

ASSEMBLY BILL NO. 29—COMMITTEE ON TRANSPORTATION

(ON BEHALF OF THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Transportation

SUMMARY—Revises provisions governing off-highway vehicles.
(BDR 18-220)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; creating the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources; placing the Commission on Off-Highway Vehicles within the Department; revising provisions regarding the membership and duties of the Commission; reducing the late fee imposed for failure to register an off-highway vehicle; requiring the Commission to conduct an evaluation and develop certain recommendations for legislation related to the operation of an off-highway vehicle on certain highways in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Commission on Off-Highway Vehicles and authorizes
2 the Commission to award grants of money from the Account for Off-Highway
3 Vehicles to certain applicants for projects relating to off-highway vehicle use and
4 off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and**
5 **6** of this bill place the Commission within the State Department of Conservation
6 and Natural Resources.
7 **Section 1** of this bill creates the Off-Highway Vehicles Program in the State
8 Department of Conservation and Natural Resources. In administering the Program,
9 the Director of the Department, within the limits of approved funding, is required
10 to: (1) provide certain support and assistance to the Commission on Off-Highway
11 Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1**
12 further requires the Director to include in his or her budget the money necessary,



13 within the limits of legislative appropriations for the Account, for: (1) certain
14 expenses of the Program and the Commission; and (2) a reserve amount.

15 Under existing law, each member of the Commission on Off-Highway Vehicles
16 is entitled to receive, if money is available for that purpose, the per diem allowance
17 and travel expenses provided for state officers and employees generally. (NRS
18 490.067) **Section 6** provides that, if money is available for that purpose, any
19 member of the Commission who is not an officer or employee of the State is
20 entitled to receive a salary of not more than \$80 per day for each day of attendance
21 at a meeting of the Commission. **Section 6** further provides a procedure for
22 replacing a member of the Commission who fails to attend at least three
23 consecutive meetings.

24 Under existing law, the Commission on Off-Highway Vehicles is required to
25 solicit nine nonvoting advisors to the Commission from various state and federal
26 agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and
27 **section 6** also: (1) revises the membership of the Commission; and (2) adds to the
28 Commission four nonvoting, ex officio members. **Section 7** also sets forth
29 requirements for establishing a quorum of the Commission for transacting business.
30 Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that
31 must be submitted to the Legislature, providing that the report must be prepared by
32 the Director of the State Department of Conservation and Natural Resources, then
33 reviewed and approved by the Chair of the Commission before being submitted to
34 each regular session of the Legislature.

35 Under existing law, fees paid for titling and registration of an off-highway
36 vehicle are deposited into the Revolving Account for the Administration of Off-
37 Highway Vehicle Titling and Registration. (NRS 490.084) The Department of
38 Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount
39 in excess of \$150,000 in that Account into the Account for Off-Highway Vehicles.
40 (NRS 490.085) The Commission on Off-Highway Vehicles is required to
41 administer the money in the Account for Off-Highway Vehicles. (NRS 490.069)
42 **Section 8** of this bill requires the Director of the State Department of Conservation
43 and Natural Resources to administer the Account. **Section 8** also requires a portion
44 of the money in the Account be used to maintain a reserve amount.

45 Under existing law, if the owner of an off-highway vehicle that is registered in
46 this State fails to renew the registration before it expires, the registration may be
47 reinstated upon payment of the annual renewal fee, a late fee of \$25 and, if
48 applicable, the submission of proof of insurance, which is only required for certain
49 larger all-terrain vehicles that are authorized to operate on certain county roads.
50 (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to \$10.

51 Under existing law, with certain exceptions, a person may not operate an
52 off-highway vehicle on a paved highway in this State unless a governmental entity
53 has designated the highway for use by off-highway vehicles. Such a designation is
54 prohibited on any portion of an interstate highway. (NRS 490.090, 490.100,
55 490.110) **Section 11.5** of this bill requires the Commission on Off-Highway
56 Vehicles to evaluate the statutory presumption that an off-highway vehicle is
57 prohibited from operating on a paved highway unless authorized to do so. The
58 Commission is required to survey local governmental entities and other interested
59 parties to solicit input. The Commission is required to submit any recommendations
60 for proposed legislation to the Director of the Legislative Counsel Bureau for
61 transmission to the 80th Session of the Nevada Legislature.



