

Chapter 366 of NAC

LCB File No. T019-06

**ADOPTED TEMPORARY REGULATION OF  
THE DEPARTMENT OF MOTOR VEHICLES**

**Filed with the Secretary of State on February 6, 2007**

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

AUTHORITY: NRS 366.110

**Section 1** NAC 366.0065 is hereby amended to read as follows:

366.0065 **1.** As used in NRS 366.085, the Department will interpret the term “incidentally operated or moved upon a highway” to mean:

**(a)** ~~“off~~ **Off-highway business use**” as defined in 26 U.S.C. § 4041(b)(1)(C);**or**

**(b) Emergency situations to be determined by law enforcement entities or other official emergency personnel; or**

**(c) Roadway patching construction equipment operated in conjunction with roadway contracts, with an official contract located in the vehicle or equipment;**

**or**

**(d) Snow removal during or immediately following inclement weather; or**

**(e) Movement required to complete a task that is limited to a specific project.**

**2. “Incidentally operated or moved upon a highway” does not include movement from one project or contract to another.**

**3. “Incidentally operated or moved upon a highway” cannot jeopardize traffic safety or impede traffic.**

**NOTICE OF ADOPTION OF TEMPORARY REGULATION  
LCB File No. T019-06**

The Department of Motor Vehicles adopted temporary regulations assigned LCB File No. T019-06 which pertain to chapter 366 of the Nevada Administrative Code on January 2, 2007.

**INFORMATIONAL STATEMENT**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 366:

- 1. A description of how public comment was solicited, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The Department of Motor Vehicles noticed and held public workshops and hearings in Carson City with videoconferencing to Las Vegas on December 15, 2006. The notice of public workshops and hearings and complete copies of the proposed regulations were posted on November 6, 2006, at the Nevada State Library and Archives and each office of the Department of Motor Vehicles. In counties where the Department does not maintain an office, the notice was posted at the main office of the public library. The purpose of the workshops and hearings were to solicit comments and opinion on proposed regulation changes relating to the definition of “incidentally operated or moved upon a highway” in relation to special mobile equipment. No member of the public attended either the workshop or hearing.

- 2. The number of persons who:**
  - (a) Attended each hearing;** Carson City = 7, Las Vegas = 0
  - (b) Testified at each hearing; and** Carson City = 6
  - (c) Submitted to the agency written statements:** No written comments were received by the Department.

- 3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

In addition to the public notice, the Department sent copies of the notice and proposed regulations to the associations related to the businesses affected for distribution to their members. Comments from interested businesses included the Association of General Contractors, Berry Hinckley/Western Energetix, and Q & D Construction. Testimony provided at the hearing was in general support of the changes. Comments focused on clarification of the federal regulation adopted by reference and interpretation of

emergency movement. Other concerns were focused on the impact to small businesses being required to move special mobile equipment by trailer instead of by its own power.

**4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No definitive changes were requested by the affected businesses or associations.

**5. The estimated economic effect of the adopted regulation on the businesses that it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

There is no economic effect of the regulation on the businesses regulated or the public.

**6. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**7. A description of any regulations of other state or government agencies that the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The amendments to the regulation do not overlap that of any other state, local, or federal governmental agency.

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

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

**9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide or involve a new fee, and hence since no fee is involved, there is not a total amount expected to be collected or used.