

OHV OPERATION – SPRING CREEK ASSOCIATION

The Spring Creek Association Board of Directors voted to allow OHV's on Spring Creek Association roads. There are specific rules associated with this passage noted below. Elko County Sheriff's office will issue citations or tickets similar to any other traffic infringement if these are violated.

OPERATOR REQUIREMENTS:

All operators of OHV's shall follow all requirements of NRS 490.090 through 490.130, Elko County Code Title 8, & any additional Spring Creek Association regulations.

OVERVIEW:

1. A maximum speed limit for every OHV of 15 miles per hour when the vehicle is within 500 feet of any residential home or neighborhood which is the majority of roads in Spring Creek, that distance being measured from the OHV to the nearest point of the lot or parcel of such home or neighborhood. This applies all ATV's, Dirt bikes, Dune Buggy's, Golf Carts, ATV's, Snowmobiles etc.
2. No more than the approved number of occupants per vehicle per manufacturer's recommendation and design.
3. Operation of any OHV shall only occur between the hours of sunrise and sunset, unless the operation of the OHV occurs in the non-residential areas of SCA. If the operation is after sundown, the vehicle must have legal lighting to permit night time use.
4. Any OHV on SCA roadways shall use headlamps and tailed lights even during daytime hours.
5. It is recommended that any OHV should be equipped with a "whip" six feet in height.
6. Valid insurance is required for vehicles.
7. All traffic laws apply to OHV use on public roads. (speed limits, hand signals, stop signs, DUI, etc.)
8. Ensure that the registration of the OHV is attached to the vehicle in accordance to state laws.
9. Wears proper head protective gear for all passengers.
10. The operator of the OHV MUST possess a valid driver's license. This is the case for anyone who drives any vehicle on a public road.
11. To the fullest extent possible, OHV's shall be operated only on the outer edge of the streets and roads and shall not be operated on sidewalks. Please do not ride directly on the edge of the pavement as this will break off road edges causing additional damage and reconstruction of roads.
12. OHV's in the Spring Creek Association are still BANNED FROM OPERATING ON GREENBELTS, AMENITIES, PARKS, OR ANY OTHER PRIVATE PROPERTY OWNED BY SCA. This will be considered trespassing and further legal action will be taken. The exception is OHV's on the dirt roads at the SCA Campground and Shooting Range area.

SPECIFIC REQUIREMENTS (Reference NRS 490.120):

1. At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;
2. At least one tail lamp that is visible from at least 500 feet behind the vehicle;
3. At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;
4. A stop lamp on the rear of the vehicle; and
5. A muffler which is in working order and which is in constant operation when the vehicle is running.

References: Elko County Code 8.2.3, 8.2.4; Elko County Ordinance No. 2014-09; NRS 490.090; NRS 490.100; NRS 490.105; NRS 490.110; NRS 490.120; NRS 490.125; NRS 490.130

http://www.sterlingcodifiers.com/codebook/index.php?book_id=569

http://www.elkocountynv.net/boards/commissioners/09_2014.pdf

<https://www.leg.state.nv.us/NRS/NRS-490.html>

SUMMARY: Creates new Title 8, Chapter 2, to allow the use of off highway vehicles on county roads.

SECOND AMENDED BILL NO. 1

ORDINANCE NO. 2014-09

AN ORDINANCE ADDING NEW TITLE 8, CHAPTER 2 TO THE ELKO COUNTY CODE ALLOWING THE USE OF OFF-HIGHWAY VEHICLES ON COUNTY ROADS, AND ALL OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ELKO DOES ORDAIN THAT A NEW CHAPTER 2 OF TITLE 8 BE ADDED TO THE ELKO COUNTY CODE AS FOLLOWS:

8-2-1: DEFINITIONS:

As used in this chapter, unless the context requires otherwise, the words and terms hereafter shall have the following meanings ascribed to them:

LARGE ALL-TERRAIN VEHICLE means any all-terrain vehicle that includes seating capacity for at least two people abreast and total seating capacity for at least four people; or a truck bed. This definition has the same meaning and intent as NRS 490.043.