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

1 **Section 1.** Chapter 232 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The Off-Highway Vehicles Program is hereby created in*
4 *the Department. The Director shall administer the Program. The*
5 *Commission on Off-Highway Vehicles created by NRS 490.067*
6 *shall provide direction to the Program pursuant to its authority*
7 *and duties provided in NRS 490.068 and 490.069.*

8 2. *In administering the Program, the Director shall, within*
9 *the limits of authorized expenditures:*

10 (a) *Administer the Account for Off-Highway Vehicles created*
11 *by NRS 490.069; and*

12 (b) *Provide staff to the Commission on Off-Highway Vehicles*
13 *for the purposes of:*

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

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

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

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

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

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

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

32 ↪ *Upon completion of the report, the Director shall submit the*
33 *report to the Chair of the Commission on Off-Highway Vehicles*
34 *for review pursuant to NRS 490.068.*

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

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

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

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



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

3 **7. As used in this section:**

4 **(a) "Administrative expenses" includes, without limitation,**
5 **hiring any staff necessary to carry out the provisions of this**
6 **section.**

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

12 **Sec. 2.** NRS 232.010 is hereby amended to read as follows:

13 232.010 As used in NRS 232.010 to 232.162, inclusive **†** ,
14 **and section 1 of this act:**

15 1. "Department" means the State Department of Conservation
16 and Natural Resources.

17 2. "Director" means the Director of the State Department of
18 Conservation and Natural Resources.

19 **Sec. 3.** NRS 232.070 is hereby amended to read as follows:

20 232.070 1. As executive head of the Department, the Director
21 is responsible for the administration, through the divisions and other
22 units of the Department, of all provisions of law relating to the
23 functions of the Department, except functions assigned by law to the
24 State Environmental Commission, the State Conservation
25 Commission, the Commission for Cultural Centers and Historic
26 Preservation , **the Commission on Off-Highway Vehicles** or the
27 Sagebrush Ecosystem Council.

28 2. Except as otherwise provided in subsection 4, the Director
29 shall:

30 (a) Establish departmental goals, objectives and priorities.

31 (b) Approve divisional goals, objectives and priorities.

32 (c) Approve divisional and departmental budgets, legislative
33 proposals, contracts, agreements and applications for federal
34 assistance.

35 (d) Coordinate divisional programs within the Department and
36 coordinate departmental and divisional programs with other
37 departments and with other levels of government.

38 (e) Appoint the executive head of each division within the
39 Department.

40 (f) Delegate to the executive heads of the divisions such
41 authorities and responsibilities as the Director deems necessary for
42 the efficient conduct of the business of the Department.

43 (g) Establish new administrative units or programs which may
44 be necessary for the efficient operation of the Department, and alter



1 departmental organization and reassign responsibilities as the
2 Director deems appropriate.

3 (h) From time to time adopt, amend and rescind such regulations
4 as the Director deems necessary for the administration of the
5 Department.

6 (i) Consider input from members of the public, industries and
7 representatives of organizations, associations, groups or other
8 entities concerned with matters of conservation and natural
9 resources on the following:

10 (1) Matters relating to the establishment and maintenance of
11 an adequate policy of forest and watershed protection;

12 (2) Matters relating to the park and recreational policy of the
13 State;

14 (3) The use of land within this State which is under the
15 jurisdiction of the Federal Government;

16 (4) The effect of state and federal agencies' programs and
17 regulations on the users of land under the jurisdiction of the Federal
18 Government, and on the problems of those users of land; and

19 (5) The preservation, protection and use of this State's
20 natural resources.

21 3. Except as otherwise provided in subsection 4, the Director
22 may enter into cooperative agreements with any federal or state
23 agency or political subdivision of the State, any public or private
24 institution located in or outside the State of Nevada, or any other
25 person, in connection with studies and investigations pertaining to
26 any activities of the Department.

27 4. This section does not confer upon the Director any powers
28 or duties which are delegated by law to the State Environmental
29 Commission, the State Conservation Commission, the Commission
30 for Cultural Centers and Historic Preservation, *the Commission on*
31 *Off-Highway Vehicles* or the Sagebrush Ecosystem Council, but the
32 Director may foster cooperative agreements and coordinate
33 programs and activities involving the powers and duties of the
34 Commissions and the Council.

