provide proof of the VIN inspection certificate is inefficient, draws from Law Enforcement resources, and does not reduce crime related to OHVs. While the VIN requirement is in NRS 490.082, providing proof to the department may be accomplished with a notarized affidavit.

2. NAC 490.405  Application for registration decal for off-highway vehicle not previously registered in this State: Certificate of inspection. ([NRS 481.051](https://www.leg.state.nv.us/NRS/NRS-481.html#NRS481Sec051), [490.066](https://www.leg.state.nv.us/NRS/NRS-490.html#NRS490Sec066), [490.070](https://www.leg.state.nv.us/NRS/NRS-490.html#NRS490Sec070))

~~1.  If the off-highway vehicle to be registered was not previously registered in this State, the application for a registration decal must be accompanied by an off-highway vehicle inspection certificate signed by:~~

~~(a) A peace officer; or~~

~~(b) An authorized dealer.~~

1. If the off-highway vehicle to be registered was not previously registered in this state, the application for a registration decal must be accompanied by a notarized affidavit confirming the Vehicle Identification number.

     2.  ~~As used in this section, “peace officer” means any employee, volunteer or designee of a law enforcement agency in this State acting in an official capacity.~~

~~(Added to NAC by Dep’t of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)~~

The Nevada OHV Program has not sought an exemption from the Executive Order and concurs that periodic review of regulations should be conducted to provide for an efficient, effective, and responsive program. During the workshop held on March 6, 2023, the OHV Commission and Public in attendance had the opportunity to provide additional guidance and understanding of NAC 490. Filed on September 28, 2022, amendments from LCB File No. R122-20 have not been updated for the public on the NAC 490 website.