

**Commission on Off-Highway Vehicles
April 19, 2012
9:30 a.m. - 4:00 p.m.**

Meeting Summary

**Video Conference Sites: Legislative Council Bureau
401 South Carson Street Room 2134
Carson City, NV 89701**

**Great Basin College
Greenshaw Technical Arts Building Room 124
Elko, NV 89801**

**Grant Sawyer State Office Building
555 E. Washington Avenue Room 4406
Las Vegas, NV 89101**

I. Call to Order

The meeting was called to order at 9:40 a.m. by Paul Jackson, Chair.

II. Role Call Commissioners/Advisors:

Paul Jackson, Chair
John Glenn, Vice Chair
Marci Henson, Secretary
Richard Harrison, Treasurer
Robert Adams, Commissioner
Darin Elmore, Commissioner
Jon Griggs, Commissioner
Gary Lambert, Commissioner
Kerry Lee, Commissioner

III. Review/Approval of Meeting Minutes from March 1, 2012

Marci Henson, Secretary, noted the March 1, 2012 meeting summary has not been provided to the Commissioners by the DMV staff. Marci asked Andy McCool to check on the meeting summary and to forward the March meeting minutes to her as soon as they are completed. The March 1, 2012 meeting minutes will need to be approved at the May 31, 2012 meeting.

IV. Approval of Agenda

The agenda for April 19, 2012 was reviewed and there were no comments. The Commission approved the agenda and moved to Agenda Item V.

V. Receive update from the Secretary on the solicitation for nonvoting advisors

Marci reported the commission should have a total of nine nonvoting members from various federal agencies and she has received only two appointments, Leo Drumm and

Ann Yukish-Lee. Marci will continue to work with the agencies for appointments and asked that all future recommendations for nonvoting advisors be forwarded to her.

VI. Ratify draft regulation language for the annual registration fee and the DMV's submittal of the draft language to the Legislative Counsel for review; or take other action as necessary

The proposed draft regulation language was provided by the Department of Motor Vehicles. Chapter 490 of NAC is hereby amended by adding thereto the provisions set forth: Sec. 2. 1. There must be paid to the Department for the annual registration of off-highway vehicles a registration decal fee of \$20; 2. The fee collected by the Department for the annual registration of off-highway vehicles must be distributed pursuant to NRS 490.084.

Paul Jackson asked if anyone would like to comment on the draft language in the handout. There were no comments. Richard Harrison motioned to accept the draft regulation language and Marci Henson provided a second to the motion. All commissioners were in favor of accepting the regulation language as written and the motion passed.

VII. Public Comment

Participants were asked to keep public comments to two minutes per person:

Paul Jackson asked if there were any comments in Las Vegas, there were no comments.

There were no comments in Elko.

Josh Wilson, Carson City, representing MRANN and Trailblazers Motorcycle Club. He asked to be afforded time to publicly comment on agenda item IV as well as other agenda items. Specifically he wanted to comment on LCB file #R130-11 as he has a couple of concerns. He has talked to dealers that have participated with the workshop yesterday and he was challenged on how to participate in that. Specifically one of his biggest concerns with this particular regulation comes under Section 83 where by which it seems by the language passed through that if somebody is found to be operating an off road vehicle without the proper registration that the vehicle would be seized and you would have to demand that your property be returned to you. Generally that seems a little aggressive and he would hope we could perhaps have further discussion as that would be both a burden to the taxpayers as well as the department overseeing the administration of the program. I know that time is close and I am limited to two minutes and would guess I am there but I want to actively seek to be on a nonvoting position if that's possible and if there is any assistance I can provide I would do so and I will be contacting the chairman following this meeting thank you.

Paul Jackson commented that the public is welcome to contact Commission members with any concerns and there will be an enforcement committee which would address at least one of your issues. Josh Wilson then asked the commission to take no action on this file and Paul Jackson asked that Mr. Wilson contact him following the meeting and he would go over the item with him.

