

[Rev. 7/19/2016 3:12:01 PM]

[NAC-490 Revised Date: 9-16]

CHAPTER 490 - OFF-HIGHWAY VEHICLES

GENERAL PROVISIONS

490.010	Definitions.
490.015	“Advertisement” defined.
490.020	“Authorized dealer” defined.
490.021	“Authorized representative” defined.
490.040	“Department” defined.
490.041	“Display an off-highway vehicle for sale” defined.
490.042	“Distributor” defined.
490.043	“Document” defined.
490.044	“Down payment” defined.
490.045	“Exhibit off-highway vehicles” defined.
490.046	“Identification number” defined.
490.047	“Lienholder” defined.
490.050	“Off-highway vehicle” defined.
490.051	“Owner” defined.
490.052	“Purchase price” defined.
490.053	“Registered owner” defined.
490.054	“Resident” defined.
490.055	“Security interest” defined.
490.065	Confidentiality of personal information.
490.075	Form for authorization of disclosure of financial records.
490.085	Provision of forms.
490.095	Request for extension of time to submit certain documents and fees; granting of request.
490.105	Denial of request for extension of time to submit certain documents and fees; resubmission of request; return and resubmission of certain documents.
490.115	Duties of Department upon presentation of off-highway vehicle to obtain identification number.
490.120	Validity of registration decal: Powers and duties of Department and authorized dealers.
490.125	Notification of Department or local law enforcement agency within certain period of discovery of off-highway vehicle having certain numbers or marks falsely attached, removed, defaced, altered or obliterated.

GRANTS FROM ACCOUNT FOR OFF-HIGHWAY VEHICLES

General Provisions

490.127	Definitions.
490.1275	“Applicant” defined.
490.128	“Application” defined.
490.1285	“Commission” defined.
490.129	“Grant” defined.
490.1295	“Grant Scoring Committee” defined.
490.130	“Grantee” defined.
490.1305	“Nonvoting advisers” defined.
490.131	“Notice to Proceed” defined.
490.1315	“Office of Grant Procurement, Coordination and Management” and “Office” defined.
490.132	“Person” defined.
490.1325	“Project” defined.
490.133	“Request for grant applications” defined.

Application for Grant

490.1335	Grant application requests issued within limits of available money.
490.134	Qualifications to apply for grant.

- [490.1345](#) Entity applying for grant must be in good standing.
[490.135](#) Written agreement with governmental agency required to apply for grant under certain circumstances.
[490.1355](#) Interest in real property required to apply for grant.
[490.1365](#) Application for grant required to comply with certain provisions.
[490.137](#) Contents of application for grant: Generally.
[490.1375](#) Contents of application for grant: Plan for completion of project.

Approval or Rejection of Applications and Awarding of Grants

- [490.138](#) Request, publication, evaluation and approval or rejection of applications for grant.
[490.1385](#) Request for applications for grant: Posting on Internet website; content.
[490.139](#) Submittal of application for grant to Office.
[490.1393](#) Grant Scoring Committee: Appointment of members; information included in grant request.
[490.1395](#) Grant Scoring Committee: Review of application for grant by nonvoting advisers.
[490.140](#) Return of incomplete or noncompliant application for grant; scoring of complete application.
[490.1405](#) Ranking of applications for grant.
[490.141](#) Determination of award of grant.
[490.1415](#) Posting of awarded grants on Internet website.

Requests for Reconsideration

- [490.142](#) Submittal of requests.
[490.1425](#) Public meeting to hear requests.
[490.143](#) Final decision on requests; posting of decisions on Internet website.

Completion of Project

- [490.1435](#) Provision of Notice to Proceed to grantee; Commission to monitor, evaluate and assist project.
[490.144](#) Contract for completion; exception.
[490.1445](#) Procedure for entering into contract for completion.
[490.145](#) Contents of contract: Generally.
[490.1455](#) Contents of contract: End-date for project.
[490.146](#) Notification; satisfactory completion.
[490.1465](#) Annual report.

DEALERS, LESSORS AND MANUFACTURERS

Authority to Engage in Activities as Authorized Dealer; Licensing

- [490.150](#) Authorized dealers: Request to engage in activities; duties.
[490.155](#) Revocation of authority of authorized dealer or license of off-highway vehicle dealer, long-term or short-term lessor or manufacturer.
[490.160](#) Long-term lessors also holding licenses as off-highway vehicle dealers: Authorized acts.
[490.165](#) Fee for processing fingerprints if applicant for license as off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

Temporary Licenses for Temporary Locations

- [490.170](#) Circumstances under which required.
[490.175](#) Application.
[490.180](#) Period of validity; contents; nontransferability.
[490.185](#) Grounds for refusal to issue.
[490.190](#) Posting; additional requirements.

Advertising

- [490.200](#) Applicability; copy of regulations provided by off-highway vehicle dealer, long-term or short-term lessor or manufacturer.
[490.205](#) False, deceptive or misleading advertising prohibited.
[490.210](#) Accuracy of advertising.
[490.215](#) "Bait and switch" advertising and selling practices prohibited.
[490.220](#) Price of off-highway vehicle advertised.
[490.225](#) Loan advertised.
[490.230](#) Payments and down payments advertised.

490.235	Line of credit advertised.
490.240	Trade-in allowances advertised.
490.245	Lease advertised.
490.250	Financing advertised.
490.255	Rebate advertised.
490.260	Trade styles and signs.
490.265	Repossessions; unpaid balance.
490.270	Used off-highway vehicles of current year models; demonstrators.
490.275	Executive or official off-highway vehicles; off-highway vehicles previously owned by governmental entity.
490.280	Off-highway vehicles advertised as offered by private parties.
490.285	Use of various selling techniques.
490.290	Violations.

SECURITY INTERESTS

490.300	Sale of new off-highway vehicle: Contents of report of sale; certificate or statement of origin; duties of seller.
490.305	Lease of new off-highway vehicle by long-term lessor: Contents of report of sale; certificate or statement of origin; duties of long-term lessor.
490.310	Sale of used off-highway vehicle: Contents of report of sale; duties of seller.
490.315	Lease of used off-highway vehicle by long-term lessor: Contents of report of sale; duties of long-term lessor.
490.320	Issuance of certificate of title to buyer, secured party or assignee.
490.325	Issuance of certificates of title to certain secured parties.
490.330	Issuance of registration decal.
490.335	Delivery of certificate of title following performance of terms of contract or security agreement; complaint; investigation; administrative fine; request for hearing.
490.340	Applicable provisions for perfection and release of security interest.
490.345	Inapplicability of certain provisions to security interests in certain off-highway vehicles.
490.350	Effect of action or failure to act by Department or its officers or employees.
490.355	Obtaining duplicate certificate of title to use as security with intent to defraud prohibited.
490.360	Fees.
490.365	Submission of documents after sale.

REGISTRATION

490.400	Application for registration decal or renewal.
490.405	Application for registration decal for off-highway vehicle not previously registered in this State: Certificate of inspection.
490.410	Evidence or affidavit concerning payment of applicable taxes; payment of all applicable taxes and fees required for registration.
490.415	Grounds requiring refusal of issuance of registration decal.
490.420	Cancellation of registration decal or certificate of title.
490.425	Registration of off-highway vehicle and owner in database.
490.430	Contents of certificate of title.
490.435	Certificate of title in beneficiary form: Request; application; fee; restriction upon issuance; contents; signatures and transactions; interest; duties of Department.
490.440	Expiration and renewal of registration decal.
490.445	Change of name or place of residence: Notice to Department required; timing and contents of notice.
490.450	Fee for annual registration.

TRANSFER OF TITLE

490.500	Expiration of registration decal on transfer of ownership or destruction of off-highway vehicle; registration decal nontransferable.
490.505	Endorsement of certificate of title upon transfer; registration and payment of fees by transferee; exceptions.
490.510	Registration if transferee unable to produce registration decal or title.
490.515	Transfer other than voluntary transfer: Expiration of registration decal; operation of off-highway vehicle.

REPOSSESSION

- [490.530](#) Sale or lease of repossessed off-highway vehicle: Persons liable on security agreement to be given written notice of intent in advance; required manner of provision and contents of notice; rights of persons liable on security agreement.
- [490.535](#) Sale of repossessed off-highway vehicle in commercially reasonable manner; application of proceeds; injunctive relief; damages.
- [490.540](#) Reports of repossession to peace officer and Department.

SPECIAL ANTITHEFT PROVISIONS

- [490.560](#) Action by Department on reports of stolen, embezzled and recovered off-highway vehicles.
- [490.565](#) Authority of police officer, without warrant, to seize and take possession of certain vehicles; inspection and written report concerning certain falsely attached, removed, defaced, altered or obliterated numbers and marks; authority of court to declare off-highway vehicle forfeited under certain circumstances; charging of criminal act must not precede completion of report.
- [490.570](#) Disposition of seized off-highway vehicle.

PROHIBITED ACTS; ADMINISTRATIVE FINES

- [490.600](#) Certain prohibited acts.
- [490.605](#) Prohibited sale, offer of sale or display for sale of off-highway vehicle.
- [490.610](#) Prohibited removal, defacement, alteration or obliteration of identification number or mark of off-highway vehicle; restoration of number.
- [490.615](#) Administrative fines for engaging in deceptive trade practice.

GENERAL PROVISIONS

NAC 490.010 Definitions. ([NRS 481.051](#), [490.066](#)) As used in this chapter, unless the context otherwise requires, the words and terms defined in [NAC 490.015](#) to [490.055](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Tax Comm'n by R190-05, eff. 2-23-2006; A by Dep't of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.015 "Advertisement" defined. ([NRS 481.051](#), [490.066](#)) "Advertisement" means any oral or printed statement disseminated by the seller or lessor of an off-highway vehicle to induce, or which is likely to induce, the purchase or lease of the off-highway vehicle, including, but not limited to, a statement:

1. Made in a newspaper or other publication or on radio or television;
 2. Set forth in any notice, handbill, sign, catalog or letter; or
 3. Printed on any tag or label attached to or accompanying the off-highway vehicle.
- (Added to NAC by Dep't of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.020 "Authorized dealer" defined. ([NRS 481.051](#), [490.066](#)) "Authorized dealer" has the meaning ascribed to it in [NRS 490.020](#).

(Added to NAC by Tax Comm'n by R190-05, eff. 2-23-2006)

NAC 490.021 "Authorized representative" defined. ([NRS 481.051](#), [490.066](#)) "Authorized representative" means a person designated by a principal owner or officer of a business at which a sale or lease of an off-highway vehicle for which the documentation and fees required to be submitted pursuant to [NAC 490.300](#) to [490.315](#), inclusive, occurs.

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

NAC 490.040 “Department” defined. ([NRS 481.051](#), [490.066](#)) “Department” means the Department of Motor Vehicles.

(Added to NAC by Tax Comm’n by R190-05, eff. 2-23-2006; A by Dep’t of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.041 “Display an off-highway vehicle for sale” defined. ([NRS 481.051](#), [490.066](#)) “Display an off-highway vehicle for sale” means to display one or more off-highway vehicles owned or controlled by a licensed off-highway vehicle dealer at a temporary location at which:

1. A salesperson or representative of the licensed off-highway vehicle dealer is present; and

2. A telephone or any other device for communication with a salesperson or representative of the licensed off-highway vehicle dealer is provided.

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

NAC 490.042 “Distributor” defined. ([NRS 481.051](#), [490.066](#)) “Distributor” means a person, other than a manufacturer, who is engaged in the business of selling new off-highway vehicles to off-highway vehicle dealers.

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

NAC 490.043 “Document” defined. ([NRS 481.051](#), [490.066](#)) “Document” means an application, notice, report, statement or other record relating to the issuance or renewal of a registration decal or the issuance of a certificate of title for an off-highway vehicle pursuant to this chapter and [chapter 490](#) of NRS.