OFF-HIGHWAY VEHICLE means a motor vehicle that is designed primarily for off-highway and all-terrain use. The definition has the same meaning and intent as NRS 490.060. The term includes, but is not limited to:

- A. Large all-terrain vehicle whether or not the large all-terrain vehicle is registered with the Nevada Department of Motor Vehicles;
- B. All-terrain motor motorcycle;
- C. Dune buggy;
- D. Snowmobile; and
- E. Any other motor vehicle used on public lands for purposes of recreation.
- F. Off-highway vehicle does not include any vehicle excluded by law under NRS Chapter 490.606(2) or any other chapter of the Nevada Revised Statutes.

HIGHWAY: The entire width between the boundary lines of every way, road, highway, trail recognized and/or maintained and/or owned by Elko County.

8-2-2: OPERATOR REQUIREMENTS:

All operators of off-highway vehicles shall follow all requirements of NRS 490.090 through 490.130. Operators of off-highway vehicles shall comply with Elko County Code Title 8 (traffic regulations).

8-2-3: GENERAL RULES AND REGULATIONS:

A. There shall be a maximum speed limit for the operation of every off-highway vehicle of twenty five (25) miles per hour (mph) when operated on any county highway unless otherwise posted as lower or identified by Elko County Code Title 8-1-6.

1. Exclusion: Large All-terrain vehicle equipped and in compliance with all requirements of NRS 490.120 and legally registered in compliance with NRS 490.0825 may travel the posted speed limit on any road, highway, trail recognized and/or maintained and/or owned by Elko County and State Highways as per NRS 490.110 (d).

B. There shall be a maximum speed limit of fifteen (15) miles per hour (mph) when operating in specific unincorporated areas of Elko County including Jarbidge, Jackpot, Lamoille, Midas, Montello, Tuscarora, Contact, Mountain City, recognized and filed residential subdivisions, and other like communities.

C. Home Owners Associations (HOA's) and/or Architectural Review Committees as recognized pursuant to Elko County Code 4-9-4 may ban or further restrict the operation of off-highway vehicles on county highways within the respective subdivision boundaries by amendment or inclusion of the ban or restrictions within HOA approved Conveniences, Conditions and Restrictions or Declarations of Reservations. Such amendments of the CC&Rs and/or DOR's shall be recorded with the Elko County Recorder.

D. Unincorporated Town Advisory Boards may ban or further restrict the operation of off-highway vehicles on town roads within the respective town boundaries by petitioning for approval from the Elko County Board of County Commissioners sitting as the Official Town Board of the respective unincorporated town.

E. There shall be a maximum speed limit for the operation of every off-highway vehicle of fifteen (15) miles per hour (mph) when:

1. The off-highway vehicle is within five hundred feet (500') of any residential home or neighborhood, that distance being measured from the off-highway vehicle to the nearest point of the lot or parcel of such home or neighborhood; or

2. The off-highway vehicle is being operated on any designated public street, road or highway unless otherwise signed or an approved special event. Such public streets, roads and / or highways are designated herein as part of the exit / entry approved routes/trails.

F. There shall be no more than the approved number of occupants per vehicle pursuant to the manufacturer's recommendation and design, operating and/or riding the off-highway vehicle.

G. Operation of any off-highway vehicle under this chapter shall only occur between the hours of sunrise and sunset, unless the operation of the off-highway vehicle occurs in rural non-residential areas of the county. If the operation of the off-highway vehicle occurs after sundown the vehicle must have legal lighting to permit night time use.

H. Any off-highway vehicle that is being operated on a paved roadway shall use headlamps and tail lights even during daytime hours.

I. It is recommended that any off-highway vehicle operated on county highways should be equipped with a "whip" six (6) feet in height.

