

PROPOSED REGULATION OF THE DEPARTMENT OF MOTOR VEHICLES

LCB File No. R125-15

November 5, 2015

EXPLANATION - Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: NRS 366.203, NRS 366.085, NRS 366.110, NRS 482.036, NRS 482.276, NRS 484D.170

A REGULATION clarifying certain provisions related to reimbursements for special fuel taxes paid; eliminates certain outmoded definitions relating to farm equipment; and providing other matters properly relating thereto.

Section 1. Chapter 366 of NAC is hereby amended by adding thereto a new section to read as follows:

Farmer/Rancher, Eligibility for Refunds; qualifications:

- 1. An applicant for a refund pursuant to Section 1 of Senate Bill 155 of the 2015 Legislative Session must also provide to the Department evidence demonstrating that the applicant is eligible for the refund. Such evidence may include, without limitation:***
- 2. A spreadsheet, or copies thereof, showing the information derived from original documents, including, without limitation, receipts from the person from whom special fuel was purchased in bulk, meaning purchases of more than 50 gallons of special fuel which are not placed directly into the tanks of motor vehicles;***
- 3. Fuel reported on an IFTA return but consumed outside the state of Nevada shall not be deemed eligible for refund under the provisions of this section.***
- 4. A farm vehicle defined in NRS 484D.020 shall not be used on a public highway other than incidentally to cross from farm to farm, or to be taken for routine vehicle maintenance from the farm to, or from, a repair shop. All other uses void the farm vehicle from being eligible to consume dyed diesel fuel on the highway as it is no longer used exclusively for agricultural purposes on the farm or ranch of the farmer or rancher. Exclusive agricultural use is defined as:***
 - (1) Feeding and/or watering livestock;***
 - (2) Transporting persons or crops within a single address or parcel of land, and;***
 - (3) Other agricultural uses which do not include operation of the vehicle on a public highway.***

Section 2. NAC 366.0065 is hereby amended to read as follows:

1. As used in NRS 366.085, the Department will interpret the term “incidentally operated or moved upon a highway” to mean the operation of:

- (a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;
 - (b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;
 - (c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or
 - (d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484A.060, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.
2. As used in NRS 366.085, the term “special mobile equipment” does not include:
- (a) Any truck that:
 - (1) Is used as a water truck on any portion of a public highway; or
 - (2) Was originally designed and manufactured as a vehicle to carry cargo;
 - (b) Any vehicle:
 - (1) That is used to sweep any portion of a public highway;
 - (2) That was originally designed and manufactured to transport persons or property;
 - (3) To which machinery for sweeping is mounted or attached; or
 - (4) That has the capability of traveling long distances over a controlled access highway;
 - (c) Any trailer; or
 - (d) Any ~~{farm machinery or}~~ implements of husbandry.

Section 3. NAC 482.007 is hereby amended to read as follows:

1. As used in NRS 482.123 and 484A.245, the Department will interpret the term “incidentally operated or moved upon a highway” to mean the operation of:
- (a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;
 - (b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;
 - (c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or
 - (d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484A.060, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.
2. As used in NRS 482.123 and 484A.245, the term “special mobile equipment” does not include:
- (a) Any truck that:
 - (1) Is used as a water truck on any portion of a public highway; or
 - (2) Was originally designed and manufactured as a vehicle to carry cargo;
 - (b) Any vehicle:
 - (1) That is used to sweep any portion of a public highway;
 - (2) That was originally designed and manufactured to transport persons or property;
 - (3) To which machinery for sweeping is mounted or attached; or
 - (4) That has the capability of traveling long distances over a controlled-access highway;
 - (c) Any trailer; or
 - (d) Any ~~{farm machinery or}~~ implements of husbandry.

Section 4. NAC 484D.630 is hereby amended to read as follows:

1. Except as otherwise provided in NRS 484D.725, the Department will issue to an owner-operator:

(a) An annual multiple-trip permit for the movement on an interstate or controlled-access highway of implements of husbandry ~~{and farm equipment}~~ that:

- (1) Exceed 8 feet 6 inches in width, but are not more than 14 feet in width;
- (2) Exceed 14 feet in height, but are not more than 15 feet in height; or
- (3) Exceed 70 feet in length, but are not more than 110 feet in length; and

(b) A single-trip permit for the movement on an interstate or controlled-access highway of implements of husbandry ~~{and farm equipment}~~ that:

- (1) Exceed 8 feet 6 inches in width, but are not more than 17 feet in width;
- (2) Exceed 15 feet in height; or
- (3) Exceed 110 feet in length.

2. The Department will issue the single-trip or annual multiple-trip permit to the owner-operator at no cost.

3. Implements of husbandry ~~{and farm equipment}~~ that are moved or transported pursuant to this section that:

(a) Do not exceed 14 feet in width may be driven or towed if the implements of husbandry ~~{and farm equipment}~~:

- (1) Travel during hours of daylight;
- (2) Are followed by a pilot car; and
- (3) Travel as far to the right-hand side of the highway as is practicable.

(b) Exceed 14 feet in width must be transported or moved as a load on another vehicle.

4. The provisions of this section do not apply to the movement of implements of husbandry ~~{and farm equipment}~~ by:

- (a) An owner-operator on a highway other than an interstate or controlled-access highway; or
- (b) A person other than an owner-operator.

5. As used in this section, “owner-operator” means an owner of implements of husbandry ~~{and farm equipment}~~ who is directly engaged in farming, ranching or other agricultural operations and uses the implements of husbandry ~~{and farm equipment}~~ solely in those operations. The term does not include a person who rents, leases or otherwise makes available implements of husbandry ~~{and farm equipment}~~ to other persons.

Section 5. NAC 706.1293 is hereby amended to read as follows:

1. As used in NRS 706.121, the Department will interpret the term “incidentally operated or moved upon a highway” to mean the operation of:

(a) A motor vehicle in an emergency situation, as determined by emergency personnel, including, without limitation, a law enforcement agency or other appropriate authority;

(b) Construction equipment to patch a roadway that is operated subject to the terms of a contract for a specific project;

(c) Snow removal equipment to clear snow from highways during or immediately following inclement weather; or

(d) Special mobile equipment on a public highway that is not a controlled-access highway as defined in NRS 484A.060, if the special mobile equipment travels not more than 5 miles from the point at which the special mobile equipment initially entered the public highway.

2. As used in NRS 706.121, the term “special mobile equipment” does not include:

- (a) Any truck that:
 - (1) Is used as a water truck on any portion of a public highway; or
 - (2) Was originally designed and manufactured as a vehicle to carry cargo;
- (b) Any vehicle:
 - (1) That is used to sweep any portion of a public highway;
 - (2) That was originally designed and manufactured to transport persons or property;
 - (3) To which machinery for sweeping is mounted or attached; or
 - (4) That has the capability of traveling long distances over a controlled-access highway;
- (c) Any trailer; or
- (d) Any ~~farm machinery~~ implements of husbandry.