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

NAC 490.044 “Down payment” defined. ([NRS 481.051](#), [490.066](#)) “Down payment” means an amount a seller receives in cash or trade from the purchaser of an off-highway vehicle that is used to reduce the cash price of the off-highway vehicle.

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

NAC 490.045 “Exhibit off-highway vehicles” defined. ([NRS 481.051](#), [490.066](#)) “Exhibit off-highway vehicles” means to display three or more off-highway vehicles owned or controlled by a licensed off-highway vehicle dealer at a single temporary location at which:

1. The licensed off-highway vehicle dealer’s name is displayed on or about each off-highway vehicle;

2. Any solicitation or sale is prohibited;

3. An off-highway vehicle salesperson or representative of the licensed off-highway vehicle dealer is not present; and

4. A telephone or any other device for communication with an off-highway vehicle salesperson or representative of the licensed off-highway vehicle dealer is not provided.

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

NAC 490.046 “Identification number” defined. ([NRS 481.051](#), [490.066](#)) “Identification number” means a unique identification or serial number placed on one or more of the essential parts of an off-highway vehicle by the manufacturer of the off-highway vehicle or a distinguishing number assigned to an off-highway vehicle by the Department pursuant to [NRS 490.0835](#).

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

NAC 490.047 “Lienholder” defined. ([NRS 481.051](#), [490.066](#)) “Lienholder” means a person who holds a security interest in an off-highway vehicle and whose name appears on the certificate of title.

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

NAC 490.050 “Off-highway vehicle” defined. ([NRS 481.051](#), [490.066](#)) “Off-highway vehicle” has the meaning ascribed to it in [NRS 490.060](#).

(Added to NAC by Tax Comm'n by R190-05, eff. 2-23-2006)

NAC 490.051 “Owner” defined. ([NRS 481.051](#), [490.066](#)) “Owner” means a person who holds the legal title of an off-highway vehicle and whose name appears on the certificate of title, and any lienholder whose name appears on the certificate of title. If an off-highway vehicle is the subject of an agreement for the conditional sale or lease thereof with or without the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of an off-highway vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this chapter.

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

NAC 490.052 “Purchase price” defined. ([NRS 481.051](#), [490.066](#)) “Purchase price” means:

1. If no security interest is taken, retained, created or in existence because of a sale of an off-highway vehicle in this State, the price of the off-highway vehicle plus any additional included amounts for taxes, official fees, registration decal fees, transfer of title fees, delivery charges, installation charges, servicing charges, repair charges, alteration charges and improvement charges, or any of them.

2. If a security interest is taken, retained, created or in existence because of a sale of an off-highway vehicle in this State, the amounts specified in subsection 1 plus any time price differential included in the security agreement or the obligation which it secures.

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

NAC 490.053 “Registered owner” defined. ([NRS 481.051](#), [490.066](#)) “Registered owner” means the person whose name appears in the files of the Department as the person to whom the registration decal is issued for an off-highway vehicle.

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

NAC 490.054 “Resident” defined. ([NRS 481.051](#), [490.066](#))

1. “Resident” includes, but is not limited to, a person:

(a) Whose legal residence is in this State;

(b) Who physically resides in this State and engages in a trade, profession or occupation or accepts gainful employment in this State; or

(c) Who declares himself or herself to be a resident of this State for the purpose of obtaining any privilege not ordinarily extended to a nonresident of this State.

2. The term does not include a person who is a tourist, an out-of-state student, a border state employee or a seasonal resident.

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

NAC 490.055 “Security interest” defined. ([NRS 481.051](#), [490.066](#)) “Security interest” means an interest in an off-highway vehicle reserved or created by agreement, which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. For the purpose of this section, whether a lease is intended as security must be determined by the facts of each case, but:

1. The inclusion of an option to purchase does not of itself make the lease one intended for security; and

2. An agreement that upon compliance with the terms of the lease the lessee becomes or has the option to become the owner of the off-highway vehicle for no additional consideration does make the lease one intended for security.

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

NAC 490.065 Confidentiality of personal information. (NRS 481.051, 490.066)

Except as otherwise provided in [NRS 239.0115](#), [481.063](#), [485.316](#) and [490.310](#), all personal information maintained in the records of the Department concerning registration decals and licensing pursuant to this chapter and [chapter 490](#) of NRS is confidential and will not be disclosed by the Department.

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

NAC 490.075 Form for authorization of disclosure of financial records. (NRS 481.051, 490.066)

1. An authorization for the disclosure of financial records required by the Department pursuant to subsection 3 of [NRS 490.310](#) must be submitted on a form furnished by the Department pursuant to [NAC 490.085](#).

2. In addition to the requirements of [NRS 239A.090](#), the form will include, without limitation, a statement that the financial records and any information concerning the financial records:

(a) Will only be used to assist the Division of Compliance Enforcement of the Department to determine the suitability of an applicant or licensee for initial or continued licensure pursuant to [NRS 490.200](#) to [490.430](#), inclusive; and

(b) Will not be disclosed or disseminated to any person other than an employee of the Department who is authorized to issue a license to an applicant pursuant to [NRS 490.200](#) to [490.430](#), inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

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

NAC 490.085 Provision of forms. (NRS 481.051, 490.066, 490.070) Upon request, the Department will furnish free of charge:

1. A form for applying for the issuance of a certificate of title or registration decal for an off-highway vehicle; or

2. Any other form required pursuant to this chapter.

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

NAC 490.095 Request for extension of time to submit certain documents and fees; granting of request. (NRS 481.051, 490.066)

1. A seller or a long-term lessor who wishes to obtain an extension of time to submit to the Department any documents and fees that he or she is required to submit pursuant to this chapter or [chapter 490](#) of NRS must submit or have an authorized representative submit a request for an extension of time to the Department before the expiration of the period for submitting the required documents and fees. The request must be submitted on a form furnished by the Department pursuant to [NAC 490.085](#) and must include:

(a) The name under which the seller or long-term lessor does business at the location where the sale or lease of the off-highway vehicle for which the documentation and fees are required occurred;

(b) The mailing address of that location;

(c) The number of the license issued by the Department to the licensee of the business for that location;

(d) A description of the off-highway vehicle that was sold or leased, including, without limitation, the year, make and identification number;

(e) A copy of the off-highway vehicle dealer's report of sale or the off-highway vehicle long-term lessor's report of sale, as applicable; and

(f) A statement setting forth the reason for the extension of time, including, without limitation, the reason that the seller or the long-term lessor is unable to obtain the original

manufacturer's certificate of origin or statement of origin, or the endorsed certificate of title previously issued for the off-highway vehicle.

2. A request for an extension of time must be submitted by mail to the Department of Motor Vehicles, Division of Compliance Enforcement, Business Programs Section, 555 Wright Way, Carson City, Nevada 89711. A request that is mailed shall be deemed to be submitted on the date of the postmark that appears on the envelope in which the request is mailed, if postage is prepaid and the envelope is addressed to the Department.

3. A seller, long-term lessor or authorized representative may submit more than one request for an extension of time to submit the same documents and fees. Except as otherwise provided in subsection 4, the Department will approve a second or subsequent request for an extension of time if the Department determines that the request is justified.

4. If a seller, long-term lessor or authorized representative submits three or more requests for an extension of time concerning the submission of the same documents and fees, the Department will ensure that the third request, or any request subsequent to the third request, is forwarded to the Division of Compliance Enforcement of the Department for review by that Division. The Department will not approve the third request, or any request subsequent to the third request, unless the Division of Compliance Enforcement of the Department first approves the request.

5. If the Department grants a request for an extension of time pursuant to this section, the seller or long-term lessor has 30 days after the date on which the Department approves the request to submit the documents and fees he or she is required to submit pursuant to this chapter or [chapter 490](#) of NRS.

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

NAC 490.105 Denial of request for extension of time to submit certain documents and fees; resubmission of request; return and resubmission of certain documents. ([NRS 481.051](#), [490.066](#))

1. The Department will deny a request for an extension of time submitted to the Department pursuant to [NAC 490.095](#) if:

(a) For an initial request, the seller, long-term lessor or authorized representative submits the request to the Department after the expiration of the period for submitting the required documents and fees, unless the request is made after the Department returns a document to the seller or long-term lessor pursuant to subsection 3;

(b) For the second request or any request subsequent to the second request, the seller, long-term lessor or authorized representative submits the request to the Department after the expiration of the 30-day period granted by the Department pursuant to a previously approved extension of time;

(c) The request is incomplete or contains inaccurate information; or

(d) The request is not completed on a form furnished by the Department pursuant to [NAC 490.085](#).

2. If the Department denies a request for an extension of time pursuant to paragraph (c) or (d) of subsection 1, the Department will return the request to the seller, long-term lessor or authorized representative. The seller, long-term lessor or authorized representative may resubmit a request for an extension of time that is returned to him or her if he or she resubmits the request before the expiration of the later of:

(a) The period for submitting the required documents and fees pursuant to this chapter or [chapter 490](#) of NRS; or

(b) The 30-day period specified in subsection 3 if the Department returns a document described in that subsection to the seller or long-term lessor.

3. The Department will return a report of sale or any other document submitted to the Department pursuant to [NAC 490.300](#) to [490.315](#), inclusive, to a seller or long-term lessor, as applicable, if the document is incomplete or contains inaccurate information. The seller or long-term lessor may resubmit the returned document within 30 days after the date on which the Department returns the document to him or her. A seller or long-term lessor who fails to

resubmit a document that is returned to him or her pursuant to this subsection within the 30-day period specified in this subsection shall be deemed to be in violation of the applicable provision of this chapter or [chapter 490](#) of NRS, unless he or she requests an extension of time pursuant to [NAC 490.095](#) before the expiration of the 30-day period.

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

NAC 490.115 Duties of Department upon presentation of off-highway vehicle to obtain identification number. ([NRS 481.051](#), [490.066](#)) At the time the owner of an off-highway vehicle presents his or her off-highway vehicle to obtain an identification number, the Department will:

1. Assign as the identification number for the off-highway vehicle:
 - (a) The identification number placed on the frame of the off-highway vehicle by the manufacturer or previously by the Department, if the frame of the off-highway vehicle is not replaced;
 - (b) The identification number for the off-highway vehicle if the off-highway vehicle has had its frame replaced with a frame that:
 - (1) Is manufactured for or by the original manufacturer of that off-highway vehicle;
 - (2) Is supplied by the manufacturer; and
 - (3) Does not have an identification number placed on it by the manufacturer; or
 - (c) A distinguishing number assigned by the Department pursuant to [NRS 490.0835](#).
2. Record the identification number in the records of the Department in accordance with [NAC 490.425](#).
3. Permanently stamp or attach the identification number, or confirm that the identification number is permanently stamped or attached, to:
 - (a) The frame of the off-highway vehicle in an area prescribed by the Department; or
 - (b) If the off-highway vehicle is a motorcycle, the frame of the motorcycle, as near as possible to the right-side down tube.

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

NAC 490.120 Validity of registration decal: Powers and duties of Department and authorized dealers. ([NRS 481.051](#), [490.066](#), [490.070](#)) The Department and the officers and deputies thereof will, and authorized dealers shall, examine, and to the best of their ability determine the genuineness and regularity of, every registration decal issued for an off-highway vehicle pursuant to this chapter to prevent any person not entitled thereto from obtaining a registration decal for an off-highway vehicle. The Department or an authorized dealer may require any applicant to furnish such information in addition to that set forth in the application as may be necessary to satisfy the Department of the truth and regularity of the application.

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

NAC 490.125 Notification of Department or local law enforcement agency within certain period of discovery of off-highway vehicle having certain numbers or marks falsely attached, removed, defaced, altered or obliterated. ([NRS 481.051](#), [490.066](#)) An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer or any employee of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer who discovers during the course of business that an off-highway vehicle has a motor number, manufacturer's number, identification number or identification mark that is falsely attached, removed, defaced, altered or obliterated shall notify the Department or a local law enforcement agency within 24 hours after discovery.