35 5. Except as otherwise provided in NRS 232.159 and 232.161,
36 all gifts of money and other property which the Director is
37 authorized to accept must be accounted for in the Department of
38 Conservation and Natural Resources Gift Fund which is hereby
39 created as a trust fund.

40 **Sec. 4.** NRS 232.090 is hereby amended to read as follows:

41 232.090 1. The Department consists of the Director and the
42 following:

43 (a) The Division of Water Resources.

44 (b) The Division of State Lands.

45 (c) The Division of Forestry.



- 1 (d) The Division of State Parks.
- 2 (e) The Division of Environmental Protection.
- 3 (f) The Office of Historic Preservation.
- 4 (g) Such other divisions as the Director may from time to time
- 5 establish.

6 2. The State Environmental Commission, the State
7 Conservation Commission, the Commission for Cultural Centers
8 and Historic Preservation, *the Commission on Off-Highway*
9 *Vehicles*, the Conservation Districts Program, the Nevada Natural
10 Heritage Program, the Sagebrush Ecosystem Council and the Board
11 to Review Claims are within the Department.

12 **Sec. 5.** NRS 490.066 is hereby amended to read as follows:
13 490.066 ~~the~~ *Except as otherwise provided in NRS 490.068*
14 *and section 1 of this act, the* Director may adopt and enforce such
15 administrative regulations as are necessary to carry out the
16 provisions of this chapter.

17 **Sec. 6.** NRS 490.067 is hereby amended to read as follows:
18 490.067 1. The Commission on Off-Highway Vehicles is
19 hereby created ~~in the State Department of Conservation and~~
20 *Natural Resources.*

21 2. The Commission consists of: ~~the following members:~~
22 (a) One member who is an authorized dealer, appointed by the
23 Governor;

24 (b) One member who is a sportsman, appointed by the Governor
25 from a list of persons submitted by the Director of the Department
26 of Wildlife;

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

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

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

36 (f) One member ~~from a list of persons submitted by the Director of the State Department of Conservation~~
37 *who is actively engaged in and possesses*
38 *experience and expertise in advocating for issues relating to*
39 *conservation,* appointed by the Governor ~~from a list of persons~~
40 ~~submitted by the Director of the State Department of Conservation~~
41 ~~and Natural Resources, who:~~

41 ~~—— (1) Possesses a degree in soil science, rangeland ecosystems~~
42 ~~science or a related field;~~

43 ~~—— (2) Has at least 5 years of experience working in one of the~~
44 ~~fields described in subparagraph (1); and~~



~~(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert;~~

~~(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles; and~~

~~(h) Four; 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. ~~†~~ **and**

~~(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.†~~

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;

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

~~†4.†~~ **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.



1 ~~15.1~~ 7. Except as otherwise provided in this subsection, a
2 member of the Commission *who is appointed* may not serve more
3 than two consecutive terms on the Commission. A member who has
4 served two consecutive terms on the Commission may be
5 reappointed if the Governor does not receive any applications for
6 that member's seat or if the Governor determines that no qualified
7 applicants are available to fill that member's seat.

8 ~~16.1~~ 8. The Governor shall ensure that, insofar as practicable,
9 the members appointed to the Commission *pursuant to subsection 2*
10 reflect the geographical diversity of this State.

11 ~~17.1~~ 9. Each member of the Commission:

12 (a) Is entitled to receive, if money is available for that purpose ,
13 ~~from the fees collected pursuant to NRS 490.084,~~ the per diem
14 allowance and travel expenses provided for state officers and
15 employees generally.

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

20 (c) Shall swear or affirm that he or she will work to create and
21 promote responsible off-highway vehicle recreation in the State.
22 ~~The Governor may remove a member from the Commission if the~~
23 ~~member violates the oath described in this paragraph.~~

24 ~~8. The Commission may employ an Executive Secretary, who~~
25 ~~must not be a member of the Commission, to assist in its daily~~
26 ~~operations and in administering the Account for Off Highway~~
27 ~~Vehicles created by NRS 490.069.~~

28 ~~9. The Commission may adopt regulations for the operation of~~
29 ~~the Commission. Upon request by the Commission, the nonvoting~~
30 ~~advisers solicited by the Commission pursuant to NRS 490.068 may~~
31 ~~provide assistance to the Commission in adopting those~~
32 ~~regulations.~~

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

42 **Sec. 7.** NRS 490.068 is hereby amended to read as follows:

43 490.068 1. The Commission shall:

44 (a) Elect a Chair ~~and~~ Vice Chair ~~Secretary and Treasurer;~~
45 from among its members.