8-2-4: DESIGNATED ROUTES AND TRAILS:

A. Off-highway vehicles may be used and operated within Elko County only over such ways, trails, streets, roads or highways that are recognized and/or maintained Elko County including any town streets recognized and/or maintained by the Official Town Board of any Unincorporated

Town. To the fullest extent possible, off-highway vehicles shall be operated only on the outer edge of streets and roads and shall not be operated on sidewalks.

Nothing in this ordinance shall be construed as giving operators of off-highway vehicles permission to ride on highways controlled and/or maintained by other entities unless expressly allowed.

B. Signage or authorization concerning designated routes will be provided, but:

1. Designating or authorizing such routes does not assure the safety of any operators, passengers or users of the route; and
2. Designating or authorizing such routes does not assure that the route itself is safe for off-highway vehicle use or for any other purpose.

C. If authorized by a specific incorporated city code, unincorporated town code, or residential HOA rules, any operator of an off-highway vehicle who begins or ends such operation within a residential neighborhood location within any incorporated city, unincorporated community or town, shall use the most direct route possible to reach a designated route. Nothing in this section is intended to supercede the authority of the incorporated cities to regulate off-highway vehicle use within their respective city limits.

D. The Elko County Board of Commissioners shall adopt by resolution appropriate map(s) which describe and identifies the routes where off-highway vehicle use is permitted under this chapter and establish the routes appropriate for off-highway vehicle use.

E. Elko County shall seek permission from the Nevada Department of Transportation to incorporate certain portions of state highways into Elko County's designated off-highway vehicle routes.

Proposed this 5th day of June, 2014, by Elko County Commissioner Jeff Williams, seconded by Commissioner Glen Guttry.

Passed and adopted this 5th day of June, 2014.

Vote: Ayes:	5
Nays:	0
Absent:	0



Charlie Myers, Chair of the Board of Commissioners

ATTEST:



Carol Fosmo, Elko County Clerk

This Ordinance shall be in full force and effect from and after the 19th day of June, 2014, after required publication.

NRS 490.090 Operation on undesignated paved highways generally prohibited; exceptions; operation on public land, trails, ways or unpaved county roads authorized unless prohibited by governmental entity having jurisdiction; authority of governmental entities having jurisdiction to distribute information concerning prohibited areas and to erect signs designating prohibited areas. Except as otherwise provided in [NRS 490.100](#) or [490.110](#):

1. A person shall not, except as otherwise provided in subsection 2 or 3, operate an off-highway vehicle on a paved highway that is not otherwise designated for use by off-highway vehicles.

2. A person may operate an off-highway vehicle on a paved highway that is not otherwise designated for use by off-highway vehicles:

(a) If the off-highway vehicle is operated on the highway for the purpose of crossing the highway, comes to a complete stop before crossing and crosses as close as practicable to perpendicular to the direction of travel on the highway;

(b) If the off-highway vehicle is operated on the highway for the purpose of loading or unloading the off-highway vehicle onto or off of another vehicle or trailer, if the loading or unloading is as close as practicable to the place of operation of the off-highway vehicle;

(c) During an emergency if it is impossible or impracticable to use another vehicle or if a peace officer directs the operation of the off-highway vehicle; or

(d) If the off-highway vehicle is operated on a portion of a highway that is designated as a trail connector for a trail authorized for use by off-highway vehicles for not more than 2 miles.

3. A person may operate an off-highway vehicle on any public land, trail, way or unpaved county road unless prohibited by the governmental entity which has jurisdiction over the public land, trail, way or unpaved county road.

4. A governmental entity specified in subsection 3 may:

(a) Prepare and distribute upon request a map or other document setting forth each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles; and

(b) Erect and maintain signs designating each area of public land, trail, way or unpaved county road that is prohibited for the operation off-highway vehicles.

(Added to NRS by [2005, 2027](#))

NRS 490.100 Authority of city or county to designate portion of highway for off-highway vehicle use; approval of Department of Transportation regarding state highways; interstate highways excluded; supervision of certain minors; limitation on purpose of use.