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

GRANTS FROM ACCOUNT FOR OFF-HIGHWAY VEHICLES**General Provisions**

NAC 490.127 Definitions. ([NRS 490.068](#)) As used in [NAC 490.127](#) to [490.1465](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 490.1275](#) to [490.133](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1275 "Applicant" defined. ([NRS 490.068](#)) "Applicant" means a person who qualifies to apply and applies to the Commission for a grant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.128 "Application" defined. ([NRS 490.068](#)) "Application" means a request by an applicant to the Commission for the award of a grant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1285 "Commission" defined. ([NRS 490.068](#)) "Commission" means the Commission on Off-Highway Vehicles created by [NRS 490.067](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.129 "Grant" defined. ([NRS 490.068](#)) "Grant" means money disbursed by the Commission from the Account for Off-Highway Vehicles created by [NRS 490.069](#) to a grantee to pay for all or part of the costs of a project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1295 "Grant Scoring Committee" defined. ([NRS 490.068](#)) "Grant Scoring Committee" means the committee appointed by the Commission pursuant to subsection 1 of [NAC 490.1393](#) to score applications.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.130 "Grantee" defined. ([NRS 490.068](#)) "Grantee" means an applicant who applies successfully to the Commission for a grant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1305 "Nonvoting advisers" defined. ([NRS 490.068](#)) "Nonvoting advisers" means the nine nonvoting advisers who are solicited to assist the Commission pursuant to paragraph (d) of subsection 1 of [NRS 490.068](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.131 "Notice to Proceed" defined. ([NRS 490.068](#)) "Notice to Proceed" means the notice provided by the Commission to a grantee pursuant to subsection 1 of [NAC 490.1435](#) approving the date upon which work may begin on the applicable project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1315 "Office of Grant Procurement, Coordination and Management" and "Office" defined. ([NRS 490.068](#)) "Office of Grant Procurement, Coordination and Management" and "Office" mean the office created in paragraph (i) of subsection 2 of [NRS 232.213](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.132 "Person" defined. ([NRS 490.068](#)) "Person" has the meaning ascribed to it in [NRS 0.039](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1325 “Project” defined. ([NRS 490.068](#)) “Project” means a project described in subparagraph (1) of paragraph (b) of subsection 3 of [NRS 490.069](#).
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.133 “Request for grant applications” defined. ([NRS 490.068](#)) “Request for grant applications” means a solicitation that is created and publicized by or on behalf of the Commission, inviting qualified persons to apply for a grant.
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Application for Grant

NAC 490.1335 Grant application requests issued within limits of available money. ([NRS 490.068](#)) From time to time, within the limits of available money and the limits imposed by [NRS 490.069](#), the Commission will issue requests for grant applications.
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.134 Qualifications to apply for grant. ([NRS 490.068](#)) To qualify to apply to the Commission for a grant, a person must comply with the provisions of [NAC 490.1345](#), [490.135](#) and [490.1355](#).
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1345 Entity applying for grant must be in good standing. ([NRS 490.068](#)) If a person who seeks to apply to the Commission for a grant is a corporate or other legal entity that is registered with the Secretary of State of Nevada or the secretary of state of another state, the entity must be in good standing in the state in which it is registered.
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.135 Written agreement with governmental agency required to apply for grant under certain circumstances. ([NRS 490.068](#)) If a person who seeks to apply to the Commission for a grant proposes to carry out a project on public land, the person must, before applying to the Commission, have a written agreement to use the land with any governmental entity having jurisdiction over that land, including, without limitation, any necessary permits, leases, easements and rights-of-way.
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1355 Interest in real property required to apply for grant. ([NRS 490.068](#))

1. At the time a person seeks to apply to the Commission for a grant, the person must have an interest in the real property on which the proposed project will be carried out, such that the interest satisfies the requirements of this section.
2. The interest in the real property, whether by way of ownership, lease, rental, easement, right-of-way, written agreement or other legal instrument, must be sufficient in scope and authority to allow the applicant:
 - (a) To complete the proposed project; and
 - (b) To operate and maintain the proposed project after its completion.

(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1365 Application for grant required to comply with certain provisions. ([NRS 490.068](#)) An application that is submitted to the Commission to apply for a grant must comply with the provisions of [NAC 490.137](#) and [490.1375](#).
(Added to NAC by Comm’n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.137 Contents of application for grant: Generally. ([NRS 490.068](#)) An application must include verifiable evidence, in writing and satisfactory to the Commission:

1. Setting forth that each appropriate federal, state or local governmental agency:

- (a) Has been consulted by the applicant; and
 - (b) Has approved the proposed project.
 - 2. Addressing all applicable laws and regulations concerning:
 - (a) Threatened and endangered species in the area or areas affected by the proposed project;
 - (b) Ecological, cultural and archaeological sites in the area or areas affected by the proposed project; and
 - (c) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area or areas affected by the proposed project.
 - 3. Containing any information related to compliance that is provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or natural person.
- (Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1375 Contents of application for grant: Plan for completion of project. ([NRS 490.068](#)) Except as otherwise provided in this section, an application must include, in writing and satisfactory to the Commission, the applicant's plan for completing the proposed project not more than 2 years after the Notice to Proceed is issued, as described in subsection 1 of [NAC 490.1435](#). The Commission may, for good cause shown, waive or otherwise modify the requirement set forth in this section.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Approval or Rejection of Applications and Awarding of Grants

NAC 490.138 Request, publication, evaluation and approval or rejection of applications for grant. ([NRS 490.068](#)) Applications must be requested, publicized and evaluated and approved or rejected in accordance with [NAC 490.1385](#) to [490.143](#), inclusive.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1385 Request for applications for grant: Posting on Internet website; content. ([NRS 490.068](#)) When the Commission issues a request for grant applications pursuant to [NAC 490.1335](#), the Commission will ensure that the request:

- 1. Is posted on the Internet website of the Commission; and
- 2. Sets forth, in addition to the requirements of subsection 2 of [NAC 490.1393](#):
 - (a) The amount of the grant that is available.
 - (b) The date by which applications must be received, which must be not later than 60 days after the Commission posts on its Internet website the request for grant applications.
 - (c) Notice to prospective applicants that the Commission, the Office of Grant Procurement, Coordination and Management and the nonvoting members will not score or take further action with respect to an application that is not complete by the deadline for accepting applications.
 - (d) All details and definitions that are required for an application to be considered complete.

(e) Such other information, exhibits and addenda as the Commission may determine to be necessary or desirable in carrying out the purposes of [NAC 490.127](#) to [490.1465](#), inclusive.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.139 Submittal of application for grant to Office. ([NRS 490.068](#))

1. An applicant who desires to submit an application must first submit the application to the Office of Grant Procurement, Coordination and Management for the Office's review, to ensure that the application is complete.

2. If the Office of Grant Procurement, Coordination and Management determines that the application is not complete, it will return the application to the applicant. If the Office

determines that the application is complete, it will forward the application to each nonvoting adviser.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1393 Grant Scoring Committee: Appointment of members; information included in grant request. (NRS 490.068)

1. The Commission will appoint a Grant Scoring Committee to score applications that are submitted to the Commission. The Grant Scoring Committee must consist of nonvoting advisers or members of the Commission, or a combination of both, as selected by the Commission.

2. When the Commission issues a request for grant applications, as referenced in [NAC 490.1335](#), the Commission will ensure that the request sets forth:

- (a) The type of project for which the grant may be used;
- (b) The specific factors and criteria that the Grant Scoring Committee will use to evaluate and score an application; and
- (c) The form of any specific contract that a successful applicant will be required to enter into with the Commission.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1395 Grant Scoring Committee: Review of application for grant by nonvoting advisers. (NRS 490.068) Each nonvoting adviser will:

1. Independently review each grant application received pursuant to [NAC 490.139](#) to ensure that the application is complete, in compliance with the provisions of [NAC 490.127](#) to [490.1465](#) and in compliance with any other regulations adopted pursuant to paragraph (a) of subsection 2 of [NRS 490.068](#); and

2. Within 15 days after receiving an application from the Office of Grant Procurement, Coordination and Management, return the application to the Office, accompanied by the determination of the nonvoting adviser as to the completeness and compliance of the application.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.140 Return of incomplete or noncompliant application for grant; scoring of complete application. (NRS 490.068)

1. Within 7 days after receiving an application from a nonvoting adviser pursuant to subsection 2 of [NAC 490.1395](#), the Office of Grant Procurement, Coordination and Management will:

(a) Return to the applicant an application that is determined by any nonvoting adviser to be either not complete or not compliant.

(b) With respect to an application that is determined by each nonvoting adviser to be both complete and compliant, assign a number and attach a scoring sheet to the application and forward the application to the individual members of the Grant Scoring Committee.

2. Upon the receipt of an application as described in subsection 1, the individual members of the Grant Scoring Committee will independently score and return the application to the Office of Grant Procurement, Coordination and Management within 30 days after receiving the application.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1405 Ranking of applications for grant. (NRS 490.068) When the Office of Grant Procurement, Coordination and Management receives the scored applications from the Grant Scoring Committee pursuant to subsection 2 of [NAC 490.140](#), the Office will:

1. Average the individual scores given to each application by the individual members of the Grant Scoring Committee;

2. Rank the applications from the highest to lowest average score; and

3. Provide to the Commission a ranked list of applicants, subdivided by the particular type of grant for which an application was submitted.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.141 Determination of award of grant. (NRS 490.068) At a properly noticed public meeting, the Commission, by majority vote of a quorum of the voting members of the Commission present at the meeting, will:

1. Consider the grant applications in the order in which they were ranked by the Office of Grant Procurement, Coordination and Management pursuant to [NAC 490.1405](#); and
2. Determine whether, and in what amount, to award a grant to an applicant.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1415 Posting of awarded grants on Internet website. (NRS 490.068) The Commission will post on its Internet website any grants that it awards pursuant to [NAC 490.141](#) not later than 5 business days after making those awards.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Requests for Reconsideration

NAC 490.142 Submittal of requests. (NRS 490.068) Not later than 10 days after the Commission makes the posting required by [NAC 490.1415](#), an applicant who was otherwise eligible to receive a grant, but whose grant application was unsuccessful, may submit to the Commission a request for reconsideration.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1425 Public meeting to hear requests. (NRS 490.068) If an applicant makes a request for reconsideration to the Commission as described in [NAC 490.142](#), the Commission will, as soon as is practicable after the expiration of the 10-day period set forth in that section, schedule a public meeting to hear the request for reconsideration of each such grant application.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.143 Final decision on requests; posting of decisions on Internet website. (NRS 490.068) Not later than 30 days after holding the public meeting described in [NAC 490.1425](#), the Commission will:

1. Issue a final decision on each request for reconsideration that it receives pursuant to [NAC 490.142](#); and

2. Post on its Internet website the final decision.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

Completion of Project

NAC 490.1435 Provision of Notice to Proceed to grantee; Commission to monitor, evaluate and assist project. (NRS 490.068) After a grant is awarded, the Commission will:

1. Provide to the successful grantee a Notice to Proceed approving the date upon which work may begin on the applicable project, subject to the conditions of the contract described in [NAC 490.144](#).