John Reed, Carson City, commented he thinks what we are doing is a good first step and his basic issue with OHV's has to do with dirt bikes. Within five miles of where he lives they have a really good outdoor trails park at Silver Knolls, one with events at Stead, and we have Moonrocks which probably has thirty miles of trails and roads. I am an outdoorsman and an avid hunter and hiker and when I go out and see where dirt bikes have torn up just about every inch of the flat I find it more than a little bit disconcerting. Obviously enforcement is a major issue and that is going to be at the root of trying to get control over what these guys are doing. I appreciate your efforts on this to get control on the issues and it is different between dirt bikes and four wheelers because the four wheelers can be used for hunting or ranch use. Dirt bikes are specific to riding dirt bikes, they chase wildlife and I believe they are a major problem. I would like to see three things done; I would like to see them restricted to dirt bike areas that would help with the enforcement and we have too many kids driving all over the place and one of them ran into my car when he ran a stop sign. You have to be sixteen to drive a car and I think you should be sixteen to drive a bike unless you are in a controlled area. Thank you very much for your time.

Terry McTimmons, Carson City, Outdoor Toy Store, stated my concerns regarding a portion of this new regulation regarding the dealers requiring them to have a separate bond. I already purchase a bond for selling my products. Paul Jackson commented that the commission is actually discussing that issue with DMV currently and are checking into that now but they must seek legal counsel on the subject as they do not know if they can change that through regulation or if it was part of the bill. That is an issue being brought up and is certainly an issue they are on top of. Terry thanked Paul and continued to include the six off site permits and again that really restricts him in being able to promote local events. For instance, if I were to sponsor the MRANN series or a series of events you are only going to allow me to have six of those and promote my products and services and that will adversely affect my income potential and the ability for me to hire employees to expand the business. I do not feel there should be any regulation on the number of events that I can attend to be able to promote the business.

Paul Jackson recommended Terry speak to one of the Commissioners. Mr. Glenn is working with all the dealers.

Keith Surpa, Carson Motor Sports, outside of the bond issue there is the lack of dealer registration. As a DMV dealer, motorcycle dealer, for speed driven vehicles we have dealer license plates for demonstrators and under this proposed plan there is no such thing for the off road demonstration vehicles. As the bill is written right now the dealers for any vehicles that are used as a demonstrator would be required to actually register and title these vehicles, which is contrary to how it works the speed driven vehicles. John Glenn stated that he believes in the state statute it says that a dealers vehicle inventory is not required to have a sticker. Paul commented he just discussed this topic with a member of the DMV and were trying to find out if they could just put the regular demonstrator road plates on the vehicle so any police that saw them would understand that it is a demo. Paul stated he would like to clear this subject up.

Robert Piper, Carson City, stated he was wondering why there is no public at the other two locations. Does the public know this is going on? I would like to receive fair notice of the meeting. Paul commented that the meeting was noticed 30 days in advance and it appears at the libraries, the DMV, and the DMV website. Robert commented that he just heard about the meeting an hour ago so he does not feel he was given proper notification. Marci Henson stated she can assure him that proper legal notice was provided and if you are interested in being on the interested party's distribution list we can get your information off of the sign-in sheet and make sure you are added to that distribution list and you will be individually notified. Mr. Piper commented that he has an additional issue with registration. Basically off road vehicles in this state since I have been here have never had to register any OHV and people basically buy and sell motorcycles like they are lawn mowers and that is not my fault that is yours. I don't feel that coming up with documentation 10, 12, 13 years later after the fact is really too fair and is not possible in some cases.

Darin Elmore, I also ask that these notices be posted at all the regional Department of Wildlife offices and I would suggest that anyone from the public that has an idea of where we can post these get a hold of one of the Commissioners and we can make it happen. Marci concurred and stated the DMV has also put up a website for the OHV program as well as the Commission and it is www.DMVNV.com/OHV. All of the meeting notices including this one will be posted to this website.

John Griggs, Commissioner, stated for the record they do have public in Elko.

There was no further public comment.

VIII. Discuss draft regulation language for the placement of the decal on an off-highway vehicle

Paul Jackson opened the discussion for the decal placement. He clarified the Commission cannot decide on the size or design as that has already been decided by the legislature but we will be discussing the language of the placement of the decal on the vehicle. The decal will be the size of a motorcycle license plate. He asked for comments from the Commission and there were none. Paul stated he has received comments the decal should be placed on the rear of the vehicle but that does not seem possible for all vehicles. Paul suggested allowing a bracket for the placement as well as a vertical setting and asked for additional suggestions.