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

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

3 (d) ~~Solicit nine nonvoting advisers to the Commission to serve~~
4 ~~for terms of 2 years as follows:~~

5 ~~(1) One adviser from the Bureau of Land Management.~~

6 ~~(2) One adviser from the United States Forest Service.~~

7 ~~(3) One adviser who is:~~

8 ~~(I) From the Natural Resources Conservation Service of~~
9 ~~the United States Department of Agriculture; or~~

10 ~~(II) A teacher, instructor or professor at an institution of~~
11 ~~the Nevada System of Higher Education and who provides~~
12 ~~instruction in environmental science or a related field.~~

13 ~~(4) One adviser from the State Department of Conservation~~
14 ~~and Natural Resources.~~

15 ~~(5) One adviser from the Department of Wildlife.~~

16 ~~(6) One adviser from the Department of Motor Vehicles.~~

17 ~~(7) One adviser from the Commission on Tourism, other than~~
18 ~~the Chair of the Nevada Indian Commission.~~

19 ~~(8) One adviser from the Nevada Indian Commission.~~

20 ~~(9) One adviser from the United States Fish and Wildlife~~
21 ~~Service.] Provide direction to the Off-Highway Vehicles Program~~

22 ~~created by section 1 of this act.~~

23 (e) *Perform the duties assigned to the Commission set forth in*
24 *NRS 490.083 and 490.084.*

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

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

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

38 (1) Any ~~person]~~ *applicant* requesting a grant provide proof
39 satisfactory to the Commission that the appropriate federal, state or
40 local governmental agency has been consulted regarding the nature
41 of the project to be funded by the grant and regarding the area
42 affected by the project;

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



1 (I) Threatened and endangered species in the area affected
2 by the project;

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

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

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

12 (b) Adopt regulations for awarding grants from the Account ~~†~~
13 ~~—(c) Adopt regulations for determining the†~~, *including, without*
14 *limitation, developing criteria:*

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

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

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

21 ~~†(d) Approve the completion of, and payment of money for,~~
22 ~~work performed on a project for which a grant is awarded, if the~~
23 ~~Commission determines the work is acceptable.~~

24 ~~—(e) Monitor the accounting activities of the Account.~~

25 ~~—3.— The nonvoting advisers solicited by the†~~

26 *4. The Commission †pursuant to paragraph (d) of subsection 1*
27 *shall assist the Commission in carrying out the duties set forth in*
28 *this section and shall review for completeness and for compliance*
29 *with the requirements of paragraph (a) of subsection 2 all† may*
30 *solicit input regarding* applications for grants ~~†~~

31 ~~—4.†~~ *from a technical advisory committee formed pursuant to*
32 *section 1 of this act.*

33 *5. For each regular session of the Legislature, the Chair of the*
34 *Commission shall †prepare a† review the* comprehensive report ~~†~~
35 ~~including, without limitation, a summary of any grants that the~~
36 ~~Commission awarded and of the accounting activities of the~~
37 ~~Account, and any recommendations of the Commission for~~
38 ~~proposed legislation. The† prepared pursuant to section 1 of this~~
39 ~~act. Upon approval of the report by the Chair of the Commission,~~
40 *the* report must be submitted to the Director of the Legislative
41 Counsel Bureau for distribution to the Legislature not later than
42 September 1 of each even-numbered year.

43 **Sec. 8.** NRS 490.069 is hereby amended to read as follows:

44 490.069 1. The Account for Off-Highway Vehicles is hereby
45 created in the State General Fund as a revolving account. The



1 ~~{Commission}~~ *Director of the State Department of Conservation*
2 *and Natural Resources* shall administer the Account. Any money
3 remaining in the Account at the end of a fiscal year does not revert
4 to the State General Fund, and the balance in the Account must be
5 carried forward to the next fiscal year.