2. Monitor, evaluate and assist in the carrying out of the grant and the progress and completion of the project in accordance with [NAC 490.144](#) to [490.1465](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.144 Contract for completion; exception. (NRS 490.068) Except as otherwise provided in this section, after awarding a grant, the Commission will enter into a contract with the grantee for the completion of the proposed project for which the Commission

awarded the grant. The Commission will not enter into such a contract if there is an unresolved request for reconsideration that could affect the proposed project.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1445 Procedure for entering into contract for completion. ([NRS 490.068](#)) To enter into a contract with a grantee for the completion of a proposed project, as referenced in [NAC 490.144](#), the Commission will send a draft of the contract to the grantee by certified mail, return receipt requested. Unless otherwise expressly approved by the Commission, not later than 90 days after the date on which the grantee receives the draft of the contract, the grantee must execute and finalize the contract and provide to the Commission all information pertinent to the contract that the Commission requests.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.145 Contents of contract: Generally. ([NRS 490.068](#)) Unless otherwise expressly approved by the Commission, a contract entered into between the Commission and a grantee, as referenced in [NAC 490.144](#), must provide that:

1. The grantee must secure all necessary approvals, clearances and permits not later than 90 days after the contract is entered into; and

2. If the grantee has not secured such necessary approvals, clearances and permits, the Commission will not disburse any grant funds to the grantee.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1455 Contents of contract: End-date for project. ([NRS 490.068](#)) A contract entered into between the Commission and a grantee, as referenced in [NAC 490.144](#), must specify an end-date for the project for which the grant is awarded. Unless otherwise expressly approved by the Commission, the end-date for the project must provide that the project will be substantially completed not more than 2 years after the Notice to Proceed is provided to the grantee as described in subsection 1 of [NAC 490.1435](#).

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.146 Notification; satisfactory completion. ([NRS 490.068](#))

1. A grantee shall notify the Commission in writing when the grantee believes that it has completed a project.

2. After receiving written notice as described in subsection 1, the Commission will, at its next public meeting, determine by majority vote whether the project has been completed satisfactorily.

3. If the Commission determines that a project has not been completed satisfactorily:

- (a) The Commission will inform the grantee in writing as soon as practicable as to what must be done to achieve satisfactory completion of the project; and

- (b) The grantee, after performing the acts that the Commission indicates must be performed, shall resubmit its written notice of completion to the Commission.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

NAC 490.1465 Annual report. ([NRS 490.068](#)) After a grantee completes a project, the grantee must report to the Commission, in writing, at least once each year by a date to be specified by the Commission, as to how the project is being operated and maintained. The annual reporting required by this section must continue for 20 consecutive years after the project is completed, unless the Commission specifically approves a different duration.

(Added to NAC by Comm'n on Off-Highway Veh. by R131-14, eff. 8-10-2015)

DEALERS, LESSORS AND MANUFACTURERS**Authority to Engage in Activities as Authorized Dealer; Licensing**

NAC 490.150 Authorized dealers: Request to engage in activities; duties. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. An off-highway vehicle dealer who is licensed pursuant to this chapter and [chapter 490](#) of NRS and who submits to the Department a request to engage in activities as an authorized dealer pursuant to [NRS 490.070](#) shall be deemed to be an authorized dealer upon receipt of the request by the Department.

2. Each authorized dealer shall make reasonable efforts to provide satisfactory service to each person who requests the issuance of a registration decal, duplicate registration decal, certificate of title, duplicate certificate of title or any other service provided by the authorized dealer.

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

NAC 490.155 Revocation of authority of authorized dealer or license of off-highway vehicle dealer, long-term or short-term lessor or manufacturer. ([NRS 481.051](#), [490.066](#), [490.070](#), [490.310](#)) In addition to the grounds specified in [NRS 490.310](#), the Department may revoke the authority of an off-highway vehicle dealer to engage in activities as an authorized dealer or revoke the license of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer issued or renewed pursuant to this chapter and [chapter 490](#) of NRS on any of the following grounds:

1. The failure of the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer to engage in activities as an authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer in this State.

2. The receipt by the Department of a complaint against the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

3. The failure of the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer to maintain in force any deposit in lieu of a bond required pursuant to [NRS 490.280](#).

4. The imposition of any administrative fine pursuant to [NRS 490.510](#) or the taking of any other administrative action against the authorized dealer, off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer by the Department for a violation of this chapter or [chapter 598](#) of NAC or [chapter 490](#) or [598](#) of NRS.

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

NAC 490.160 Long-term lessors also holding licenses as off-highway vehicle dealers: Authorized acts. ([NRS 481.051](#), [490.066](#)) A licensed long-term lessor who also holds a license as an off-highway vehicle dealer may, for the period those licenses remain in effect, sell, exchange, buy, offer or display for sale, negotiate or attempt to negotiate the sale or exchange of, or induce or attempt to induce any person to buy or exchange an interest in, an off-highway vehicle that is registered with the Department, or is registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province or country, if the long-term lessor:

1. Maintains an established place of business in this State which:

(a) Is in a location that is zoned for such activities;

(b) Includes an office and lot facilities with sufficient space to meet the needs of his or her customers; and

(c) Includes a facility for repairing and performing maintenance work on off-highway vehicles;

2. Maintains all other state and local licenses and permits required for such activities; and

3. Forwards to the registered owner of an off-highway vehicle sold by him or her any notice received from the manufacturer of the off-highway vehicle regarding a defect in the off-

highway vehicle.

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

NAC 490.165 Fee for processing fingerprints if applicant for license as off-highway vehicle dealer, long-term or short-term lessor or manufacturer. ([NRS 481.051](#), [490.066](#), [490.210](#)) The amount of the fee required pursuant to [NRS 490.210](#) for the processing of an applicant's fingerprints will equal the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for their reports on the applicant's fingerprints.

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

Temporary Licenses for Temporary Locations

NAC 490.170 Circumstances under which required. ([NRS 481.051](#), [490.066](#), [490.240](#)) A licensed off-highway vehicle dealer shall not exhibit off-highway vehicles, display an off-highway vehicle for sale or sell an off-highway vehicle at a temporary location without first obtaining a temporary license issued by the Department pursuant to subsection 4 of [NRS 490.240](#) for each temporary location at which he or she intends to exhibit off-highway vehicles, display an off-highway vehicle for sale or sell an off-highway vehicle.

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

NAC 490.175 Application. ([NRS 481.051](#), [490.066](#), [490.240](#))

1. In accordance with the provisions of this section and subsection 4 of [NRS 490.240](#), the Department will issue a temporary license to:

- (a) Exhibit off-highway vehicles; or
- (b) Display an off-highway vehicle for sale,

→ to a licensed off-highway vehicle dealer who applies to conduct the business at a temporary location.

2. At least 3 days before the commencement of a business at a temporary location, an applicant must submit to the Department an application for a temporary license on a form furnished by the Department pursuant to [NAC 490.085](#).

3. The applicant must indicate in his or her application whether he or she is applying for a temporary license to exhibit off-highway vehicles or to display an off-highway vehicle for sale.

4. The Department may require an applicant to submit any additional information the Department deems necessary to evaluate the application.

5. The applicant must submit to the Department with his or her application:

(a) A fee of:

(1) Twenty-five dollars for each temporary license to exhibit off-highway vehicles; or

(2) Seventy-five dollars for each temporary license to display an off-highway vehicle for sale; and

(b) Evidence that he or she has complied with any applicable zoning restrictions and any applicable requirements for obtaining a business license or state business registration.

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

NAC 490.180 Period of validity; contents; nontransferability. ([NRS 481.051](#), [490.066](#), [490.240](#))

1. A temporary license to:

(a) Exhibit off-highway vehicles is valid for not more than 21 days after the date on which it is issued.

(b) Display an off-highway vehicle for sale is valid for not more than 7 days after the date on which it is issued.

2. A temporary license to exhibit off-highway vehicles will state that a licensed off-highway vehicle dealer is prohibited from:

- (a) Making any solicitation or sale;
- (b) Having his or her salesperson or representative present; or
- (c) Providing a telephone or any other device for communication with his or her salesperson or representative,
→ at the temporary location.

3. A temporary license is not transferable by the licensed off-highway vehicle dealer and is valid only for the temporary location and person named in the license.

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

NAC 490.185 Grounds for refusal to issue. ([NRS 481.051](#), [490.066](#), [490.240](#)) The Department will not issue a temporary license if:

1. The applicant is not in compliance with any provision of this chapter or [chapter 490](#) of NRS; or

2. The temporary location requested in the application violates any applicable zoning restrictions or any applicable requirements for obtaining a business license or state business registration.

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

NAC 490.190 Posting; additional requirements. ([NRS 481.051](#), [490.066](#), [490.240](#))

1. A licensed off-highway vehicle dealer shall post his or her temporary license in a conspicuous place at the temporary location in such a manner that the temporary license is visible to members of the public.

2. In addition to the requirements set forth in subsection 1, if a licensed off-highway vehicle dealer is issued a temporary license to display an off-highway vehicle for sale, he or she shall display a sign at the temporary location which:

- (a) Is at least 2 square feet in size; and
- (b) States the name of the licensed off-highway vehicle dealer.

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

Advertising

NAC 490.200 Applicability; copy of regulations provided by off-highway vehicle dealer, long-term or short-term lessor or manufacturer. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. The provisions of [NAC 490.200](#) to [490.285](#), inclusive, do not apply to:

- (a) Any radio or television broadcasting station or broadcaster; or
- (b) Any publisher, printer, distributor or owner, any newspaper or magazine, billboard or other advertising medium, or any owner, operator, agent or employee of any advertising agency or other business engaged in preparing or disseminating advertising for public consumption on behalf of any other person when the advertising is in good faith and he or she is without knowledge of its untrue, deceptive or misleading character.

2. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall provide a copy of [NAC 490.200](#) to [490.285](#), inclusive, to:

(a) Any advertising agent or agency or other business engaged in preparing or disseminating advertisements for the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer; and

(b) Each employee assigned to preparing or disseminating advertisements for the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

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

NAC 490.205 False, deceptive or misleading advertising prohibited. ([NRS 481.051](#), [490.066](#), [490.410](#)) An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer who holds a license issued pursuant to this chapter and [chapter 490](#) of NRS, or any agent or employee of the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, shall not publish, disseminate, display or cause directly or indirectly to be used,

published, disseminated, displayed or made in any newspaper, magazine or other publication, by any radio, television or other advertising medium or any other advertising device, or by public outcry, proclamation or declaration, or in any other manner or means or method, including, but not limited to, solicitation or dissemination by mail, telephone or door-to-door contacts, any statement which is known, or through the exercise of reasonable care should be known, to be false, deceptive or misleading, in order to:

1. Induce any person to purchase, sell, lease, dispose of, use or acquire any ownership, title or interest in any off-highway vehicle or to enter into any obligation or transaction relating thereto; or

2. Include such a statement as a part of a plan or scheme which intentionally misstates the cost or price of an off-highway vehicle for the purpose of producing an erroneous belief by any person that the actual cost or price is the same as stated in the advertisement.

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

NAC 490.210 Accuracy of advertising. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. Any advertised statement and offer for the sale or lease of a specific off-highway vehicle indicating the condition, equipment and price of the off-highway vehicle and the terms of the sale or lease must be clearly set forth and based upon facts. Such an advertisement must clearly indicate that only one off-highway vehicle is being offered for sale or lease. Except as otherwise provided in subsection 2, the off-highway vehicle must be identified by the year and make of the off-highway vehicle and by not less than the last six digits of the identification number or by stock number.

2. An advertisement for off-highway vehicles which have the same make, model, year and price and are similarly equipped is not required to list a stock number or the last six digits of the identification number for each off-highway vehicle if the advertisement includes the make, model, year and price of the off-highway vehicles. If the number of off-highway vehicles which are advertised is limited, the advertisement must state the number of off-highway vehicles which are available at the advertised price.

3. An advertisement must not present information that is erroneous or misleading regarding which off-highway vehicle or group of off-highway vehicles is being offered for sale at the price indicated in the advertisement.

4. If an advertisement includes the terms of the sale of an off-highway vehicle:

- (a) The terms must not be presented in a misleading or inaccurate manner; and

- (b) Any provision which qualifies the terms must be:

- (1) If the advertisement is a printed advertisement, printed in at least 8-point type in a type face that may be read without additional effort; and

- (2) Except as otherwise provided in this subparagraph, located in close proximity to the terms that are qualified. If the qualifying provision is not located in that manner, the advertisement must clearly indicate the part of the advertisement which contains the qualifying provisions.