1. Except as otherwise provided in subsection 2, a city or county may designate any portion of a highway within the city or county as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. If a city or county designates any portion of a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the city or county must obtain approval for the designation from the Department of Transportation. The Department of Transportation shall issue a timely decision concerning the request for approval and must not unreasonably deny the request.

2. The highway designated for operation of off-highway vehicles pursuant to subsection 1 may not consist of any portion of an interstate highway.

3. If a city or county designates a highway for the operation of off-highway vehicles, the city or county may adopt an ordinance requiring a person who is less than 16 years of age and who is operating the off-highway vehicle on a designated highway to be under the direct visual supervision of a person who is at least 18 years of age.

4. A person operating an off-highway vehicle on a highway designated for operation of off-highway vehicles pursuant to subsection 1 may not operate the off-highway vehicle on the highway for any purpose other than to travel to or from the private or public area as described in subsection 1.

(Added to NRS by [2005, 2027](#); A [2009, 3103](#); [2011, 293](#))

NRS 490.105 Large all-terrain vehicle: Operation on certain roads authorized; conditions; local governing body may prohibit by ordinance or resolution.

1. Except as otherwise provided in subsection 2, a person may operate a large all-terrain vehicle on any portion of a highway that has been designated in accordance with [NRS 403.170](#) as a general county road or minor county road if the large all-terrain vehicle:

(a) Meets the requirements set forth in [NRS 490.120](#); and

(b) Is registered by the Department in accordance with [NRS 490.0825](#) as a motor vehicle intended to be operated upon the highways of this State.

2. The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with [NRS 403.170](#) as a general county road or minor county road may by ordinance or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.

(Added to NRS by [2013, 704](#))

NRS 490.110 Authorized and unauthorized operation on highway.

1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator holds a valid driver's license and operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with [NRS 490.090](#) to [490.130](#), inclusive.

2. An off-highway vehicle may not be operated pursuant to this section:

(a) On an interstate highway;

(b) On a paved highway in this State for more than 2 miles;

(c) Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more; or

(d) Unless it is a large all-terrain vehicle registered pursuant to [NRS 490.0825](#) and being operated in accordance with [NRS 490.105](#).

(Added to NRS by [2005, 2028](#); A [2013, 709](#))

NRS 490.120 Required equipment for operation on highway; exception.

1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in [NRS 490.070](#), a person shall not operate an off-highway vehicle on a highway pursuant to [NRS 490.090](#) to [490.130](#), inclusive, unless the off-highway vehicle has:

(a) At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;

(b) At least one tail lamp that is visible from at least 500 feet behind the vehicle;

(c) At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;

(d) A stop lamp on the rear of the vehicle; and

(e) A muffler which is in working order and which is in constant operation when the vehicle is running.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by a county pursuant to [NRS 490.100](#) for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.

(Added to NRS by [2005, 2028](#); A [2013, 2871](#))

NRS 490.125 Authorized operation by off-highway vehicle dealer, long-term or short-term lessor or manufacturer for purposes of display, demonstration, maintenance, sale or exchange; special plate requirements; exceptions.

1. Except as otherwise provided in [NRS 490.160](#), an off-highway vehicle dealer, long-term or short-term lessor or manufacturer who has an established place of business in this State and who owns or controls any new or used off-highway vehicle that is otherwise required to be registered pursuant to [NRS](#)

[490.082](#), may operate that vehicle or allow it to be operated for purposes of display, demonstration, maintenance, sale or exchange if there is displayed thereon a special plate issued to the off-highway vehicle dealer, long-term or short-term lessor or manufacturer as provided in [NRS 490.0827](#). Owners or officers of the corporation, managers, heads of departments and salespersons may be temporarily assigned and operate an off-highway vehicle displaying the special plate.