The Commissioners discussed placement language in regards to safety and law enforcement and found the front fork to be the most desirable location for the decal placement. Uniform placement for other off-highway vehicles such as snowmobiles, UTV, ATV, and dirt bikes was recommended by Darin Elmore. Kerry Lee, Commissioner, commented that the numbers on the decal must be visible to law enforcement and easily reportable.

Paul Jackson asked for public comment on the agenda item. There was no public comment in Elko or Las Vegas.

Karen Boeger, Carson City, I am speaking as a backcountry hunter and angler and a member of various conservation groups. Many of our back country hunters use ATV's to access the areas and we are very much affected by irresponsible use of other ORV users and we have no handle on which to identify these people so that we can improve both our experience out there and keep recreating. I think this is a very important issue, I was involved with the legislation back a couple of years ago and I can tell you the reason that we have a sticker the size of a motorcycle license plate was to facilitate a highly visible ID and we advocated for a license plate but were unable to achieve a plate at that time. I realize that it is problematical for placement but there are many states now well over ten that require license plates on ORV's and they have come up with solutions for the license plates some of which could be adopted for stickers and there are also chat rooms out there of folks that have to deal with this and how to place those. I realize on a dirt bike the placement can be a danger, some states have them remove that plate during races so it is not a physical danger and I advise you to look at some of the other states that have dealt with this issue and should get advice from sheriffs and chiefs association, NDOW law enforcement, and other public land agency enforcement on how to solve this problem so that we can get some citizen reporting much like the operation game chief because it is very effective.

Michael Caltagirone, Nevada State Coordinator for Backcountry Hunters and Anglers, wanted to reiterate what Karen said and has concerns on the enforcement issue. Looking back over the discussion when the bill was proposed in 2009 the discussions make it very clear that enforcement is one of the main drivers for this law. We want to make sure that does not get over looked. We want to advocate for rear mounting because peer to peer enforcement is usually the most effective and the most efficient method of enforcement. I am a motorcycle rider and I recognize that the vast majority of motorcycle riders are very cognizant of the laws they ride where they are supposed to and there are a few that don't but that can't jeopardize the opportunities for the rest of us and we want to make sure we have the opportunity as responsible riders to help enforcement that so we can have a say in where we ride and how much we ride. Rear mounted is not an impossibility and it is done in many states and there are ways around it and we just have to be clever enough to figure out how to do this in a safe manner and quite honestly I had to laugh a little bit because there is a lot more on my dirt bike that is dangerous than a plate.

Randy McNatt, Nevada Backcountry Hunters and Anglers, our organization has a vested interest in the deliberations of this Commission. The intent of the legislation by mandating a motorcycle size sticker was to facilitate as highly visible ID. Our research in other states indicates the ID should be a minimum of 2.5 inches which is what the plates are so that has been taken care of. A highly visible ID enables citizens to report irresponsible OHV use. We recognize that a rear mounted ID does present a problem on some vehicles. There are several states that have rear mounted license plate or regulation and mounting a sticker I can easily attach it to a rear rack on my ATV. It is pretty easy to do that. I also advocate that the Commission should get advice and input from law enforcement agencies.

Tom Smith, Coalition for Nevada Wildlife, he commented he was present to speak specifically about the design. The legislative intent for having it the size of a motorcycle plate was so it could be identified at a distance. He spoke to DMV staff and the stickers have not been printed yet and the expiration date on the top of the sticker will be about the same size, making it more difficult to read. I think if we change the fonts so the expiration date was smaller the numbers are bigger and corresponding to the motorcycle license plate so enforcement can see the number is very important. That can easily be accomplished if they just do what Pyramid Lake has done for years, every sticker for every year is a different color so it is easily seen who is expired. In the last two weeks I have probably talked to numbers of people and everyone agrees the number one issue is we have to have the number large enough so there is peer enforcement and law enforcement can see the decal. Reducing the size of the expiration date is easy if you change the color by year.

Pat Schmidt, Pine Nut trails Association, it will be hard to find a spot for each of the different types of vehicles. A vertical rear mount is problematic as they will tend to break off or fall off. I have lost six license plates over the last several years because the bracket will get caught in the knobby tire and you don't always know this until you get home. So now we have a part we will have to replace on a regular basis. They will have to add an extra conveyance that will be prone to breaking off on a common basis. Maybe you have to look at front number plates or side plates to mount it vertically and easily visible.