5. The price and terms of the sale included in an advertisement must remain available until the off-highway vehicle is sold, unless a date of expiration is included in the advertisement.

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

NAC 490.215 "Bait and switch" advertising and selling practices prohibited. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall not use any "bait and switch" advertising or selling practices. Each off-highway vehicle advertised for sale must, unless otherwise stated, be in the possession of the off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer, owner or advertiser as advertised at the address given. Unless otherwise stated, each off-highway vehicle must be in a condition to be demonstrated and be willingly shown and sold at the advertised price and

terms. The advertiser shall, upon request, present evidence to the prospective purchaser that the advertised off-highway vehicle has been sold.

2. As used in this section, "bait and switch" advertising has the meaning ascribed to it in [NRS 490.410](#).

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

NAC 490.220 Price of off-highway vehicle advertised. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises the price of an off-highway vehicle, the price must include all charges known to the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, including, but not limited to:

(a) Delivery charges imposed by the manufacturer or distributor of the off-highway vehicle; and

(b) Charges for servicing the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

➔ The price may exclude charges for the preparation of documents related to the sale of the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer, if the charges are separately identified in the advertisement and the amount of the charges is indicated.

2. Except as otherwise provided in this subsection, any advertisement which includes the term "manufacturer's suggested retail price," "MSRP," "factory price" or a similar term must include the price of the off-highway vehicle which includes any fee charged by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer and any manufacturer's discounts included on the off-highway vehicle. The price may exclude taxes, fees for licenses and charges for the preparation of documents related to the sale of the off-highway vehicle imposed by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer.

3. An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall not advertise a new off-highway vehicle at a price which does not include the standard equipment and any additional equipment which is listed on the invoice.

4. Statements such as "at cost," "below cost" or "below invoice" must be construed literally. "Cost" is the actual cash or invoice price paid by the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer for each off-highway vehicle offered. If an advertisement contains a statement such as "at cost," "below cost" or "below invoice," the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall, upon request, present to the prospective purchaser the actual invoice.

5. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer uses specific claims of savings in an advertisement, the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer shall, upon request, explain to the prospective purchaser the manner in which the savings are calculated. The term "wholesale" must not be used in the business firm's name, signs or display signs.

6. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer uses the term "wholesale price" or "low book price" in an advertisement, the price must correspond to the appropriate value set forth for the off-highway vehicle in a recognized reference publication.

7. As used in this section:

(a) "Invoice" means a written itemized statement received by an off-highway vehicle dealer, long-term lessor or short-term lessor from a manufacturer of an off-highway vehicle listing the price of the off-highway vehicle, the price of any optional equipment included with the off-highway vehicle and the amount of any additional charges imposed by the manufacturer.

(b) “Manufacturer’s suggested retail price” or “MSRP” means the total price of an off-highway vehicle.

(c) “Recognized reference publication” includes, without limitation, the *NADA Official Used Car Guide* and any other publication of similar scope and reputation.

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

NAC 490.225 Loan advertised. ([NRS 481.051](#), [490.066](#), [490.410](#)) If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a loan for the purchase of an off-highway vehicle and includes in the advertisement:

1. The amount of the down payment;
2. The amount of the periodic payment;
3. The number of payments or the period over which payments must be made; or
4. The amount of the finance charge,

➔ he or she shall include in the advertisement any other terms of the loan related to the cost of the loan, including the annual percentage rate.

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

NAC 490.230 Payments and down payments advertised. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. The amount of payments and down payments must not be stated in a manner that gives the impression that either amount is the selling price of the off-highway vehicle.

2. The statement “no money down” or others of similar import mean that the advertiser will deliver the off-highway vehicle described to the purchaser without payment of any nature or without a trade-in.

3. Unless the advertiser clearly indicates that there is a down payment, the amount quoted as the weekly, monthly or other periods of installment payments must be understood to include the down payment.

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

NAC 490.235 Line of credit advertised. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a line of credit for the purchase of an off-highway vehicle and includes in the advertisement:

- (a) The periodic rate used to compute the annual percentage rate;
- (b) The date the finance charge begins to accrue;
- (c) The method of determining the balance upon which the finance charge is imposed;
- (d) The method of determining the finance charge; or
- (e) The amount of any fee included in the line of credit,

➔ he or she shall include in the advertisement all fees that will be charged for the line of credit, including any membership or participation fees, and the annual percentage rate.

2. If an advertisement includes the annual percentage rate for a line of credit, the advertisement must be identified using the term “annual percentage rate” or “APR.” If the rate included in the advertisement is a variable periodic rate, that fact must be disclosed in the advertisement.

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

NAC 490.240 Trade-in allowances advertised. ([NRS 481.051](#), [490.066](#), [490.410](#)) A specific amount or range of amounts must not be stated in an advertisement as an offer for a trade-in if the amount or range of amounts stated is contingent upon the condition, model or age of the prospective purchaser’s off-highway vehicle, unless those conditions are stated in the advertisement. The use of phrases such as “up to” or “as much as,” or those of similar meaning, is not a sufficient explanation for the purposes of this section.

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

NAC 490.245 Lease advertised. ([NRS 481.051](#), [490.066](#), [490.410](#)) If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer offers an off-highway vehicle for lease, an advertisement for that off-highway vehicle must include a statement that the off-highway vehicle is being offered for lease. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer includes a term of the lease in the advertisement, he or she shall include in the advertisement:

1. The total amount required before the off-highway vehicle is delivered;
2. The number, period and amount of payments;
3. If an option to buy the off-highway vehicle is included in the lease, the price of the option or the method of determining the price of the option;
4. If an option to buy the off-highway vehicle is not included in the lease, a statement indicating that fact; and
5. The amount or method of determining the amount of any charges imposed at the termination of the lease.

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

NAC 490.250 Financing advertised. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. The phrases "no finance charge" or "no carrying charge," or similar expressions, must not be used when there is a charge for placing the transaction on a time-payment basis.
2. Terms featuring weekly, semimonthly or other periodic payments must not be used unless purchasers are given contracts payable in accordance with those terms. For example, weekly or semimonthly payments must not be featured unless actually available.
3. Advertised claims such as "everybody financed," "no credit rejected" and "we finance anyone," and other similar statements, must not be used.
4. Advertised terms based upon payments extending more than 36 months must clearly state the number of months and any other special considerations required to obtain those terms.

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

NAC 490.255 Rebate advertised. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. If an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer advertises a rebate on an off-highway vehicle, an advertisement for the sale of that off-highway vehicle must include:
 - (a) The amount of the rebate; and
 - (b) If the off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer is required to make a contribution toward the rebate, the statement "Dealer participation may affect price of off-highway vehicle."
2. As used in this section, "rebate" means a monetary incentive offered by a manufacturer to a prospective purchaser to induce him or her to purchase an off-highway vehicle.

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

NAC 490.260 Trade styles and signs. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. The words "finance," "loan," "discount" or similar expressions must not be used in the firm name, signs or trade style of a company offering off-highway vehicles for sale unless the company is actually engaged in the finance business and offering only bona fide, repossessed off-highway vehicles.
2. The words "repo," "repossessed" or "repossession" must not be used in the company's name or trade style, signs or display signs. The words "repo," "repossessed" or "repossession" may be used through other means of advertising, including, without limitation, radio, television, newspapers or magazines, but only when:
 - (a) The company identifies the off-highway vehicle by identification number or the off-highway vehicle is identifiable as a repossessed off-highway vehicle; and
 - (b) The off-highway vehicle will be sold for the unpaid balance and actual repossession costs incurred.

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

NAC 490.265 Repossessions; unpaid balance. ([NRS 481.051](#), [490.066](#), [490.410](#)) The term “repossessed” may be used only to describe an off-highway vehicle presently and directly taken back from the purchaser. An advertiser offering repossessed off-highway vehicles for sale shall provide written proof of repossessions. The amount quoted as the unpaid balance and actual repossession costs incurred must be the full selling price.

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

NAC 490.270 Used off-highway vehicles of current year models; demonstrators. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. If a used off-highway vehicle of a current year model is advertised, the first line of the advertisement must contain the word “used” or the text must clearly indicate that the off-highway vehicle offered is used.

2. The term “demonstrator,” if used in advertising, must refer to an off-highway vehicle which has never been registered, including, without limitation, an off-highway vehicle used by a new off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer or his or her off-highway vehicle salesperson for demonstrating the performance ability of the off-highway vehicle. The term must not refer to an off-highway vehicle purchased by an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson and used as his or her personal off-highway vehicle.

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

NAC 490.275 Executive or official off-highway vehicles; off-highway vehicles previously owned by governmental entity. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. An executive or official off-highway vehicle, when referred to in advertising, must have been used by an executive or employee of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer and must not have been registered.

2. An off-highway vehicle that was owned by the Federal Government, a state or a city, county or other political subdivision must be identified as such in its advertising. The word “commercial” or a similar ambiguous term must not be used to describe the off-highway vehicle.

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

NAC 490.280 Off-highway vehicles advertised as offered by private parties. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. An off-highway vehicle owned or in the possession of an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson must not be advertised to convey the impression that the off-highway vehicle is being offered by a private party. Clarification must be made by adding to the advertisement the term “dealer” or “dlr” and the license number of the off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson.

2. Phrases such as “take over payments” and “can be purchased by paying storage bill and taking over payments,” and similar phrases conveying an appeal made by a private party or distress appeals, must not be used by an off-highway vehicle dealer, long-term lessor, short-term lessor, manufacturer or off-highway vehicle salesperson.

3. Descriptions of ownership made by an off-highway vehicle dealer in any advertising of consigned off-highway vehicles must be based on facts.

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

NAC 490.285 Use of various selling techniques. ([NRS 481.051](#), [490.066](#), [490.410](#))

1. Unsupported claims of underselling are not in the public interest and must not be used.

2. Use of cards, circulars or other advertising with offers such as “would you take \$.....” or “if I could get you \$..... for your off-highway vehicle” must not be used.

3. Any equipment, accessories or other merchandise must not be described as “free” if the advertised off-highway vehicle may be purchased at a discount or lesser price without the articles. “Free” offers which require any other purchase, a contractual obligation or the performance of a service must describe the conditions under which the “free” offer may be obtained.

4. When words such as “guaranteed” and “warranty,” or other terms implying protection, are used in advertising one or more specified off-highway vehicles by radio, television, newspaper, magazines, display signs or any other type of advertising and the warranty referred to does not apply to all off-highway vehicles advertised, an explanation must be given in clear and concise language, specifying each off-highway vehicle to which the warranty or guarantee applies. The time and coverage of the warranty or guarantee must be clearly stated in the advertising. The purchaser of an off-highway vehicle covered by a guarantee or warranty must be provided with a written document stating the specific terms and coverage.

5. Statements such as “write your own deal,” “name your own price,” “name your own monthly payments” and “appraise your own car,” and similar phrases, must not be used.

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

NAC 490.290 Violations. ([NRS 481.051](#), [490.066](#), [490.310](#), [490.410](#))

1. A violation of [NAC 490.200](#) to [490.285](#), inclusive, may constitute grounds for the denial, suspension or revocation of or the refusal to renew the license of an off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer pursuant to [NRS 490.310](#) or for the imposition of an administrative fine by the Department pursuant to [NRS 490.510](#).

2. It is sufficient in bringing any action pursuant to [NAC 490.200](#) to [490.285](#), inclusive, that any statement referred to in [NAC 490.205](#) has a tendency to deceive or mislead the public because of its false, deceptive or misleading character, regardless of whether a member of the public is actually deceived or misled by the statement.

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

SECURITY INTERESTS

NAC 490.300 Sale of new off-highway vehicle: Contents of report of sale; certificate or statement of origin; duties of seller. ([NRS 481.051](#), [490.066](#), [490.440](#), [490.500](#))

1. An off-highway vehicle dealer’s report of sale completed and executed pursuant to [NRS 490.440](#) for the sale of a new off-highway vehicle must include:

- (a) A description of the off-highway vehicle;
- (b) The name and address of the seller;
- (c) The business identification number of the seller; and
- (d) The name and address of the buyer.