2. A special plate which is issued to an off-highway vehicle dealer, long-term or short-term lessor or manufacturer pursuant to [NRS 490.0827](#) may be attached to an off-highway vehicle specified in subsection 1 by a secure means. The plate must not be displayed loosely in the window or by any other unsecured method in or on an off-highway vehicle.

3. The provisions of this section do not apply to:

(a) Work or service off-highway vehicles owned or controlled by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(b) Off-highway vehicles leased by off-highway vehicle dealers, long-term or short-term lessors or manufacturers, except off-highway vehicles rented or leased to off-highway vehicle salespersons in the course of their employment.

(c) Off-highway vehicles which are privately owned by the owners, officers or employees of the off-highway vehicle dealer, long-term or short-term lessor or manufacturer.

(d) Off-highway vehicles which are being used for personal reasons by a person who is not licensed by the Department or otherwise exempted in subsection 1.

(e) Off-highway vehicles which have been given or assigned to persons who work for an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for services performed.

(f) Off-highway vehicles purchased by an off-highway vehicle dealer, long-term or short-term lessor or manufacturer for personal use which the off-highway vehicle dealer, long-term or short-term lessor or manufacturer is not licensed or authorized to resell.

(Added to NRS by [2013, 2867](#))

NRS 490.130 Duties of operator when operating off-highway vehicle on highway. The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with [NRS 490.090](#) to [490.130](#), inclusive, shall:

1. Comply with all traffic laws of this State;

2. Ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with [NRS 490.083](#) or a special plate issued pursuant to [NRS 490.0827](#) is attached to the vehicle; and

3. Wear a helmet.

(Added to NRS by [2005, 2028](#); A [2009, 3104](#); [2011, 292](#); [2013, 2871](#))



ATTN: OHV SECTION
555 Wright Way
Carson City, NV 89711
(775) 684-4381
www.ohv.nv.gov

APPLICATION FOR OFF-HIGHWAY VEHICLE REGISTRATION DECAL FOR AN OHV PURCHASED FROM A NEVADA DEALER AFTER 7/1/2012

NRS 490.082 and 490.105

General Information

- To receive a registration decal for an off-highway vehicle (OHV) purchased from a Nevada Dealer after July 1, 2012, complete all sections of this form and mail the form, the green copy of the Off Highway Dealer Report of Sale and fees to the DMV at the address above or bring the forms and fees to a licensed Nevada OHV dealer.
- This transaction may be completed by mail, or through a Nevada OHV dealer. OHV transactions cannot be completed at DMV offices.
- Complete one application per off-highway vehicle.
- The cost of a registration decal is \$21 (which includes a technology fee) and is valid for one year from the date of issuance.
- Make check or money order payable to the Department of Motor Vehicles. Do not send cash.
- If paying by credit or debit card, please use form OHV-013, Payment Authorization.
- OHV fees are not transferable or refundable.
- Nevada law requires the owner of an OHV to apply for a registration decal within 30 days of acquiring ownership.
- Your registration decal will be mailed to you.
- The OHV registration decal allows operation of the OHV off-road only.
- A Large All-Terrain Vehicle registration decal allows operation on a general or minor county road as defined in NRS 403.170 if the requirements of NRS 490 are met. Large ATV defined "Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast and: 1. Total seating capacity for at least four people; or 2. A truck bed.
- If your vehicle is currently registered for on road use, you must surrender your license plates before you can register the vehicle as an OHV.
- Please visit the **OHV Commission** website at www.ohv.nv.gov for additional information.

Instructions

Part I

- Select the type of registration being requested – OHV Registration or Large All-Terrain Vehicle Registration (Form number OHV-031 needs to be completed and submitted with this application. Large OHV Registration requires insurance that meets requirements of NRS 485.185).
- Enter the control number from the OHV Report of Sale supplied by the dealer. The control number is located in the upper right corner of the OHV Report of Sale
- Enter the vehicle identification number (VIN) of the OHV.
- Enter the model year, OHV make (such as Polaris, Yamaha, Ski-Doo, etc.), OHV model (such as Ranger, YZ 250, Summit, etc.), and date of sale.
- Choose a vehicle type from the supplied check boxes. If Other is chosen please provide a brief explanation of the OHV type.
- A registration fee of \$21 is due with your application, which includes a Technology fee.