Wayne Fischer, Tahoe Snowmobile Club, has been snowmobiling for 12 years in Idaho, California, Utah and all of our stickers are mounted on the side of the snowmobile, California puts it on the tunnel which I do not recommend as after one year of snowmobiling it wore off but California does change the color. Idaho and Utah put it on the front and it is 2 inches wide and 3 inches high and that works very well in those states. I recommend Nevada do the same around the engine compartment in the front.

John Giambastiani, Michaels Reno Powersports, we carry all of the OHV products we have been talking about and I whole heartedly agree with Mr. Lambert on the assessment of the sticker placement on the side of the dirt bikes. Unfortunately in that part of our industry crashing is the norm so we have to consider that anything on plastic may have to be replaced several times throughout the season, so the fork placement seems to be the best. It has worked for California for a number of years and usually can be seen with binoculars easily. Anything OHV like ATV rear placement works fine but snowmobile has to be on the tunnel or on the side because of the track placement on the vehicle. It is very difficult to keep the registration plate visible or intact in that position.

Josh Wilson, MRANN, the text in the repealed language in the back of this regulation NAC 490.090 covers the issue we are discussing here today. This discussion took place when the Department of Taxation held their workshops on these regulations that are on this language that is being asked to be repealed and I believe it covers the full range and was certainly appropriate and satisfactory at the time. If I could briefly read the statement in here: is affixed and displayed on an OHV in a manner in which the position,

size, and color of the certificate at the time is plainly visible and then it goes on, in a condition that is free from foreign materials, on the rear fender or on the middle frame on the left if the OHV is an all terrain motorcycle on the left vertical fork and visible from the left if it is an option on the OHV or all terrain motorcycle on the rear fender or metal frame and is visible from the left if the OHV is a sand rail or dune buggy on the back tunnel and visible from the left of the OHV is a snowmobile. So my point being is I believe this was vetted a number of years ago when the commission adopted this language through the Department of Taxation and this language might be a good starting point when reviewing some draft language to add on at a subsequent meeting.

Paul Jackson asked for any additional public comments, there were none. The Commission continued the discussion on suggestions for language. John Glenn reiterated that the rear fender placement is not good on a dirt bike and each model would have to have it in a different location. Paul suggested the language include back or left hand side. John Glenn commented that seems reasonable to support as well as the draft repealed language. Richard Harrison commented to make it very simple “left side of the vehicle and visible from outside the vehicle”. The Commission discussed race events and race vehicles in regard to the decal. Paul Jackson explained the Commission will draft the language and the draft language will be sent to the Legislative Counsel Bureau for them to review under legal parameters, following their review there will be a workshop then the language will come back to the Commission for final approval. Andy McCool cited 490.082 to assist in drafting the language.

The draft regulation language for the placement of the decal shall read:
“The sticker shall be placed on the left side or rear of the vehicle and will be clearly visible from the left side or rear while being operated or after being operated”.

Marci Henson made a motion to accept the draft language and Kerry Lee made and second motion, all members of the Commission were in favor and the motion passed.

XI. Discuss strategies for notifying the public of the requirements of N.R.S. Chapter 490

Paul Jackson asked if any members of the Commission had any comments. Kevin Malone, DMV, stated the DMV has requested a promotional budget of \$85,000.00 that is up for consideration at the interim finance committee hearing on Tuesday. There are three audiences for this campaign with the OHV users, the OHV dealers, and law enforcement to make the program work. He believes we must get dealers on board first. The way to proceed with the program is to start targeting dealers in giving them some promotional materials as the sales are made, and then we can target the general public. Structuring the PR campaign the DMV will have three PR budgets and right now they are writing open ended contracts to television stations and other media outlets to allow maximum flexibility for advertising.