2. A completed and executed manufacturer’s certificate of origin or statement of origin for the off-highway vehicle must be submitted together with the report of sale pursuant to subsection 1.

3. If, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the off-highway vehicle, the name and address of the secured party or his or her assignee must be entered on the report of sale and on the manufacturer’s certificate of origin or statement of origin.

4. Unless an extension of time is granted by the Department pursuant to [NAC 490.095](#), the seller shall:

- (a) Collect the fees required for:

- (1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to [NAC 490.360](#); and

- (2) The processing of the off-highway vehicle dealer’s report of sale pursuant to [NAC 490.360](#); and

- (b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale which includes the manufacturer's certificate of origin or statement of origin; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

5. To establish compliance with the period required by paragraph (b) of subsection 4, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

6. Upon execution of all documents required to complete the sale of a new off-highway vehicle, including, without limitation, any financial documents, the seller shall execute the report of sale and furnish a copy of the report of sale to the buyer not more than 10 days after the date imprinted or otherwise indicated on the report of sale.

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

NAC 490.305 Lease of new off-highway vehicle by long-term lessor: Contents of report of sale; certificate or statement of origin; duties of long-term lessor. ([NRS 481.051](#), [490.066](#), [490.440](#), [490.500](#))

1. An off-highway vehicle dealer's report of sale completed and executed pursuant to [NRS 490.440](#) for the lease of a new off-highway vehicle by a long-term lessor must include:

(a) A description of the off-highway vehicle;

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the off-highway vehicle; and

(c) The business identification number of the long-term lessor.

2. A completed and executed manufacturer's certificate of origin or statement of origin for the off-highway vehicle must be submitted together with the report of sale pursuant to subsection 1.

3. Unless an extension of time is granted by the Department pursuant to [NAC 490.095](#), the long-term lessor shall:

(a) Collect the fees required for:

(1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to [NAC 490.360](#); and

(2) The processing of the off-highway vehicle dealer's report of sale pursuant to [NAC 490.360](#); and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale which includes the manufacturer's certificate of origin or statement of origin; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

4. To establish compliance with the period required by paragraph (b) of subsection 3, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

5. Upon execution of all documents required to complete the lease of the off-highway vehicle, including, without limitation, any financial documents, the long-term lessor shall execute the report of sale and furnish a copy of the report of sale to the long-term lessee not more than 10 days after the date imprinted or otherwise indicated on the report of sale.

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

NAC 490.310 Sale of used off-highway vehicle: Contents of report of sale; duties of seller. ([NRS 481.051](#), [490.066](#), [490.440](#), [490.500](#))

1. An off-highway vehicle dealer's report of sale completed and executed pursuant to [NRS 490.440](#) for the sale of a used off-highway vehicle must include:

(a) A description of the off-highway vehicle;

(b) The name and address of the seller;

(c) The business identification number of the seller; and

(d) The name and address of the buyer.

2. If a security interest exists at the time of the sale, or if, in connection with the sale, a security interest is taken or retained by the seller to secure all or part of the purchase price, or a

security interest is taken by a person who gives value to enable the buyer to acquire rights in the off-highway vehicle, the name and address of the secured party must be included in the report of sale.

3. Unless an extension of time is granted by the Department pursuant to [NAC 490.095](#), the seller shall:

(a) Collect the fees required for:

(1) A certificate of title for an off-highway vehicle present or registered in this State pursuant to [NAC 490.360](#); and

(2) The processing of the report of sale pursuant to [NAC 490.360](#); and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the original of the report of sale and the endorsed certificate of title previously issued for the off-highway vehicle; and

(2) Remit to the Department by mail the fees collected pursuant to paragraph (a).

4. To establish compliance with the period required by paragraph (b) of subsection 3, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

5. Upon execution of all documents required to complete the sale of the off-highway vehicle, including, without limitation, any financial documents, the seller shall execute the report of sale and furnish a copy of the report of sale to the buyer not more than 10 days after the date imprinted or otherwise indicated on the report of sale.

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

NAC 490.315 Lease of used off-highway vehicle by long-term lessor: Contents of report of sale; duties of long-term lessor. ([NRS 481.051](#), [490.066](#), [490.440](#), [490.500](#))

1. An off-highway vehicle dealer's report of sale completed and executed pursuant to [NRS 490.440](#) for the lease of a used off-highway vehicle by a long-term lessor must include:

(a) A description of the off-highway vehicle;

(b) The names and addresses of the long-term lessor, long-term lessee and any person having a security interest in the off-highway vehicle; and

(c) The business identification number of the long-term lessor.

2. Unless an extension of time is granted by the Department pursuant to [NAC 490.095](#), the long-term lessor shall:

(a) Collect the fees required for:

(1) The issuance of a certificate of title for an off-highway vehicle present or registered in this State pursuant to [NAC 490.360](#); and

(2) The processing of the off-highway vehicle dealer's report of sale pursuant to [NAC 490.360](#); and

(b) Within 30 days after the execution of the report of sale:

(1) Submit to the Department by mail the endorsed certificate of title previously issued for the off-highway vehicle; and

(2) Remit to the Department by mail the fees specified in paragraph (a).

3. To establish compliance with the period required by paragraph (b) of subsection 2, the Department will use the date imprinted or otherwise indicated on the report of sale as the beginning date of the 30-day period.

4. Upon execution of all documents required to complete the lease of the off-highway vehicle, including, without limitation, any financial documents, the long-term lessor shall execute the report of sale and furnish a copy of the report of sale to the long-term lessee not less than 10 days after the date imprinted or otherwise indicated on the report of sale.

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

NAC 490.320 Issuance of certificate of title to buyer, secured party or assignee. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. Upon receipt of all documents required pursuant to this chapter and [chapter 490](#) of NRS for a certificate of title for an off-highway vehicle and the payment of any fees required

pursuant to [NAC 490.360](#), the Department will issue a certificate of title for the off-highway vehicle.

2. If no security interest is created or exists in connection with the sale of an off-highway vehicle, the Department will issue the certificate of title to the buyer.

3. If a security interest is created in connection with the sale of an off-highway vehicle, the Department will issue the certificate of title to the secured party or to the assignee of the secured party.

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

NAC 490.325 Issuance of certificates of title to certain secured parties. ([NRS 481.051](#), [490.066](#))

1. Whenever a security interest is created in an off-highway vehicle, other than a security interest required to be entered pursuant to [NAC 490.300](#) or [490.310](#) or [NRS 490.450](#), the certificate of title must be delivered to the Department together with a statement signed by the debtor setting forth the date of the security agreement and the name and address of the debtor and the secured party.

2. The Department will issue and deliver to the secured party a certificate of title which includes the name and address of the secured party noted thereon.

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

NAC 490.330 Issuance of registration decal. ([NRS 481.051](#), [490.066](#), [490.070](#)) Upon receipt of all documents required pursuant to this chapter and [chapter 490](#) of NRS for the registration of an off-highway vehicle and the payment of any fees required pursuant to [NAC 490.360](#), the Department will issue a registration decal for the off-highway vehicle.

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

NAC 490.335 Delivery of certificate of title following performance of terms of contract or security agreement; complaint; investigation; administrative fine; request for hearing. ([NRS 481.051](#), [490.066](#), [490.510](#))

1. Within 15 days after the terms of a contract or security agreement are fully performed, the seller or other secured party who holds a certificate of title for an off-highway vehicle shall deliver the certificate of title to the person legally entitled thereto, together with evidence of the termination or release of the security interest.

2. Upon receipt of a written complaint alleging a violation of subsection 1, the Department will conduct an investigation of the alleged violation.

3. If the Department determines that the seller or other secured party has violated the provisions of subsection 1, the Department will impose an administrative fine of \$25 for each day that the seller or other secured party is in violation of those provisions. Any request for a hearing pursuant to [NRS 490.510](#) must be made within 30 days after the Department imposes the administrative fine.

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

NAC 490.340 Applicable provisions for perfection and release of security interest. ([NRS 481.051](#), [490.066](#)) Compliance with the applicable provisions of [NAC 490.300](#) to [490.335](#), inclusive, is sufficient for the perfection and release of a security interest in an off-highway vehicle and for exemption from the requirement of filing a financing statement under the provisions of [NRS 104.9311](#). In all other respects, the rights and duties of the debtor and secured party are governed by the Uniform Commercial Code - Secured Transactions and [chapter 97](#) of NRS, to the extent applicable.

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

NAC 490.345 Inapplicability of certain provisions to security interests in certain off-highway vehicles. ([NRS 481.051](#), [490.066](#)) The provisions of [NAC 490.300](#) to [490.335](#), inclusive, do not apply to a security interest in any off-highway vehicle which:

1. Constitutes inventory held for sale; or
 2. Is not required to be registered under this chapter.
- Security interests in all such off-highway vehicles are governed by [NRS 104.9101](#) to [104.9708](#), inclusive.
(Added to NAC by Dep't of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.350 Effect of action or failure to act by Department or its officers or employees. ([NRS 481.051](#), [490.066](#)) No right of action exists in favor of any person by reason of any action or failure to act on the part of the Department or any officer or employee thereof in carrying out the provisions of [NAC 490.300](#) to [490.335](#), inclusive, or in giving or failing to give any information concerning the legal ownership of an off-highway vehicle or the existence of a security interest therein.

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

NAC 490.355 Obtaining duplicate certificate of title to use as security with intent to defraud prohibited. ([NRS 481.051](#), [490.066](#)) An off-highway vehicle dealer or any other person shall not, with the intent to defraud, obtain a duplicate certificate of title for any off-highway vehicle in which he or she grants a security interest to secure a present or future debt, obligation or liability of any nature arising from a loan or other extension of credit made in connection with the financing of the inventory of the off-highway vehicles of the off-highway vehicle dealer, or engage in any other similar practice commonly known as "flooring."

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

NAC 490.360 Fees. ([NRS 481.051](#), [490.066](#), [490.070](#), [490.082](#), [490.084](#), [490.450](#))

1. The Department will charge and collect the following fees:

For each certificate of title issued for an off-highway vehicle present or registered in this State \$20.00

For each duplicate certificate of title issued for an off-highway vehicle 20.00

For each certificate of title issued for an off-highway vehicle not present or registered in this State 35.00

For the processing of each off-highway vehicle dealer's report of sale submitted to the Department 8.25

For the processing of each long-term lessor's report of sale submitted to the Department 8.25

For the processing of each endorsed certificate of title or statement submitted to the Department upon the sale of a used off-highway vehicle in this State by a person who is not an off-highway vehicle dealer 8.25

For each duplicate registration decal issued for an off-highway vehicle 5.00

2. In addition to the fees charged and collected pursuant to subsection 1, the Department will:

(a) Charge and collect the fee for the annual registration of an off-highway vehicle established by the Commission on Off-Highway Vehicles pursuant to [NRS 490.084](#); and

(b) Distribute those fees in accordance with that section.

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

NAC 490.365 Submission of documents after sale. ([NRS 481.051](#), [490.066](#), [490.070](#)) Any statement, fee or certificate of title or other document of title required by [NRS 490.450](#) must be submitted to the Department by mail or to an authorized dealer.

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

REGISTRATION

NAC 490.400 Application for registration decal or renewal. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. Except as otherwise provided in subsection 2, each application for a registration decal must be made to the Department by mail or to an authorized dealer.

2. Each application for renewal of a registration decal must be made to the Department by mail, to an authorized dealer or electronically via the Internet website established and maintained by the Department.

3. Each application must be made upon the appropriate form furnished by the Department pursuant to [NAC 490.085](#) and include:

- (a) The signature of the owner;
- (b) His or her residential address;
- (c) His or her mailing address, if different from the residential address;
- (d) A brief description of the off-highway vehicle to be registered, including the name of the manufacturer and the identification number of the off-highway vehicle; and
- (e) Any other information required by the Department or authorized dealer.

