

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Public Hearing for the Adoption of Proposed New Regulations of the Department of Motor Vehicles

The Department of Motor Vehicles will hold public hearings at the following location on the date and time specified:

CARSON CITY

***Thursday, May 24, 2012, 10 A.M.
Nevada State Legislative Building, Room 4100
401 S. Carson Street
Carson City, Nevada 89701***

Video conferencing will be provided to

LAS VEGAS

***Legislative Counsel Bureau
Grant Sawyer Building, Room 4401
555 East Washington Avenue
Las Vegas, Nevada 89101***

ELKO

***Great Basin College
1500 College Parkway, High Tech Center, Room 137
Elko, Nevada***

The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapter 490 of the Nevada Administrative Code.

Proposed Regulations of the Department of Motor Vehicles

**[LCB File No R130-11](#)
Off-Highway Vehicles**

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

These regulations are necessary for the purpose of administering chapter 490 of NRS; Off-Highway Vehicles.

2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.

The regulations include provisions necessary to administer chapter 490 of NRS including:

- Circumstances for an off-highway vehicle dealer to become an authorized dealer.
- Issuance of a certificate of title and registration decal.
- Issuance of a certificate of title in beneficiary form.
- Assignment of a vehicle identification number (VIN).
- Fees
- Dealer's Report of Sale.
- Revocation of an authorized dealer's license.
- Lienholders and release of lien.
- Expiration of registration decal.
- Advertising restrictions; temporary license for the sale of an off-highway vehicle.
- Repealed provisions in chapter 490.
- Other matters properly relating thereto.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

(a) Both adverse and beneficial effects.

Adverse

- Owners of off-highway vehicles will be required to pay titling and registration fees.
- Off-highway Dealer business license requirements.

Beneficial

- Owners of off-highway vehicles will be able to obtain a vehicle title
- Funding (through the OHV Commission) to be made available for construction, maintenance and enhancement of trails and facilities
- Dealers may charge up to \$2 for each application of title or registration.

And

(b) Both immediate and long-term effects.

Immediate

- Dealer licensing requirements as an off-highway vehicle dealer.
- Public awareness of OHV program.

Long-term

- Fraud and theft prevention through title issuance and record keeping
- Funding for trail construction and maintenance.

4. The estimated cost to the agency for enforcement of the proposed regulation.

The Off-Highway Vehicle Program (OHV) is a self-funded program. There are no costs to the agency over and above the costs of administering the program. Senate Bill 394 (2009) amended NRS 481.048 to include enforcement of certain provisions of chapter 490 of NRS by investigators of the Department's Compliance Enforcement Division. Costs associated with enforcement are paid from the Fund for Off-Highway Vehicles which is administered by the Off-Highway Vehicle Commission.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The proposed amendments to the regulations do not overlap that of any other state, local, or federal government agency.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

These regulations are not required pursuant to federal law.

7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulations do not include provisions which are more stringent than a federal regulation.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

Pursuant to NRS 490.084 and 490.082 the proposed regulations establish certain fees related to the Off-Highway Vehicle Program. Fee amounts are based on those imposed pursuant to NRS 482.429.

Fees include:

Department issuance of certificate of title	\$20.00
Department issuance of duplicate certificate of title	\$20.00
Certificate of title (OHV not present or registered in this State)	\$35.00
Department processing of Dealer's Report of Sale	\$8.25
Department processing of Lessor's Report of Sale	\$8.25
Issuance of duplicate registration decal	\$5.00

Processing of endorsed 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 dealer \$8.25

Persons wishing to comment upon the proposed action of the Department of Motor Vehicles may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form to:

Peter Olson
Department of Motor Vehicles
Research and Development Division
555 Wright Way, Carson City, NV 89711
775.684.4960

Written submission must be received by Department of Motor Vehicles on or before **Tuesday May 29, 2012**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Motor Vehicles may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and regulations to be adopted will be available at each of the Department of Motor Vehicles listed, and at the main public libraries listed, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/Register/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the locations listed on the attached page.

Dated: April 23, 2012

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Carson City DMV
555 Wright Way
Carson City, NV 89711

Las Vegas DMV (West Flamingo)
8250 West Flamingo
Las Vegas, NV 89147

Elko DMV
3920 East Idaho Street
Elko, NV 89801

Reno DMV (Galletti Office)
305 Galletti Way
Reno, NV 89512

Ely DMV
178 Avenue F (PO Box 150088)
Ely, NV 89301 (Ely, NV 89315)

Henderson DMV
1399 American Pacific Drive
Henderson, NV 89704

Fallon DMV
973 West Williams Street
Fallon, NV 89406

Las Vegas DMV (Sahara Office)
2701 East Sahara
Las Vegas, NV 89104

Donovan DMV
4110 Donovan Way
N. Las Vegas, NV 89030

Hawthorne DMV
1085 Highway 95 (PO Box 2093)
Hawthorne, NV 89415

Tonopah DMV
1137 S. Main St. #C-8
Tonopah, NV 89049

Laughlin DMV (PO Box 32908)
3030 South Needles Hwy Suite 900
Laughlin, NV 89028

Yerington DMV
215 West Bridge Street #9
Yerington, NV 89447

Pahrump DMV
1780 E. Basin Avenue, Suite #1
Pahrump, NV 89060

Winnemucca DMV
3505 Construction Way
Winnemucca, NV 89445

Decatur DMV
7170 N. Decatur Blvd.
Las Vegas, NV 89131

Mesquite DMV
550 West Pioneer Blvd., Suite 120
Mesquite, NV 89027

LIBRARIES

Goldfield Public Library
Fourth & Crook Street
PO Box 430
Goldfield, Nevada 89013

Lincoln County Library
93 Main Street
PO Box 330
Pioche, Nevada 89043

Eureka Branch Library
10190 Monroe Street
PO Box 293
Eureka, Nevada 89316

Battle Mountain Branch
625 South Broad Street
PO Box 141
Battle Mountain, Nevada 89820

Douglas County Library
1625 Library Lane
PO Box 337
Minden, NV 89423

Pershing County Library
1125 Central Avenue
PO Box 781
Lovelock, Nevada 89419

Storey County Library
95 South R Street
PO Box 14
Virginia City, Nevada 89440

Nevada State Library
100 North Stewart Street
Carson City, Nevada 89701

Mineral County Library
110 1st Street
Hawthorne, NV 89415