Kerry Lee suggested they also work with Division of Wildlife or Nevada Fish & Game. Paul Jackson commented he would like to see two separate websites, one for the dealers and one for the consumers. Another thing suggested to him was posters in the dealerships. John Glenn suggested the Department of Taxation has the names and

addresses of the people who have received a sticker and they could send out a mailer. Kerry Lee stated he could take this to the Sheriffs and Chiefs Association as he feels they would be likely to put out a press release in their respective counties. Darin Elmore commented that in notifying the sportsmen we have missed two key opportunities. The first being that hunting and fishing licenses as they renew March 1st annually and also the application process for big game and deer tags has passed, but in general we need to consult with enforcement agencies. Kerry Lee recommended NDOW put a link on their website to the OHV website.

X. Discuss Idaho Trailblazers OHV Mapping System

Gary Lambert stated the Idaho mapping program is an interactive mapping program that has been well received by OHV and on the environmental side in Idaho. It has a certain component in interactivity for jeep roads, trails, etc. Currently there are no existing inventories of OHV trails in Nevada.

A member commented that the BLM Southern Nevada District Office is ready to go ahead with this in preparation for the 2012 Resource Management Plan Revision and the Recreation Management Plan. It is almost a complete inventory for OHV use in Clark County. Nye County has also done some significant mapping in regard to the RS 2477 routes. SNORE races have also mapped routes. Nevada Silver Trails already has the website and it is only a matter of software. It cost Idaho around \$300,000 for their mapping system. I think we could do it for substantially less because a lot of the structure is already in place.

John Glenn spoke to the Idaho contact person and their legislatures would be willing to assist in this program. They would be willing to provide the software for the program and for registration and titling.

Marci Henson stated that a mapping system is desperately needed but we need to ensure we do not put out information that has not been vetted through all of the agencies who manage these lands. We should have our nonvoting advisors in place and prior to making information available we should ensure we have agency support.

Paul Jackson suggested the Commission set-up a subcommittee headed by Mr. Lambert and staffed with Mr. Adams. He asked if any other members were interested in participating in the subcommittee. John Glenn volunteered to assist. The committee was appointed with three members to look into the subject of the mapping, use of websites, and any communication with agencies with the intent of working with those agencies through the Commission. He also requested that the subcommittee report to the Commission at the next scheduled hearing and make any suggestions to the Commission it deems reasonable and then the Commission can vote on the suggestions at that time. This will be a discussion and possible action item at the May meeting. Darin Elmore feels that the mapping concept is worth the effort however to make this a consideration at this point is like putting the cart before the horse. We must have agency consultation from NDOW, BLM, Forest Service, etc. before we can get good information. I cannot see us moving forward responsibly without that consultation.

Paul Jackson thanked Darin Elmore for his comments and stated his main concern is to set up a mechanism so that the Commission can start to act on the topic. If we do not have the advisors ready or for some other reason we cannot come up with an action item they can still provide a committee report until the issue is resolved. Marci Henson recommended that the first charge of the subcommittee should be to reach out to the agencies and solicit advisors and then to begin to collect the agency approved routes. Gary Lambert agreed.

The subcommittee will move forward by contacting agencies and will begin information gathering. A report is due back to the Commission on May 31, 2012.

XI. Discuss economic value of historic rights-of-ways and trails and what should be done with them

Gary Lambert commented that defining the value of historic rights-of-way is possibly the most important topic for the Commission. It will be important to define if these are assets to the BLM or to the State of Nevada. The only county that has addressed this issue is Elko and he believes the economic value was \$180 million per year. It may be in excess of \$2 billion to the Nevada economy. If the Commission finds this important we may want to ask the tourism office or the Governor's office for assistance to begin to understand the value to the state. He does not think we have a good understanding of the value to this economy. Gary encouraged the Commission to vote to define the value.

Robert Adams stated that there is quite a bit of economic impact and the Commission should definitely work on defining the value. John Glenn commented the County Commission in his area has done a lot of work on OHV economic impact and information is available through the county. Paul Jackson asked John if he would contact the counties for available information. Paul asked for any objections or comments from the Commission, there were none. Paul will provide contact information of specific offices to John Glenn to obtain the information. Gary Lambert recommended adding this task to the mapping subcommittee list as the topics are intertwined. Paul commented he thought that would work well.

XII. Receive update from the DMV on project implementation

Andy McCool, DMV provided the update to the Commission. Andy reported they intend to meet the mandated start date of July 1, 2013. They have a vendor chosen that will print the registration decals, titles, and renewal notices. The contract was signed in March with the vendor. They must obtain approval to spend the funding from the interim finance committee and have the contract approved by the Board of Examiners. The registrations may be delayed a bit due to the tight timeline but worst case scenario we issue the decals no later than the end of July 2013.