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

NAC 490.405 Application for registration decal for off-highway vehicle not previously registered in this State: Certificate of inspection. ([NRS 481.051](#), [490.066](#), [490.070](#))

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.

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)

NAC 490.410 Evidence or affidavit concerning payment of applicable taxes; payment of all applicable taxes and fees required for registration. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. If an application is made to the Department to register an off-highway vehicle which was purchased outside this State and which was not previously registered in this State and:

(a) The owner of the off-highway vehicle was not a resident of or employed in this State at the time of purchase, the owner shall submit the evidence required by the Department pursuant to [NRS 490.082](#) concerning the payment of any applicable taxes or an affidavit specified in that section indicating that no tax is due.

(b) The owner of the off-highway vehicle was a resident of this State or employed in this State at the time of purchase, it is presumed that the off-highway vehicle was purchased for use in this State and the owner shall submit the evidence or affidavit specified in paragraph (a).

2. Until all applicable taxes and fees are collected, the Department will not register the off-highway vehicle.

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

NAC 490.415 Grounds requiring refusal of issuance of registration decal. ([NRS 481.051](#), [490.066](#), [490.070](#)) The Department will not issue a registration decal for an off-highway vehicle if the applicant:

1. Is not entitled thereto pursuant to the provisions of this chapter or [chapter 490](#) of NRS;

2. Has neglected or refused to furnish the Department with the information required in the appropriate form or reasonable additional information required by the Department; or
 3. Has failed to pay any required fees.
- (Added to NAC by Dep't of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.420 Cancellation of registration decal or certificate of title. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. The Department will cancel the registration decal of an off-highway vehicle whenever the registered owner makes or allows to be made any unlawful use of the registration decal or allows the use of the registration decal by a person who is not entitled thereto.
2. The Department will cancel a certificate of title or registration decal which is issued erroneously or improperly or obtained illegally.
3. Upon cancellation of a certificate of title or registration decal, the cancelled certificate of title or registration decal must be returned to the Department upon receipt of a notice of cancellation from the Department.

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

NAC 490.425 Registration of off-highway vehicle and owner in database. ([NRS 481.051](#), [490.066](#), [490.070](#)) The Department will file each application received and register the off-highway vehicle therein described and the owner thereof in a suitable database as follows:

1. Under the number of the registration decal issued for the off-highway vehicle; and
2. Numerically under the identification number of the off-highway vehicle.

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

NAC 490.430 Contents of certificate of title. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. Each certificate of title will set forth upon the face of the certificate:
 - (a) The date of issuance;
 - (b) The name and address of the registered owner and the owner or lienholder, if any;
 - (c) A description of the off-highway vehicle;
 - (d) Any entries required pursuant to this chapter;
 - (e) The information required pursuant to subsection 4 of [NAC 490.435](#) if the certificate of title is a certificate of title in beneficiary form; and
 - (f) Any other information specified by the Department.

2. Each certificate of title will set forth on the reverse side of the certificate a form for providing notice to the Department of a transfer of title or interest of the owner or lienholder. If a new certificate of title is issued for an off-highway vehicle, the new certificate of title will include the same information as the replaced certificate of title, except to the extent that the information has changed after the issuance of the replaced certificate of title.

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

NAC 490.435 Certificate of title in beneficiary form: Request; application; fee; restriction upon issuance; contents; signatures and transactions; interest; duties of Department. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. Each owner or joint owner of an off-highway vehicle may request the Department to issue a certificate of title in beneficiary form for the off-highway vehicle, which includes a directive to the Department to transfer the certificate of title upon the death of the owner or upon the death of all joint owners to a beneficiary named on the face of the certificate of title.
2. A request made pursuant to subsection 1 must be submitted on an application furnished by the Department pursuant to [NAC 490.085](#) and be accompanied by the fee for the issuance of a certificate of title required by [NAC 490.360](#).
3. The Department will not issue a certificate of title in beneficiary form to a person who holds his or her interest in an off-highway vehicle as a tenant in common with another person.

4. A certificate of title in beneficiary form will include after the name of the owner or after the names of the joint owners the words "transfer on death to" or the abbreviation "TOD" followed by the name of the beneficiary.

5. During the lifetime of a sole owner or before the death of the last surviving joint owner:

(a) The signature or consent of the beneficiary is not required for any transaction relating to an off-highway vehicle for which a certificate of title in beneficiary form is issued; and

(b) The certificate of title in beneficiary form may be revoked or the beneficiary changed at any time by:

(1) Sale of the off-highway vehicle with an assignment and delivery of the certificate of title to another person; or

(2) Filing an application with, and paying the required fee to, the Department to reissue the certificate of title with no designation of a beneficiary or with the designation of a different beneficiary.

6. The interest of the beneficiary in an off-highway vehicle on the death of the sole owner or on the death of the last surviving joint owner is subject to any contract of sale, assignment or ownership or security interest to which the sole owner or joint owners of the off-highway vehicle were subject during their lifetime.

7. Except as otherwise provided in paragraph (b) of subsection 5, the designation of a beneficiary in a certificate of title in beneficiary form may not be changed or revoked by a will, any other instrument or a change in circumstances, or otherwise changed or revoked.

8. The Department will, upon:

(a) Proof of death of one of the owners, of two or more joint owners or of a sole owner;

(b) Surrender of the outstanding certificate of title in beneficiary form; and

(c) Application and payment of the fee for a certificate of title,

→ issue a new certificate of title for the off-highway vehicle to the surviving owner or owners or, if none, to the beneficiary, subject to any security interest.

9. For the purpose of complying with the provisions of subsection 8, the Department may rely on a death certificate, record or report that constitutes prima facie evidence of death.

10. The transfer on death of an off-highway vehicle pursuant to this section is not considered as testamentary and is not subject to administration pursuant to the provisions of title 12 of NRS.

11. As used in this section:

(a) "Beneficiary" means each person designated to become an owner of an off-highway vehicle on the death of the preceding owner or owners.

(b) "Certificate of title in beneficiary form" means a certificate of title of an off-highway vehicle that indicates each present owner of the off-highway vehicle and designates a beneficiary.

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

NAC 490.440 Expiration and renewal of registration decal. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. The registration decal of each off-highway vehicle expires at midnight on the day specified on the registration decal unless the day falls on a Saturday, Sunday or legal holiday or any other day the Department is scheduled for closure. If the day specified on the registration decal is a Saturday, Sunday or legal holiday or any other day the Department is scheduled for closure, the registration decal of the off-highway vehicle expires at midnight on the next judicial day.

2. Before the expiration of each registration decal, the Department will mail to the holder of the registration decal a notice to renew the registration decal for the next period of registration. The Department will mail each notice in sufficient time to allow the holder of the registration decal to submit the fee for renewal of the registration decal to the Department by

mail before the expiration of the registration decal. The holder of the registration decal may submit the fee for renewal:

- (a) To any authorized dealer;
 - (b) By mail to the Department of Motor Vehicles, 555 Wright Way, Attention OHV Section, Carson City, Nevada 89711-0700; or
 - (c) Electronically on the Internet website established and maintained by the Department.
- (Added to NAC by Dep't of Motor Veh. by R130-11, 6-29-2012, eff. 7-1-2012)

NAC 490.445 Change of name or place of residence: Notice to Department required; timing and contents of notice. ([NRS 481.051](#), [490.066](#), [490.070](#)) Each holder of a registration decal, upon changing his or her name, place of residence or mailing address, shall notify the Department of the change within 30 days after the change and shall include in the notice both the old and new names and addresses.

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

NAC 490.450 Fee for annual registration. ([NRS 481.051](#), [490.066](#), [490.084](#)) The fee for the annual registration of an off-highway vehicle is \$20.

(Added to NAC by Comm'n on Off-Highway Veh. by R050-12, 6-29-2012, eff. 7-1-2012)

TRANSFER OF TITLE

NAC 490.500 Expiration of registration decal on transfer of ownership or destruction of off-highway vehicle; registration decal nontransferable. ([NRS 481.051](#), [490.066](#))

1. Upon the transfer of the ownership of or an interest in any off-highway vehicle by any holder of a registration decal issued for the off-highway vehicle, or upon destruction of the off-highway vehicle, the registration decal expires.

2. The holder of the original registration decal may not transfer the registration decal to another off-highway vehicle.

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

NAC 490.505 Endorsement of certificate of title upon transfer; registration and payment of fees by transferee; exceptions. ([NRS 481.051](#), [490.066](#), [490.070](#))

1. Except as otherwise provided in this section and [NAC 490.435](#), upon a transfer of the title to or the interest of an owner in an off-highway vehicle registered or issued a certificate of title pursuant to the provisions of this chapter and [chapter 490](#) of NRS, each person whose title or interest is to be transferred and the transferee shall write his or her signature with pen and ink upon the certificate of title issued for the off-highway vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the certificate.

2. If the transferee is an off-highway vehicle dealer who intends to resell the off-highway vehicle, the off-highway vehicle dealer is not required to obtain a registration decal or pay a fee for the transfer.

3. If the transferee consigns the off-highway vehicle to a wholesale off-highway vehicle auctioneer:

(a) The transferee shall, within 30 days after the consignment, provide the wholesale off-highway vehicle auctioneer with the certificate of title for the off-highway vehicle, executed pursuant to subsection 1, and any other document required to obtain another certificate of title for the off-highway vehicle.

(b) The wholesale off-highway vehicle auctioneer shall be deemed a transferee of the off-highway vehicle for the purpose of subsection 2. The wholesale off-highway vehicle auctioneer is not required to comply with the provisions of subsection 1 if he or she:

- (1) Does not take an ownership interest in the off-highway vehicle;
- (2) Auctions the off-highway vehicle to an off-highway vehicle dealer; and

(3) Stamps his or her name, his or her license number as an off-highway vehicle dealer and the date of the auction on the certificate of title, bill of sale and any other document of transfer for the off-highway vehicle.

4. A charitable organization that intends to sell an off-highway vehicle which is donated to the charitable organization is not required to register or pay a fee for a registration decal for the off-highway vehicle. When the off-highway vehicle is sold by the charitable organization, the purchaser shall apply for a registration decal as provided in [NAC 490.400](#).

5. As used in this section, "wholesale off-highway vehicle auctioneer" means an off-highway vehicle dealer who:

(a) Is engaged in the business of auctioning consigned off-highway vehicles to off-highway vehicle dealers who are licensed pursuant to this chapter and [chapter 490](#) of NRS or in another state; and

(b) Does not, in the ordinary course of that business, buy, sell or own any off-highway vehicle he or she auctions.

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

NAC 490.510 Registration if transferee unable to produce registration decal or title. ([NRS 481.051](#), [490.066](#)) Whenever an application is submitted to the Department to register an off-highway vehicle previously registered pursuant to this chapter and the applicant is unable to present the registration decal or certificate of title previously issued for the off-highway vehicle because the registration decal or certificate of title is lost, unlawfully detained by a person in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. If the Department is satisfied that the applicant is entitled to a new registration decal and certificate of title, the Department will register the applicant's off-highway vehicle and issue a new registration decal and certificate of title to each person entitled thereto.

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

NAC 490.515 Transfer other than voluntary transfer: Expiration of registration decal; operation of off-highway vehicle. ([NRS 481.051](#), [490.066](#)) In the event of a transfer by operation of law of the title or interest of an owner of an off-highway vehicle, including, without limitation, a transfer by inheritance, devise, bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, transfer on death pursuant to [NAC 490.435](#) or otherwise, the registration decal issued for the off-highway vehicle expires and the off-highway vehicle must not be operated unless the person entitled thereto applies for and obtains a registration decal for the off-highway vehicle.

