

Chapter 366 of NAC

LCB File No. T019-06

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

NOTICE OF INTENT TO ACT UPON A REGULATION

**Notice of Public Workshop/Hearing for the
Amendment of Regulations of the
Department of Motor Vehicles**

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

**PUBLIC WORKSHOP
CARSON CITY**

**PUBLIC HEARING
CARSON CITY**

**Monday, December 11, 2006 10:00 am
Health & Human Services Dept.
Kinkead Building, 1st Floor Conf. Rm.
505 East King Street
Carson City, NV 89701**

Immediately following the workshop

**Video conferencing will be provided to Las Vegas at 1161 South Valley View, Room 209,
Health and Human Services Dept.**

The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 366 of the Nevada Administrative Code.

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.

This amendment is needed to clarify the term “incidentally operated or moved upon a highway” in relation to special mobile equipment and provides for the limited usage of dyed diesel fuel on Nevada’s roadways for emergencies, snow removal, and road patching contracts.

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 Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.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 Department is required by statute to define “incidentally operated or moved upon a highway” in regulation and the current definition has been found to be too restrictive in certain circumstances.

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; and
- (b) Both immediate and long-term effects.

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

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

There is no cost to the agency for enforcement of the proposed regulations.

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 governmental 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 amendment does 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.

The proposed amendment does not establish a new fee or increases an existing fee.

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

Kathy Rios
Department of Motor Vehicles
Research and Development Division

555 Wright Way, Carson City, NV 89711

Written submission must be received by Department of Motor Vehicles on or before Wednesday, December 13, 2006. 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 amended 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 amended 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: Monday, November 06, 2006.

THIS NOTICE HAS BEEN POSTED AT THE FOLLOWING LOCATIONS:

DEPARTMENT OF MOTOR VEHICLE BRANCH OFFICES

Office of the Director
555 Wright Way
Carson City, NV. 89711

1085 Highway 95
Hawthorne, NV. 89415

8250 West Flamingo Rd.
Las Vegas, NV. 89147

3030 S. Needles Highway, Ste. 900
Laughlin, NV. 89028

3920 E. Idaho St.
Elko, NV. 89801

1360 Basin Road
Pahrump, NV. 89060

178 Avenue F
Ely, NV. 89301

330 N. Sandhill Rd. Ste. H
Mesquite, NV. 89027

973 W. Williams Ave.
Fallon, NV. 89406

4021 W. Carey Ave.
N. Las Vegas, NV. 89030

400 Howerton Hill
Tonopah, NV. 89049

3505 Construction Way
Winnemucca, NV. 89445

215 West Bridge St. No. 9
Yerington, NV. 89447

1694 County Rd.
Minden, NV. 89423

305 Galletti Way
Reno, NV. 89512

1399 American Pacific Dr.
Henderson, NV. 89014

2701 E. Sahara Ave.
Las Vegas, NV. 89104

LIBRARIES

Goldfield Public Library
Fourth & Crook St.
Goldfield, NV. 89013

Lincoln County Library
93 Main St.
Pioche, NV. 89043

Eureka Branch Library
10190 Monroe St.
Eureka, NV. 89316

Battle Mountain Branch
625 Broad St.
Battle Mountain, NV. 89820

Nevada Tax Payers Association
501 S. Carson St. Ste.301
Carson City, NV. 89701

Mineral County Library
1125 Central Ave.
Hawthorn NV. 89419

Nevada State Library
100 North Stewart St.
Carson City, NV. 89701

Pershing County Library
1125 Central Ave.
Lovelock, NV. 89419

Storey County Library
95 South R St.
Virginia City, NV. 89440

LCB File No. T019-06

PROPOSED TEMPORARY REGULATION OF
THE DEPARTMENT OF MOTOR VEHICLES

October 26, 2006

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.