6 2. ~~{During the period beginning on July 1, 2012, and ending on~~
7 ~~June 30, 2013, money in the Account may only be used by the~~
8 ~~Commission for the reasonable administrative costs of the~~
9 ~~Commission and to inform the public of the requirements of this~~
10 ~~chapter.~~

11 ~~3.~~ On or after July 1, ~~{2013,}~~ **2017**, money in the Account may
12 only be used ~~{by the Commission}~~ as follows:

13 (a) ~~{Not more than 5 percent of the money that is in the Account~~
14 ~~as of January 1 of each year may be used for the reasonable}~~ *To pay*
15 *for the operating expenses of the Commission, including, without*
16 *limitation, any debts or obligations lawfully incurred by the*
17 *Commission before July 1, 2017, and the administrative* ~~{costs}~~
18 *expenses of the* ~~{Account.}~~ *Off-Highway Vehicles Program created*
19 *by section 1 of this act, consistent with the legislatively approved*
20 *budget of the State Department of Conservation and Natural*
21 *Resources pursuant to section 1 of this act.*

22 (b) ~~{Except as otherwise provided in subsection 4, 20 percent of~~
23 ~~any money in the Account as of January 1 of each year that is not~~
24 ~~used pursuant to paragraph (a) must be used for law enforcement, as~~
25 ~~recommended by the Office of Criminal Justice Assistance of the~~
26 ~~Department of Public Safety, or its successor, and any remaining~~
27 ~~portion of that money may be used as follows:~~

28 ~~—— (1) Sixty percent of the money may be used for projects~~
29 ~~relating to:~~

30 ~~—— (1)}~~ *To fund a reserve amount as provided in the*
31 *legislatively approved budget of the State Department of*
32 *Conservation and Natural Resources pursuant to section 1 of this*
33 *act.*

34 (c) *Any money in the Account that is not used pursuant to*
35 *paragraph (a) or (b) each fiscal year may be used by the*
36 *Commission to award grants as provided in NRS 490.068 for*
37 *projects relating to:*

38 (1) *Studies or planning for trails and facilities for use by*
39 *owners and operators of off-highway vehicles. Money received*
40 *pursuant to this* ~~{sub-subparagraph}~~ *subparagraph* *may be used to*
41 *prepare environmental assessments and environmental impact*
42 *studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.*

43 ~~{H)}~~ (2) *The mapping and signing of those trails and*
44 *facilities.*



1 ~~{(III)}~~ (3) The acquisition of land for those trails and
2 facilities.

3 ~~{(IV)}~~ (4) The enhancement ~~and~~ or maintenance , or
4 both, of those trails and facilities.

5 ~~{(V)}~~ (5) The construction of those trails and facilities.

6 ~~{(VI)}~~ (6) The restoration of areas that have been
7 damaged by the use of off-highway vehicles.

8 ~~{(2) Fifteen percent of the money may be used for safety}~~

9 *(7) The construction of trail features and features ancillary*
10 *to a trail including, without limitation, a trailhead or a parking*
11 *area near a trailhead, which minimize impacts to environmentally*
12 *sensitive areas or important wildlife habitat areas.*

13 *(8) Safety* training and education relating to *the use of* off-
14 highway vehicles.

15 ~~{4. If money is used for the projects described in paragraph (b)~~
16 ~~of subsection 3, not more than 30 percent of such money may be~~
17 ~~allocated to any one category of projects described in subparagraph~~
18 ~~(1) of that paragraph.}~~

19 *(9) Efforts to improve compliance with and enforcement of*
20 *the requirements relating to off-highway vehicles.*

21 **Sec. 9.** NRS 490.082 is hereby amended to read as follows:

22 490.082 1. An owner of an off-highway vehicle that is
23 acquired:

24 (a) Before July 1, 2011:

25 (1) May apply for, to the Department by mail or to an
26 authorized dealer, and obtain from the Department, a certificate of
27 title for the off-highway vehicle.

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

32 (b) On or after July 1, 2011, shall, within 30 days after acquiring
33 ownership of the off-highway vehicle:

34 (1) Apply for, to the Department by mail or to an authorized
35 dealer, and obtain from the Department, a certificate of title for the
36 off-highway vehicle.

37 (2) Except as otherwise provided in subsection 3, apply for,
38 to the Department by mail or to an authorized dealer, and obtain
39 from the Department, the registration of the off-highway vehicle
40 pursuant to this section or NRS 490.0825.