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

REPOSSESSION

NAC 490.530 Sale or lease of repossessed off-highway vehicle: Persons liable on security agreement to be given written notice of intent in advance; required manner of provision and contents of notice; rights of persons liable on security agreement. ([NRS 481.051](#), [490.066](#))

1. Any provision in any security agreement for the sale or lease of an off-highway vehicle to the contrary notwithstanding, at least 10 days' written notice of intent to sell or again lease a repossessed off-highway vehicle must be given to all persons liable on the security agreement. The notice must be given in person or sent by mail directed to the address of the persons shown on the security agreement, unless the persons have notified the holder in writing of a different address.

2. The notice:

- (a) Must set forth that there is a right to redeem the off-highway vehicle and the total amount required as of the date of the notice to redeem;
- (b) May inform the persons of their privilege of reinstatement of the security agreement, if the holder extends such a privilege;
- (c) Must give notice of the holder's intent to resell or again lease the off-highway vehicle upon the expiration of 10 days after the date of giving or mailing the notice;
- (d) Must disclose the place at which the off-highway vehicle will be returned to the buyer or lessee upon redemption or reinstatement; and
- (e) Must designate the name and address of the person to whom payment must be made.

3. During the period provided under the notice, each person liable on the security agreement may pay in full the indebtedness evidenced by the security agreement. Each of those persons is liable for any deficiency after sale or lease of the repossessed off-highway vehicle only if the notice prescribed by this section is given within 60 days after repossession and includes an itemization of the balance and of any costs or fees for delinquency, collection or repossession. In addition, the notice must either set forth the computation or estimate of the amount of any credit for unearned finance charges as of the date of the notice or state that such a credit may be available against the amount due.

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

NAC 490.535 Sale of repossessed off-highway vehicle in commercially reasonable manner; application of proceeds; injunctive relief; damages. ([NRS 481.051](#), [490.066](#))

1. Every repossessed off-highway vehicle must be sold in a commercially reasonable manner. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party sells the off-highway vehicle in the usual manner in any recognized market for the off-highway vehicle, sells at the price current in the market at the time of the sale or has otherwise sold in conformity with reasonable commercial practices among off-highway vehicle dealers in the type of off-highway vehicle sold, the secured party has sold in a commercially reasonable manner. A disposition which has been approved in any judicial proceeding shall be deemed conclusively to be commercially reasonable, but such a disposition does not indicate that any such approval must be obtained in any case and does not indicate that any disposition not so approved is not commercially reasonable.

2. The proceeds of a disposition must be applied in the following order:

(a) The reasonable expenses of retaking, holding, preparing for sale and selling, and, to the extent provided for in the agreement, the reasonable attorney's fees and legal expenses incurred by the secured party.

(b) The satisfaction of indebtedness secured by the security interest under which the disposition is made.

(c) The satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his or her interest, and unless he or she does so, the secured party is not required to comply with his or her demand.

(d) The payment of any surplus to the debtor.

3. If it is established that the secured party is not proceeding in accordance with the provisions of this section and [NAC 490.530](#), a disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred, the debtor or any person entitled to notification or whose security interest has been made known to the secured party before the disposition has a right to recover from the secured party any loss caused by failure to comply with the provisions of this section. If the disposition was not commercially reasonable, as specified in subsection 1, the debtor has a right to recover double his or her actual damages.

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

NAC 490.540 Reports of repossession to peace officer and Department. ([NRS 481.051](#), [490.066](#)) Any person who repossesses an off-highway vehicle without the knowledge of the registered owner of the off-highway vehicle shall immediately report the repossession by oral communication to the police of the city or to the sheriff's office of the county where the repossession occurs. The officer to whom the repossession report is made shall forward a copy of the report to the Department.

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

SPECIAL ANTITHEFT PROVISIONS

NAC 490.560 Action by Department on reports of stolen, embezzled and recovered off-highway vehicles. ([NRS 481.051](#), [490.066](#)) Whenever the owner of any off-highway vehicle which is stolen or embezzled files with the Department an affidavit alleging the theft or embezzlement of the off-highway vehicle, the Department will immediately suspend the registration of and refuse to reregister the off-highway vehicle until such time as the Department is notified that the owner has recovered the off-highway vehicle. Any notice given pursuant to this section is effective only during the current registration year in which given. If, during the current registration year, the off-highway vehicle is not recovered, a new affidavit may be filed with like effect during the ensuing year. Each owner who files an affidavit of theft or embezzlement shall immediately notify the Department of the recovery of the off-highway vehicle.

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

NAC 490.565 Authority of police officer, without warrant, to seize and take possession of certain vehicles; inspection and written report concerning certain falsely attached, removed, defaced, altered or obliterated numbers and marks; authority of court to declare off-highway vehicle forfeited under certain circumstances; charging of criminal act must not precede completion of report. ([NRS 481.051](#), [490.066](#))

1. Any police officer, without a warrant, may seize and take possession of any off-highway vehicle:

- (a) Which is being operated with an improper registration decal;
- (b) Which the officer has probable cause to believe has been stolen; or
- (c) On which any motor number, manufacturer's number, identification mark or identification number has been falsely attached, removed, defaced, altered or obliterated.

2. A law enforcement agency or an employee of the Department whose primary responsibility is to conduct investigations involving the theft of off-highway vehicles shall inspect any off-highway vehicle seized pursuant to paragraph (c) of subsection 1 to determine whether the number or mark in question on the off-highway vehicle has been falsely attached, removed, defaced, altered or obliterated and whether any person has presented satisfactory evidence of ownership of the off-highway vehicle. The agency or employee shall prepare a written report which sets forth the results of the inspection within 30 days after the off-highway vehicle is seized.

3. If the results of the report conclude that the number or mark in question has been falsely attached, removed, defaced, altered or obliterated and that there is no satisfactory evidence of ownership, the court shall declare the off-highway vehicle forfeited and proceed in the manner set forth in [NAC 490.570](#).

4. A person must not be charged with any criminal act which caused an off-highway vehicle to be seized pursuant to paragraph (c) of subsection 1 until the written report is completed pursuant to subsection 2.

5. As used in this section, "police officer" means:

- (a) Any peace officer of the Department;
- (b) A sheriff of a county or officer of a metropolitan police department and any deputy of the sheriff or metropolitan police department; and
- (c) A marshal or police officer of a city or town.

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

NAC 490.570 Disposition of seized off-highway vehicle. (NRS 481.051, 490.066)

1. The Department may remove any off-highway vehicle seized pursuant to [NAC 490.565](#) to:

- (a) A place designated for the storage of seized property.
- (b) An appropriate place for disposal if the disposal is specifically authorized by law.

2. If the disposal of the off-highway vehicle is not specifically authorized by law, the off-highway vehicle is subject to forfeiture if it appears to the court having jurisdiction over the proceedings that the rightful owner of the off-highway vehicle cannot after due diligence be found.

3. If a court declares that an off-highway vehicle seized pursuant to [NAC 490.565](#) is forfeited, the Department may:

- (a) Retain the off-highway vehicle for official use;
- (b) Sell the off-highway vehicle; or
- (c) Remove the off-highway vehicle for disposal.

4. If at any time after an off-highway vehicle is seized pursuant to [NAC 490.565](#) the rightful owner of the off-highway vehicle demands its return, the Department will:

- (a) Return the off-highway vehicle to the owner; or
- (b) If the off-highway vehicle is declared forfeited by a court and subsequently sold or removed for disposal, pay to the owner the fair market value of the off-highway vehicle at the time of the forfeiture.

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

PROHIBITED ACTS; ADMINISTRATIVE FINES

NAC 490.600 Certain prohibited acts. (NRS 481.051, 490.066) A person shall not:

1. Operate, or the owner thereof shall not knowingly permit the operation of, any off-highway vehicle which is not registered or which does not have attached thereto and displayed thereon the registration decal issued by the Department for the off-highway vehicle for the current period of registration or calendar year, subject to the exemption set forth in [NRS 490.082](#).

2. Display, cause or permit to be displayed or have in his or her possession any registration decal, certificate of title or other document of title knowing it to be fictitious or to have been cancelled, revoked, suspended or altered.

3. Fail or refuse to surrender to the Department, upon demand, any registration decal which has been suspended, cancelled or revoked.

4. Use a false or fictitious name or address in any application for the registration of any off-highway vehicle or for any renewal or duplicate thereof, or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in an application.

5. Knowingly operate an off-highway vehicle which:

- (a) Has a motor number, manufacturer's number, identification number or identification mark which has been falsely attached, removed, defaced, altered or obliterated; or
- (b) Contains a part which has a motor number, manufacturer's number, identification number or identification mark which has been falsely attached, removed, defaced, altered or obliterated.

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

NAC 490.605 Prohibited sale, offer of sale or display for sale of off-highway vehicle. (NRS 481.051, 490.066)

1. A person shall not sell, offer to sell or display for sale any off-highway vehicle unless the person is:

- (a) The lienholder, owner or registered owner of the off-highway vehicle;

(b) A reposessor of the off-highway vehicle, or holder of a statutory lien on the off-highway vehicle, selling the off-highway vehicle on a bid basis; or

(c) An off-highway vehicle dealer, long-term lessor, short-term lessor or manufacturer licensed under the provisions of this chapter and [chapter 490](#) of NRS.

2. The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells an off-highway vehicle pursuant to powers or duties granted or imposed by law.

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

NAC 490.610 Prohibited removal, defacement, alteration or obliteration of identification number or mark of off-highway vehicle; restoration of number. (NRS [481.051](#), [490.066](#))

1. A person shall not intentionally remove, deface, alter or obliterate the identification number of an off-highway vehicle without written authorization from the Department or attach to or place or stamp upon an off-highway vehicle any serial, motor or other number or mark other than the identification number of the off-highway vehicle.

2. This section does not prohibit the owner of an off-highway vehicle from restoring the identification number of the off-highway vehicle when the restoration is authorized by the Department, or prevent any manufacturer from placing in the ordinary course of business numbers or marks upon a new off-highway vehicle or new parts thereof.

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

NAC 490.615 Administrative fines for engaging in deceptive trade practice. (NRS [481.051](#), [490.066](#), [490.510](#))

1. The Department may, pursuant to [NRS 490.510](#), impose an administrative fine of not more than \$2,500 against any person who engages in a deceptive trade practice.

2. For the purposes of this section, a person shall be deemed to be engaged in a deceptive trade practice if, in the course of his or her business or occupation, he or she:

(a) Enters into a contract for the sale of an off-highway vehicle on credit with a customer, exercises a valid option to cancel the off-highway vehicle sale and then, after the customer returns the off-highway vehicle with no damage other than reasonable wear and tear, the seller:

(1) Fails to return any down payment or other consideration in full, including returning an off-highway vehicle accepted in trade;

(2) Knowingly makes a false representation to the customer that the customer must sign another contract for the sale of the off-highway vehicle on less favorable terms; or

(3) Fails to use the disclosure as required in subsection 3.

(b) Uses a contract for the sale of an off-highway vehicle or a security agreement that materially differs from the form prescribed by law.

(c) Engages in any deceptive trade practice, as defined in [NRS 598.0915](#) to [598.0925](#), inclusive, that involves the purchase and sale or lease of an off-highway vehicle.

(d) Engages in any other activity specified by the Department as a deceptive trade practice.

3. If, in the course of his or her business or occupation, a seller of an off-highway vehicle exercises a valid option to cancel the sale of an off-highway vehicle to a customer, the seller shall not enter into a new agreement with the customer for the sale of the same vehicle on different terms or for the sale of a different vehicle unless the seller first provides the customer with a disclosure on a form furnished by the Department pursuant to [NAC 490.085](#) and the customer signs the disclosure.

4. Except as otherwise provided in this subsection, the administrative remedy provided in this section is not exclusive and is intended to supplement existing law. The Department will not impose an administrative fine pursuant to this section against any person who engages in a deceptive trade practice if a fine has previously been imposed against that person pursuant to [NRS 598.0903](#) to [598.0999](#), inclusive, for the same act. The provisions of this section do not

deprive a person injured by a deceptive trade practice from resorting to any other legal remedy.

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