The regulation workshop went well and comments have been minimal. He is currently working with the attendees to address any concerns. Hearings will be held in late May for Commission fee regulations. The final step is to obtain approval of the regulations from the legislative commission, however we are not sure when the legislative commission will meet again so if they do not meet prior to July 1, 2013 or a portion of

the regulation is rejected we may lack some of the authority necessary to enforce portions of the law. The program will still go into effect on July 1, 2013.

The decal has been designed and there is programming in place in the event changes are needed in the future. The OHV report of sale will be supplied to the dealers which will be approved in the April interim finance committee. All dealers that are currently regulated have been informed however there could be a couple that DMV does not license that may not be informed. A compliance enforcement officer will be hired and will start around July 1st.

Kerry Lee asked if Andy would expand on the design of the decal and what is the role of the compliance officer. Andy stated they hope to work with various groups after implementation to receive input on the design. The programming in place will allow for some changes as far as size of fonts but the overall design is complete and he was not sure the extent of the changes that could be made in the future. The colors will change each year following the current DMV standards in use. The DMV stopped issuing titles for OHV several years ago due to a constitutional funding issue. The compliance officer will assist the dealers in order to help bring them into compliance.

Marci Henson asked Andy to research exactly what changes can be made to the decal with the current programming and report these details back to the Commission. Another question was posed regarding the process for decal replacement and why the VIN inspection cannot be done at a DMV location. Andy responded the VIN inspection process made the compromise that inspections would be done outside the DMV due to high volume. If an OHV loses its decal the owner will fill out a form and pay a \$5 fee for a replacement decal.

XIII. Discuss Commission logistics

Martie Radu, DMV Revenue Manager, briefed the Commission that they are not prohibited by statute to go outside the state treasury and open its own bank account. If the Commission so chooses there are steps the Commission must follow in order to do that. The Commission is also eligible to open a budget account within the state treasury where you would have a controller's office liaison and the treasurer's office to assist in the managing of the funds. It is the Commission's choice. An outside account would need approval from the board of finance. In this process the Commission must send a formal letter to explain the necessity or efficiency to why the Commission would set up an account outside the state treasurer. The board of finance would again weigh in on this issue and approve or deny the request. When opening a bank account outside the state treasury you must provide by-laws. Andy has provided the Commission with a template for by-laws. They may ask for minutes from the meetings, the names of commission members, and officers. In order to open up an account you must also have funds. Approximately at the end of July possibly mid August will be the first that any funds can be distributed to the Commission and administrative fund for operating the program.

Paul Jackson asked on the vendor number, if we open an account with the treasury, do we still apply for a vendor number and Martie replied the Commission will have to establish

itself as a vendor with the State of Nevada so they can assist with the distribution of funds and allow for the receiving of funds. Whether the account is set up with the state or not the Commission will have to set-up a vendor number with the state controller. She recommended the Commission also obtain a federal identification number.

Marci Henson asked if there is bank or administrative charges associated with an account with the state system. Martie replied the Commission should contact Kim Arnett with the state treasurer's office to fully understand what charges may be incurred on a state account.

Paul Jackson noted the Commission could vote today on whether to open an account with the treasury or to utilize an outside bank. The Commission could also table this issue until the next meeting. He reminded the Commission they cannot obtain a vendor number until a bank account has been opened. The general consensus from the Commission members was to obtain a state account with the treasurer's office. Kerry Lee motioned to accept and Robert Adams made a second motion. The motion was approved unanimously.

Paul Jackson recommended the Commission have additional subcommittees. Kerry Lee offered to head the law enforcement subcommittee. The third subcommittee would be the legislative committee. Paul stated if anyone is interested in participating in any of the subcommittees to contact him. Additionally, Commissioner Glenn will chair the August meeting. The Commission will also consider a Saturday meeting for public comment.

XIV. Public Comment

There was no public comment.

XV. Adjournment

The next meeting is scheduled for May 31, 2012 from 9:30 a.m. to 4:00 p.m. Kerry Lee motioned to adjourn and Robert Adams provided a second. Meeting adjourned at 12:48 p.m.