Part II

- Enter the full legal name of the applicant as it appears on the Nevada Driver's License or Identification Card, or the name of the business if the OHV will be registered to a business.
- Enter the number on the applicant's Nevada Driver's license or ID card, or the FEIN if the OHV is to be registered to a business. If the owner does not have a Nevada Driver's license, ID card or FEIN for a business, write "NONE."
- Enter the applicant's date of birth; leave Date of Birth blank when the owner is a business or trust.
- Enter the applicant's phone number and email address
- Enter the complete physical and mailing address of the applicant.
- Please remember to sign and date the application.
- If the OHV is registered to a company, include the name of the company the OHV is being registered to; otherwise leave the *Company Name* line blank.



ATTN: OHV SECTION
 555 Wright Way
 Carson City, NV 89711
 (775) 684-4381
 Fax: (775) 684-4369
www.ohv.nv.gov

Payment Type: Master Card Visa Discover Card Payment Amount \$ _____

Debit or Credit Card Number (one number per box)

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Please Print or Type

Cardholder Information

Expiration Date

Printed Name _____
Print your name as it appears on your card

		/		
<small>Month</small>			<small>Year</small>	

Mailing Address _____
Street / P.O. Box City State Zip Code

Plate/Driver Lic./Bus. Lic./Records/MC Number _____ Telephone () _____
 of the transaction being processed.

Authorized Signature _____ Date _____

By signing this form, you give us permission to debit your account for the amount indicated on or after the indicated date.

OHV 013 (Rev. 5/2017)

I authorize the DMV to charge the credit/debit card indicated in this authorization form according to the terms outlined above. This payment authorization is for the amount indicated above only and is valid for one-time use only. I certify that I am an authorized user of this credit/debit card and that I will not dispute the payment with my credit/debit card company so long as the transaction corresponds to the terms indicated in the form.

*Printed form is 3.5" x 7.5"



ATTN: OHV SECTION
555 Wright Way
Carson City, NV 89711
(775) 684-4381
www.ohv.nv.gov

LARGE ALL-TERRAIN VEHICLE INSURANCE DECLARATION
NRS Chapters 482, 485 and 490

I hereby apply for registration for the large all-terrain vehicle described below and I declare that, while this vehicle is registered in my name, I will continuously provide in my name, security as required by NRS 485.185, by a motor vehicle liability insurance policy. NOTE: THE VEHICLE MUST BE INSURED BY AN INSURANCE COMPANY LICENSED IN THE STATE OF NEVADA. Out-of-State insurance will not be accepted.

Operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or failure or refusal to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance, is a misdemeanor and shall be punished by a fine not to exceed \$100.

By signing this declaration you attest that the vehicle listed below meets the definition of a Large All-Terrain vehicle. (NRS 490 "Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast and: 1) Total seating capacity for at least four people; or 2) A truck bed.)

NOTE: It is a gross misdemeanor to use a false or fictitious name or address in this application for registration, or to knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in this application. All fields must be completed.

PLEASE PRINT OR TYPE
Vehicle Identification Number

Grid for Vehicle Identification Number

Year _____ Make _____ Model _____

Name of Insurer _____
Mailing Address: _____
Address City State Zip Code

Policy Number _____

Effective Date _____ Expiration Date _____

Full Legal Name _____

Nevada Driver's License, Identification Card Number, Date of Birth, FEIN for businesses, or Motor Carrier Number

Physical NV Address: _____
Address City State Zip Code

Mailing Address: _____
Address City State Zip Code

Telephone _____ E-mail Address _____

SIGNATURE _____ DATE _____

Registered Owner