41 2. If an owner of an off-highway vehicle applies to the
42 Department or to an authorized dealer for:

43 (a) A certificate of title for the off-highway vehicle, the owner
44 shall submit to the Department or to the authorized dealer proof



1 prescribed by the Department that he or she is the owner of the
2 off-highway vehicle.

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

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

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

9 (II) Of the unique vehicle identification number, serial
10 number or distinguishing number obtained pursuant to NRS
11 490.0835 for the off-highway vehicle; or

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

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

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

23 3. Registration of an off-highway vehicle is not required if the
24 off-highway vehicle:

25 (a) Is owned and operated by:

26 (1) A federal agency;

27 (2) An agency of this State; or

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

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

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

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

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

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

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

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

44 (2) By permit issued by a governmental entity having
45 jurisdiction;



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

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

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

8 ➔ As used in this subsection, "sanctioning body" means an
9 organization that establishes a schedule of racing events, grants
10 rights to conduct those events and establishes and administers rules
11 and regulations governing the persons who conduct or participate in
12 those events.

13 4. The registration of an off-highway vehicle pursuant to this
14 section or NRS 490.0825 expires 1 year after its issuance. If an
15 owner of an off-highway vehicle fails to renew the registration of
16 the off-highway vehicle before it expires, the registration may be
17 reinstated upon the payment to the Department of the annual
18 renewal fee, a late fee of ~~1\$251~~ \$10 and, if applicable, proof of
19 insurance required pursuant to NRS 490.0825. Any late fee
20 collected by the Department must be deposited with the State
21 Treasurer for credit to the Revolving Account for the Administration
22 of Off-Highway Vehicle Titling and Registration created by
23 NRS 490.085.

24 5. If a certificate of title or registration for an off-highway
25 vehicle is lost or destroyed, the owner of the off-highway vehicle
26 may apply to the Department by mail, or to an authorized dealer, for
27 a duplicate certificate of title or registration. The Department may
28 collect a fee to replace a certificate of title or registration certificate,
29 sticker or decal that is lost, damaged or destroyed. Any such fee
30 collected by the Department must be:

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

32 (b) Deposited with the State Treasurer for credit to the
33 Revolving Account for the Administration of Off-Highway Vehicle
34 Titling and Registration created by NRS 490.085.

35 6. The provisions of subsections 1 to 5, inclusive, do not apply
36 to an owner of an off-highway vehicle who is not a resident of this
37 State.

38 **Sec. 10.** The provisions of subsection 1 of NRS 218D.380 do
39 not apply to any provision of this act which adds or revises a
40 requirement to submit a report to the Legislature.

41 **Sec. 11.** 1. The terms of the members of the Commission on
42 Off-Highway Vehicles who are appointed pursuant to paragraphs (f)
43 and (g) and subparagraphs (2) and (4) of paragraph (h) of subsection
44 2 of NRS 490.067, as those provisions exist on June 30, 2017,
45 expire on July 1, 2017.



1 2. On or before July 1, 2017, the Governor shall appoint to the
2 Commission on Off-Highway Vehicles the members of the
3 Commission on Off-Highway Vehicles specified in paragraph (f)
4 and subparagraph (2) of paragraph (g) of subsection 2 of NRS
5 490.067, as amended by section 6 of this act, to initial terms of 3
6 years commencing on July 1, 2017.

7 **Sec. 11.5.** As soon as practicable after July 1, 2017, the
8 Commission on Off-Highway Vehicles shall:

9 1. Evaluate whether the statutory presumption set forth in NRS
10 490.090 to NRS 490.130, inclusive, that the operation of an
11 off-highway vehicle on a paved highway is prohibited unless
12 authorized by a governmental entity should be amended.

13 2. Conduct a survey of local governmental entities and other
14 interested parties to solicit input for the evaluation required pursuant
15 to subsection 1.

16 3. Develop recommendations for legislation to make any such
17 amendments as may be proposed based on the evaluation made
18 pursuant to subsection 1.

19 4. On or before January 1, 2019, submit the recommendations
20 developed pursuant to subsection 3 to the Director of the Legislative
21 Counsel Bureau for transmission to the 80th Session of the Nevada
22 Legislature.

23 **Sec. 12.** This act becomes effective:

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

27 2. On July 1, 2017, for all other purposes.



